



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 7003 1010 0004 2923 5243  
RETURN RECEIPT REQUESTED**

6/20/11

Greg Budoi  
EZ Energy USA-AM/PM 2408  
4141 Rockside Rd., Suite 400  
Seven Hills, OH 44131

**FACILITY ID: 13-18-53-7024  
NOTICE OF VIOLATION/ NOTICE OF VIOLATION FOLLOW-UP: Failing stage  
II test**

Dear Mr. Budoi:

On 6/13/11 the Cleveland Division of Air Quality (CDAQ) inspected EZ Energy USA-AM/PM 2408 located at 34050 Aurora Rd. in Solon. This letter serves as notification that you operated sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

EZ Energy USA-AM/PM 2408 failed an Air-to-Liquid (A/L) ratio test on dispensers #16, and #18 on 3/8/11. 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 re-test was conducted on 4/15/11 of the A/L Ratio test on dispensers #16 and #18. Dispensers #16 and #18 passed the A/L Ratio test.

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 Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for EZ Energy USA-AM/PM 2408: 13-18-53-7024.

Sincerely,

A handwritten signature in cursive script that reads "Linda Kimmy".

Linda Kimmy

Field Enforcement Manager

LK/dd

cc: George Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
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