



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Frieview Plaza, Suite 200
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 7003 1010 0004 2923 7216
RETURN RECEIPT REQUESTED

January 5, 2010

Zayed Shehadeh
Express Gas
3934 W. 117th St.
Cleveland, OH 44111

NON-HPV

FACILITY ID: 13 18 00 8419

NOTICE OF VIOLATION: Failing Stage II test; Failing two consecutive Stage II tests; Failure to conspicuously post "Do Not Top Off" instructions; Failure to perform maintenance checks and maintain logs; Failure to provide a Stage II compliance specialist certificate and keep a copy of certificate on site; Failure to obtain city permits by submitting city permit fees for 2006, 2007, 2008, and 2009

Dear Mr. Shehadeh:

On December 18, 2009, the Cleveland Division of Air Quality (CDAQ) inspected Express Gas located at 3934 West 117th Street 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.

Express Gas failed an Air-to-Liquid (A/L) ratio test on dispensers #1, #2, #4, #7, and #8 on December 18, 2009. Express Gas conducted a re-test of the Air-to-Liquid Ratio again on December 18, 2009, and failed again on dispensers #1, #2, #4, #7, and #8. Each 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 was a violation of Ohio Revised Code (ORC) Chapter 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(c).

Express Gas failed to provide records of required maintenance per Executive Order G-70-153-AD. This is a violation of the Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(3)(iii). Weekly maintenance checks need to be conducted and logs retained for a period of three years. This is a violation of OAC Rule 3745-21-09(DDD)(3)(b), which states that all records shall be maintained for a period of not



less than three years and shall be made available to the director or any authorized representative of the director for review during normal business hours.

Additionally, Express Gas is in violation of OAC Rule 3745-21-09(DDD)(1)(d) by operating a gasoline dispensing facility while failing to conspicuously post operating instructions on each dispenser. Instructions must clearly state "Do Not Top Off" on the motor vehicle fuel tank.

Express Gas failed to provide a Stage II compliance specialist certificate at the time of the inspection. This is a violation of OAC Rule 3745-21-09(DDD)(3)(a)(vi) which states that any owner or operator of a gasoline dispensing facility must provide proof of attendance and completion of the training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility.

Also, Express Gas has not obtained city permits to operate by submitting city permit fees for calendar years 2006, 2007, 2008 and 2009. This is a violation of City of Cleveland Codified Ordinances 259.01 and 263.01.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Express Gas conduct a re-test of the Air-to-Liquid ratio on dispensers #1, #2, #4, #7, and #8 and submit test results within thirty (30) days.

CDAQ also requests that Express Gas begin conducting weekly maintenance checks and maintain corresponding logs, and submit a copy of a completed maintenance log and a copy of the Stage II compliance specialist certificate for Express Gas once the required training has been completed within 30 days of receipt of this letter to the following enforcement representative:

Megan Murphy
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, OH 44114-1839

CDAQ also requests that Express Gas obtain city permits to operate by submitting city permit fees for calendar years 2006, 2007, 2008, and 2009 within thirty (30) days of receipt of this letter to the following address:

City Permit Fee Invoices
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

In addition, CDAQ requests Express Gas post operating instructions on each dispenser within thirty (30) days of receipt of this letter.

Failing Stage II tests in two consecutive test attempts has caused your facility to be



subject to the Ohio EPA Gasoline Dispensing Facility (GDF) Enforcement Policy. The above facts will be referred to the Ohio EPA for evaluation.

If there is insufficient time to correct the alleged violations within this timeframe, a written response that includes a timeline for correcting the alleged violations must be received within thirty (30) days of receipt of this letter.

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 Megan Murphy at 216-664-4258. All correspondence with CDAQ must include the Ohio EPA facility identification number for Express Gas: 13 18 00 8419.

Sincerely,

Linda Kimmy for G.B.

George Baker
Chief of Enforcement

GB/mm

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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