



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 4338
RETURN RECEIPT REQUESTED**

September 23, 2010

Yasser Najjar
Giant America, Inc.
12436 Euclid Avenue
East Cleveland, OH 44112

NON-HPV

**FACILITY ID: 13-18-18-8390
NOTICE OF VIOLATION / NOTICE OF VIOLATION FOLLOW-UP LETTER:
FAILING 2010 STAGE II TESTING**

Dear Mr. Yasser Najjar:

On September 13, 2010, the Cleveland Division of Air Quality (CDAQ) received Stage II test results for Giant America, Inc. located at 12436 Euclid Avenue in East Cleveland. This letter serves as notification that you have operated sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Giant America, Inc. failed an Air-to-Liquid Ratio Test on pump #2 on July 19, 2010. The 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, was a violation of Ohio Revised Code (ORC) Chapter 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(c).

A retest was performed and passed on September 9, 2010, on pump #2. 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.



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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA facility identification number for Giant America, Inc.: 13-18-18-8390.

Sincerely,

George Baker
Chief of Enforcement

GB/BS

cc: John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318188390\2010-9-9 NOV IFL.docx

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:

Yasser Najjar
Giant America, Inc.
12436 Euclid Avenue
East Cleveland, OH 44112

2. Article Number
(Transfer from st)

7003 1010 0004 2923 4338

13-18-18-8390

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

Yasser Najjar

C. Date of Delivery

10-21-10

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