



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
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Cleveland, Ohio 44114-1839
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www.clevelandhealth.org

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

**CERTIFIED MAIL 7009 3410 0002 1934 1776
RETURN RECEIPT REQUESTED**

April 4, 2011

Timothy Ujvari
Ohio Turnpike Commission
682 Prospect St.
Berea, OH 44017

**FACILITY ID: 13-18-09-6287
NOTICE OF VIOLATION/NOTICE OF VIOLATION FOLLOW-UP LETTER:
Failing annual Stage II testing**

Dear Mr. Ujvari:

On March 22, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Ohio Turnpike Commission (OTC Towpath) located at 10037 Broadview Road in Broadview Heights. This letter serves as notification that you were operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

OTC Towpath conducted annual Stage II testing on March 22, 2011. The Static Leak (SL) test passed at this time. The Air-to-Liquid (A/L) Ratio test failed at this time on the mid and premium grades for dispensers #3, #4, #7, #7, #11, #12, #19 and #20. 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).

CDAQ witnessed a re-test of the A/L Ratio test on March 31, 2011. The A/L Ratio test passed on the mid and premium grades for dispensers #3, #4, #7, #7, #11, #12, #19 and #20 at this time.

The corrective action plan was received in a timely manner and appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.



CDAQ issues this letter with Ohio EPA's concurrence and 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 OTC Towpath: 13-18-09-6287.

Sincerely,

A handwritten signature in cursive script that reads "Linda Kimmy".

Linda Kimmy
Field Enforcement Manager, CDAQ

LK/mm

cc: Cheryl Anderson, Lehigh Gas
George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318096287\2011-3-22 NOV+NEAR.doc

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>[Signature]</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>[Signature]</i> 4-7</p>
<p>1. Article Addressed to:</p> <p>Timothy Ujvari OTC / Towpath 682 Prospect St. Berza, OH 44017</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7009 3410 0002 1934 1776</p>