



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 7003 1010 0004 2923 7230
RETURN RECEIPT REQUESTED

February 8, 2010

Arthur Low, Jr.
Prime Properties Ltd. Partnership
1370 West 6th St. Ste. 206
Cleveland, OH 44114

NON-HPV

FACILITY ID: 13-18-10-7042

NOTICE OF VIOLATION: Failing annual Stage II testing; Failure to conspicuously post fueling instructions which state "Do Not Top Off"

Dear Mr. Low:

On January 19, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Prime Properties Ltd. Partnership dba Prime #8 (Prime #8) located at 3580 Ridge Road in Brooklyn. This letter serves as notification that you are operating a source in violation of the following applicable air statutes and air regulations.

On January 19, 2010, Prime #8 failed a Static Leak (SL) test. 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).

Additionally, Prime #8 failed to conspicuously post operating instructions on each dispenser in violation of OAC Rule 3745-21-09(DDD)(1)(d). Fueling instructions must clearly state, "Do Not Top Off" the motor vehicle fuel tank.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Prime #8 conduct a re-test of annual Stage II tests and submit 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

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.

In addition, CDAQ requests Prime #8 post operating instructions on each dispenser 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 Prime #8: 13-18-10-7042.

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
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