

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7009 3410 0002 1934 0649
RETURN RECEIPT REQUESTED

August 9, 2010

Chrisy Gosnell
Circle K #5623
315 Commons Mall
Columbus, IN 47201

NON-HPV

FACILITY ID: 13-18-03-8315
NOTICE OF VIOLATION : Failing annual Stage II testing

Dear Ms. Gosnell:

On June 24, 2010, Circle K #5623 located at 530 Warrensville Center Road in Bedford, 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 #5623 conducted annual Stage II testing on June 24, 2010. The Static **Leak (SL) test passed at this time. The Air-to-Liquid (A/L) Ratio test was also** conducted. The A/L Ratio test failed on dispensers #2, #9, #11 and #12. 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 undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Circle K #5623 make the necessary repairs to dispensers #2, #9, #11 and #12, then conduct a re-test of the A/L Ratio test and submit test results within thirty (30) days to the following enforcement representative:

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



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 Circle K #5623: 13-18-03-8315.

Sincerely,

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
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