



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue Plaza, Second Floor
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 7011 3500 0000 1759 7013
RETURN RECEIPT REQUESTED**

September 28, 2012

Rammze Elabd
Owner
Food Express and Gas Inc.
12307 St. Clair Avenue
Cleveland, Ohio 44108

NON-HIGH PRIORITY FACILITY

FACILITY ID: 13-18-00-7497

NOTICE OF VIOLATION: Failed annual Stage II compliance test

Dear Mr. Elabd:

On September 18, 2012, the Cleveland Division of Air Quality (CDAQ) witnessed the annual Stage II compliance test at Food Express and Gas Inc. (Food Express) located at 12307 St. Clair Avenue in Cleveland. 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 September 18, 2012, Food Express failed an Air-to-Liquid (A/L) ratio test on emission unit G001: Stage I and Stage II Gasoline Dispensing Facility, for mid-grade and premium gas on dispenser #2. The failure to successfully pass the testing requirements in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2) for dispenser #2 while causing, allowing or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle is a violation of OAC Rule 3745-21-09(DDD)(1)(c) and Ohio Revised Code (ORC) Section 3704.05(G).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Food Express make the necessary repairs to dispenser #2, then re-test the A/L ratio and submit the September 18, 2012, test results and the re-test results within thirty (30) days from their respective test dates to the following enforcement representative:

Bryan Sokolowski
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 must be received within thirty (30) days of receipt of this letter 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 (\$25,000) or imprisonment for not more than one year, or both, for each violation.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.ohio.gov/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by OCAPP.

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 Food Express and Gas Inc.: 13-18-00-7497.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/BS:lx

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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