



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue 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 7009 3410 0002 1934 1493
RETURN RECEIPT REQUESTED**

January 26, 2011

Amin Salem
Gas USA
3934 West 117th St.
Cleveland, OH 44111

NON-HPV

FACILITY ID: 13-18-00-8419

NOTICE OF VIOLATION: Failing Stage II testing; Failure to provide proof of attendance and completion of training required by Ohio EPA

Dear Mr. Salem:

On January 25, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Gas USA 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.

Gas USA failed an Air-to-Liquid (A/L) ratio test on dispenser #8 on January 25, 2011. 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 is a violation of Ohio Revised Code (ORC) Chapter 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(c). A Static Leak test was conducted at this time and passed.

Additionally, Gas USA 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.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Gas USA make the necessary repairs to dispenser #8, conduct a re-test of the A/L Ratio test, and submit the test results. CDAQ also requests that Gas USA complete the required Stage II vapor recovery training and submit proof of attendance and completion of training and submit all of the above within thirty (30) of receipt of this letter to the following enforcement representative:



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

CDAQ also requests that Gas USA complete the required Stage II vapor recovery training and submit proof of attendance and completion of training within thirty (30) days of receipt of this letter to the following enforcement representative:

If there is insufficient time to correct the alleged violations within this timeframe, a written response which 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 Gas USA: 13-18-00-8419.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/mm

cc:

George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
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