



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 7308
RETURN RECEIPT REQUESTED

February 3, 2010

Mo Asisi
Noble's Gas
2610 Noble Rd.
Cleveland Heights, OH 44121

FACILITY ID: 13-18-16-7085

NOTICE OF VIOLATION: Failure to operate a vapor control system according to CARB certifications; Failure to conspicuously post "Do Not Top Off" instructions

Dear Mr. Asisi:

On January 21, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Noble's Gas/Kwik Check Food Mart (Noble's Gas) located at 2610 Noble Road in Cleveland Heights. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

On January 21, 2010, CDAQ witnessed annual Stage II tests at Noble's Gas. While all Stage II tests passed, CDAQ has determined that Noble's Gas has been operating a source out of compliance. The vapor recovery lines that were installed on the Stage II dispensing system do not have a vapor shear valve on any of the lines at dispensers #1, #2, #3, and #4. This is a violation of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(1)(b)(i) which states; the vapor control system is installed, operated and maintained in accordance with the manufacturer's specifications and the applicable CARB certification, and is free of the following defects: (i) any component, that is required to be employed at all times pursuant to the system CARB certification, is absent or disconnected.

Additionally, Noble's Gas is in violation of OAC Rule 3745-21-09(DDD)(1)(d) by operating a gasoline dispensing facility while failing to conspicuously post operating instructions on each dispenser. 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 Noble's Gas make the appropriate repairs to dispensers #1, #2, #3, and #4 which includes vapor recovery lines certified to contain gasoline with vapor shear valves and submit a copy of the work order 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

Upon receipt of these results, CDAQ will inspect the vapor recovery lines to determine the appropriate repairs have been made.

In addition, CDAQ requests Noble's Gas post operating instructions on each dispenser within thirty (30) days of receipt of this letter.

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.

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 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 Noble's Gas: 13-18-16-7085.

Sincerely,

Linda Kimmy for G.B.

George Baker
Chief of Enforcement, CDAQ

GB/mm

cc:

Michael J. Kzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318167085\2010-1-21 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:

Mo Asisi
Noble's Gas
2610 Noble Rd.
Cleveland Hts., OH 44121

2. Article Number
(Transfer from service label)

7003 1010 0004 2923 7308

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

XN10P1 3 E CEE I V E
 Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

FEB - 9 200

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

Domestic Return Receipt

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