



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview 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 6498
RETURN RECEIPT REQUESTED**

January 15, 2013

Khaled Taye
Property Owner
Midtown Clark Foodmart
5400 Euclid Ave.
Cleveland, Ohio 44103

NON-HIGH PRIORITY FACILITY

FACILITY ID: 13-18-00-7302

**NOTICE OF VIOLATION: FAILURE TO SUCCESSFULLY PASS ANNUAL
STAGE II TESTING**

Dear Mr. Taye:

On January 9, 2013, the Cleveland Division of Air Quality (CDAQ) inspected Midtown Clark Foodmart located at 5400 Euclid Ave. 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.

Midtown Clark Foodmart is operating emissions unit, G001: Gasoline Dispensing Facility with Stage II vapor controls, in violation of Ohio Administrative Code (OAC) rule 3745-21-09(DDD)(1)(c), in that annual Stage II testing requirements, as contained in OAC rule 3745-21-09(DDD)(2), were not successfully passed. This is also a violation of your permit-to-install/operate (PTIO) No. P0094696, and Ohio Revised Code sections 3704.05(C) and (G). PTIO No. P0094696 was issued on June 17, 2011.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Midtown Clark Foodmart schedule and retest Static Leak and Air-to-Liquid Ratio, and submit the testing results, within thirty (30) days of your receipt of the letter to the following enforcement representative:



Mike Samec
Cleveland Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within thirty (30) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include 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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA facility identification number for Midtown Clark Foodmart: 13-18-00-7302.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ
VW/ms

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
L:\Data\Facilities\1318007302\2012-01-09 NOV.docx