



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 #70022030000118088718  
RETURN RECEIPT REQUESTED**

May 5, 2010

James Lucas  
Lucas Enterprises  
14005 Madison Ave  
Lakewood, OH 44107

**FACILITY ID: 13-18-28-6223  
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Lucas:

On April 20, 2010, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Lucas Enterprises (Lucas) to schedule an Air-to-Liquid ratio retest, and notify CDAQ of the scheduled retest of pump #5 within fourteen (14) days of receipt of the April 20, 2010, Notice of Violation. Also, CDAQ requested that Lucas submit test results for 2009, as well as the retest results within thirty (30) days of the April 20, 2010, Notice of Violation.

CDAQ is in receipt of Stage II test results from a test performed on September 2, 2009, as of April 28, 2010. CDAQ is also in receipt of retest results from a test performed on April 26, 2010 where pump #5 passed an Air-to-Liquid test, as of May 4, 2010.

The corrective action was received 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 Andrew Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Lucas Enterprises: 13-18-28-6223.

Sincerely,

*Linda Kimmey for G.B.*  
George Baker  
Chief of Enforcement, CDAQ

GB/ak



**CLEVELAND DIVISION OF AIR QUALITY**

75 ERIEVIEW PLAZA, 2<sup>ND</sup> FLOOR, SUITE 200 • CLEVELAND, OH 44114-1839

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cc: John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
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# Lucas Auto Center

## COMPLETE AUTO SERVICE



14005 Madison Ave.  
Lakewood, OH 44107

(216) 521-3017  
(216) 521-6766  
FAX 521-4804

April 28, 2010

George Baker  
Division of Air Quality  
75 Erieview Plaza, 2nd Floor  
Cleveland, OH 44114

RE: FACILITY ID: 13-18-28-6223

Dear Mr. George Baker:

Please be advised that Lucas Enterprises Air- to- Liquid Ratio testing is due in the month of September every year. The testing was performed on September 2, 2009 by Tanknology Inc. The testing was performed and it showed that one blend on Pump # 5 failed the test as you will see on the sheet sent to you. As you may also note on receipt number 630558, LC Petro made necessary repairs as needed on September 23, 2009. Tanknology, Inc. was then advised that pump # 5 was ready for retesting and they said they would set up the retest with the Ohio EPA with a gentlemen named John.

I had not heard from anyone until April 16, 2010 when a Mr. Andrew Kenney came in and I showed him a the paperwork and files he had requested. I was informed by Mr. Kenney that the above mentioned gentlemen, John, had been out sick. While Mr. Kenney was here I called Tanknology, Inc. and advised them to call the EPA and reset a time to view the retest.

On April 26, 2010 a technician from Tanknology came in and said he was here to retest pump # 5 and the nobody from the EPA was here and he informed me that the pump tested good and the paperwork would be sent to the EPA.

Enclosed you will see all paperwork in regards to testing and retesting of pump # 5 at my facility and if there is anything else you need please contact me at the above number or contact Tanknology Inc.

Sincerely,

James A. Lucas

Domestic & Foreign/Trucks & Vans

Engine/Computer Diagnostics

Tires/Alignments

E-Check Re-Inspections

Air Conditioning



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

**CERTIFIED MAIL #70022030000118088664  
RETURN RECEIPT REQUESTED**

April 20, 2010

James Lucas  
Lucas Enterprises  
14005 Madison Ave  
Lakewood, OH 44107

**FACILITY ID: 18-18-28-6223**

**NOTICE OF VIOLATION: Failing Stage II testing and Failing to Submit Stage II Test Results**

Dear Mr. James Lucas:

On April 16, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Lucas Enterprises located at 14005 Madison Ave in Lakewood, OH. 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 September 2, 2009, Lucas Enterprises failed an Air-to-Liquid ratio test on pump #5. 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, are violations of OAC Rule 3745-21-09(DDD)(1)(c) and Ohio Revised Code (ORC) Chapter 3704.05(G). Lucas Enterprises will remain in violation until pump #5 has passed a retest of the Air-to-Liquid ratio test.

Lucas Enterprises has also failed to submit Stage II test results within thirty (30) days to CDAQ for the test performed on September 2, 2009, as required by OAC Rule 3745-21-09(DDD)(2)(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 Lucas Enterprises schedule an Air-to-Liquid ratio retest, and notify CDAQ of the scheduled retest of pump #5 within fourteen (14) days of receipt of this letter. Also, CDAQ requests that Lucas Enterprises submit test results for the all Stage II tests performed during 2009, as well as the retest results, to the following enforcement

An Equal Opportunity Employer



**CLEVELAND DIVISION OF AIR QUALITY**  
75 ERIEVIEW PLAZA 2<sup>ND</sup> FLOOR • CLEVELAND, OH 44114-1839

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representative within thirty (30) days of receipt of this letter:

Andrew Kenney  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within thirty (30) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

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.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by the OCAPP.

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 Andrew Kenney at 216-420-7688. All correspondence with CDAQ must include the Ohio EPA facility identification number for Lucas Enterprises: 13-18-28-6223.

Sincerely,

*Linda Kimmy for G.B.*

George Baker  
Chief of Enforcement

GB/ak

cc: Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Facility File and L:\Data\Facilities\1318286223\2010-4-20 NOV.doc

Attached: Gas Dispensing Facility Enforcement Penalty Policy



**Lucas Auto Center**  
**COMPLETE AUTO SERVICE**

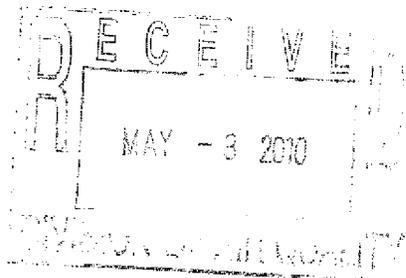


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