



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue 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 7009 3410 0002 1934 1950
RETURN RECEIPT REQUESTED**

May 10, 2011

Russell Lang
Lang's Marathon
5994 Mayfield Road
Mayfield Heights, OH 44124

NON-HPV

FACILITY ID: 13-18-33-6075
NOTICE OF VIOLATION: Failing annual Stage II testing

Dear Mr. Lang:

On May 4, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Lang's Marathon located at 5994 Mayfield Road in Mayfield 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.

Lang's Marathon is in violation of OAC Rule 3745-21-09(DDD)(1)(c) which states that no owner or operator of a gasoline dispensing facility (GDF) may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2). On May 4, 2011 the Static Leak test failed due to leaking vac motors on dispensers #1, #2, #7, and #8.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Lang's Marathon make the necessary repairs to dispensers #1, #2, #7 and #8, conduct a re-test of the Static Leak test, complete a blockage test and an Air-to-Liquid Ratio test then submit the test results to the following enforcement representative:

Megan Murphy
Cleveland Division of Air Quality
75 Erievue Plaza 2nd Floor
Cleveland, Ohio 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a written response which 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. 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 Lang's Marathon: 13-18-33-6075.

Sincerely,

Linda Kimmy

Linda Kimmy
Field Enforcement Manager

LK/mm

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
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