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 7012 2210 0000 5209 3053
RETURN RECEIPT REQUESTED**

February 13, 2013

Mark Mehri
5800 Storer Inc. dba Brown's Marathon
5800 Storer Avenue
Cleveland, OH 44102

NON-HIGH PRIORITY FACILITY

FACILITY ID: 13-18-00-8394
NOTICE OF VIOLATION: Failure to conduct Stage II testing

Dear Mr. Mehri:

The Cleveland Division of Air Quality (CDAQ) is aware that 5800 Storer Inc. dba Brown's Marathon (Brown's Marathon) located at 5800 Storer Avenue in Cleveland has failed to complete Stage II testing for calendar year 2012. The last passing Annual Stage II tests (Air-to-Liquid Ratio and Static Leak) were completed on December 22, 2011. This letter serves as notification that you are operating a source in violation of the following applicable air statutes, air regulations, or air permit conditions.

Brown's Marathon 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 applicable Stage II testing, as contained in OAC rule 3745-21-09(DDD)(2), were not successfully completed. This is also a violation of OAC rule 3745-31-05(B), and Ohio Revised Code 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 Brown's Marathon schedule and test the Static Leak, Air-to-Liquid Ratio and Dynamic Pressure, and submit the test results within thirty (30) days, to the following enforcement representative:

Megan Murphy
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 Megan Murphy at 216-664-4258. All correspondence with CDAQ must include the Ohio EPA facility identification number for Brown's Marathon: 13-18-00-8394.

Sincerely,

Valencia White

Valencia White
Chief of Enforcement, CDAQ

VW/mmLK

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
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