



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 : 7003 1010 0004 2923 7056  
RETURN RECEIPT REQUESTED

March 3, 2011

Jonathan Ross  
Circle K #5243  
4080 West Jonathan Moore Pike  
Columbus, IN 47201

NON-HPV

FACILITY ID: 13-18-61-8421

NOTICE OF VIOLATION : Failing annual Stage II compliance test.

Dear Mr. Ross:

On February 28, 2011, the Cleveland Division of Air Quality (CDAQ) witnessed the annual Stage II compliance test at Circle K #5243 located at 27190 Center Ridge Road in Westlake. 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 February 28, 2011, Circle K #5243 failed their annual Static Leak test. The failure to successfully pass the testing requirements is in violation of 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, Ohio Revised Code (ORC) Section 3704.05 (G), and OAC Rule 3745-21-09 (DDD)(1)(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 Circle K #5243 make the necessary repairs, then re-test and submit the February 28, 2011, test results, and the re-test results within thirty (30) days from their respective test dates as stipulated in OAC Rule 3745-21-09(DDD)(2)(c) to the following enforcement representative:

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



If there is insufficient time to correct the alleged violations within this timeframe, a written response must be received within thirty (30) days that includes 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.

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 Bryan Sokolowski at 216-420-7663. All correspondence with CDAQ must include the Ohio EPA facility identification number for Circle K #5243: 13-18-61-8421.

Sincerely,

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

Linda Kimmy

Field Enforcement Manager, CDAQ

LK/BS

cc: George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
Station Manager, Circle K #5243  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318618421\2011-2-28 NOV.doc

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jonathan Ross  
 Circle K # 5243  
 4080 West Jonathan Moore Pike  
 Columbus, IN 47201

2. Article Number  
(Transfer from s)

7003 1010 0004 2923 7056 13-18-61-8421

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

\* Jerry Salvo

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

3/7/14

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

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• Sender: Please print your name, address, and ZIP code in this box •

Bryan Sokolowski  
Division of Air Quality  
75 Erieview Plaza, Suite 200  
Cleveland, Ohio, 44114-1839

