



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Frieview 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 #70022030000118088664
RETURN RECEIPT REQUESTED

April 20, 2010

James Lucas
Lucas Enterprises
14005 Madison Ave
Lakewood, OH 44107

FACILITY ID: 13-18-28-6223

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



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

Andrew Kenney
Cleveland Division of Air Quality
75 Erieview Plaza 2nd 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 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Lucas Enterprises: 13-18-28-6223.

Sincerely,

Linda Jimmy 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