



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erievue Plaza, Second Floor  
Cleveland, Ohio 44114-1839  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7011 3500 0000 1759 7846  
RETURN RECEIPT REQUESTED**

7/20/12

Faraj Mustafa  
Liberty Gas  
dba W. 130<sup>th</sup> St. Marathon  
6293 Brighton Dr.  
North Olmsted, OH 44070

**FACILITY ID: 13-18-00-6881**

**NOTICE OF VIOLATION: Failure to Pass Stage II Vapor Recovery Testing**

Dear Mr. Mustafa:

On 7/10/12, the Cleveland Division of Air Quality (CDAQ) witnessed Stage II Vapor Recovery Testing at Liberty Gas dba W. 130<sup>th</sup> St. Marathon located at 3935 W. 130<sup>th</sup> St. in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

On 7/10/12, W. 130<sup>th</sup> St. Marathon failed Stage II Vapor Recovery Testing for emissions unit (EU)/G001: Gasoline dispensing facility with Stage II vapor recovery system. The Static Leak (SL) test was unsuccessful and therefore testing could not be completed for either the annual Air to Liquid Ratio (A/L) testing or the outstanding Dynamic Pressure (DP) test for dispensers #5 and #6.

The failure to successfully pass the testing requirements specified in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2) while causing, allowing or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle is a violation of Ohio Revised Code (ORC) Chapter 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(c).

The last passing Stage II test results for SL and A/L (not including dispensers #5 and #6) were received by CDAQ on 7/14/11. The last passing DP test results for dispensers #5 and #6 were received 1/9/06. Previously Notices of Violation were issued 10/7/11 and 12/9/11 for failure to pass A/L and DP Stage II Vapor Recovery Testing on dispensers #5 and #6.



As of the date of this letter, no test results have been received by CDAQ for current compliance with SL, A/L and DP testing requirements. Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that W. 130<sup>th</sup> St. Marathon complete necessary repairs; conduct SL, A/L and DP (dispensers #5 & #6 only) testing and submit complete (DP, SL, A/L) and passing Stage II Vapor Recovery test results to the following enforcement representative:

Dave DeChant  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within fourteen (14) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars or imprisonment for not more than one year, or both, for each violation.

CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for W. 130<sup>th</sup> St. Marathon: 13-18-00-6881.

Sincerely,

Valencia White  
Chief of Enforcement, CDAQ

VW/dd LK

cc: Zayed Shehadeh, W. 130<sup>th</sup> St. Marathon  
George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Jim Kavalec, Ohio EPA Central Office  
Marcus Glasgow, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
L:\Data\Facilities\1318006881\2012-7-10 NOV.docx