



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview 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 0663
RETURN RECEIPT REQUESTED**

August 9, 2010

Chrissy Gosnell
Circle K #5580
315 Commons Mall
Columbus, IN 47201

NON-HPV

FACILITY ID: 13-18-00-8439
NOTICE OF VIOLATION : Failing annual Stage II testing

Dear Ms. Gosnell:

On July 27, 2010, Circle K #5580 located at 13951 Triskett Road in Cleveland, OH failed annual Stage II testing. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Circle K #5580 conducted annual Stage II testing on July 27, 2010. The Static Leak (SL) test passed at this time. The Air-to-Liquid (A/L) Ratio test was also conducted and failed at this time on dispensers #4 and #11. The failure to successfully pass the testing requirements 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 are violations of Ohio Revised Code (ORC) Section 3704.05(G) and OAC Rule 3745-21-09 (DDD)(1)(b) and (c).

Unless you take some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Circle K #5580 make the necessary repairs to dispenser #4 and #11, conduct a re-test of the A/L Ratio test and submit the test results within thirty (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



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 Circle K #5589: 13-18-00-8439.

Sincerely,

Linda Kimmey for G.B.
George Baker
Chief of Enforcement

GB/mm

cc: Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318008439\2010-7-27 NOV.doc

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Chrissy Gosnell
Circle K # 5580
315 Commons Mall
Columbus, IN 47201

2. Article Number
(Transfer from service label)

7009 3410 0002 1934 0809

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Lenny S. [Signature]*

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

9/2/10

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes