

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 7010 0780 0001 1190 4421  
RETURN RECEIPT REQUESTED

12/20/11

Yaser Najjar  
Giant America  
12436 Euclid Ave.  
East Cleveland, OH 44106-4315

NON-HPV

FACILITY ID: 13-18-18-8390  
NOTICE OF VIOLATION: FAILING TWO CONSECUTIVE STAGE II TESTS

Dear Mr. Najjar:

This letter serves as notification that the Giant America, located at 12436 Euclid Avenue in East Cleveland, operated an air emissions source in violation of the following applicable air statutes, air regulations, or air permit conditions.

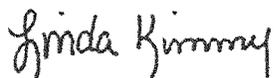
Giant America failed the Stage II vapor recovery system Air to Liquid (A:L) ratio tests on pump #2 on 7/19/10. The deficiencies were corrected by the 9/9/10 re-test. Deficiencies were detected during the 7/18/11 A:L ratio tests on pumps #2 and #8 and subsequently corrected by the 8/29/11 re-test. The 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, were violations of OAC Rule 3745-21-09(DDD)(1)(c) and Ohio Revised Code (ORC) Chapter 3704.05(G).

While deficiencies that existed have been corrected, failing two consecutive Stage II tests have caused your facility to be subject to the Ohio EPA Gasoline Dispensing Facility (GDF) Enforcement Policy. The above facts will be referred to the Ohio EPA for evaluation.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in ORC Section 3704.99(A), which allows fines of not more than \$25,000 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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ must include the Ohio EPA facility identification number for Giant America: 13-18-18-8390.

Sincerely,



Linda Kimmy  
Field Enforcement Manager

LK/dlw

cc: George Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318188390\2011-12-20 NOV\_2 consecutive failures.docx

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: *YASER ...*  
*YASER ...*  
*GIANT AMERICA*  
*12436 EUCLID AVE*  
*... OH 44106*

A. Signature  Agent  
 *[Signature]*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
*[Signature]* 1/2/12

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

2. Article (Transit) 7010 0780 0001 1190 4421