



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 7009 3410 0002 1934 1585
RETURN RECEIPT REQUESTED**

March 16, 2011

Faraj Ali
Newburgh Gas
4723 Harvard Ave.
Newburgh Heights, OH 44105

NON-HPV

FACILITY ID: 13-18-36-8015
NOTICE OF VIOLATION: Failing Annual Stage II testing

Dear Mr. Ali:

On March 15, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Newburgh Gas located at 4723 Harvard Avenue in Newburgh 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.

Newburgh Gas conducted annual Stage II testing on March 15, 2011. The Static Leak (SL) test passed at this time. The Air-to-Liquid (A/L) Ratio test was also conducted at this time. The A/L Ratio test failed on dispenser #2 on the mid and premium grades due to a non functioning meter. The failure to successfully pass the testing requirements 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 Ohio Revised Code (ORC) Section 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (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 Newburgh Gas make the necessary repairs to dispenser #2, conduct a re-test of the A/L Ratio on dispenser #2 then submit test results 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, 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 Newburgh Gas: 13-18-36-8015.

Sincerely,

A handwritten signature in cursive script that reads "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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