



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

May 4, 2010

RE: NOTICE OF VIOLATION
ANNUAL STAGE II COMPLIANCE TEST
CLEVELAND FOOD & DELI, INC.
DAPC FACILITY ID 0247080583

CERTIFIED MAIL

Frank Salti
Cleveland Food & Deli, Inc.
1150 Tower Blvd.
Lorain, OH 44052

Dear Mr. Salti:

Our records indicate that Stage II compliance testing occurred at Cleveland Food & Deli, Inc., 1150 Tower Blvd., Lorain, Ohio on December 21, 2009. This annual testing is required to demonstrate compliance with the requirements of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD).

Testing Violations

The testing for 2009 was performed late as it was due in April of 2009 and the A/L test for dispenser #5 failed. As of the date of this letter, a retest has not been scheduled. Retests are required to be scheduled within 30 days after a failure. Failure to test in a timely manner and testing failures are violations of OAC Rule 3745-21-09(DDD). Please schedule any necessary repairs and conduct a retest **within thirty (30) days of your receipt of this letter.**

Also, our inspector indicated that new pumps were installed in July of 2009. Failure to test these new pumps within 60 days after installation is a violation of OAC Rule 3745-21-09(DDD).

Stage II Training Violation

The proof of attendance and completion of the training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility was not available in violation of OAC Rule 3745-21-09(DDD). **Please schedule this training and provide this office with proof of completion within forty-five (45) days of receipt of this letter.**

CLEVELAND FOOD & DELI, INC.
MR. SALTI
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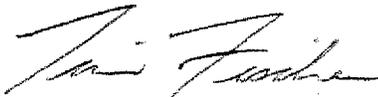
Record Keeping Reminder

There were no maintenance records on site. Our inspector was informed that no maintenance had been performed on the new pumps since they were installed. Please be advised that OAC Rule 3745-21-09(DDD) requires that records of any maintenance activities be maintained for a period of not less than 3 years.

Failure to comply with this request may result in a referral to the Central Office of Ohio EPA for enforcement action. The submission of the requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

If you have any questions regarding this letter, please do not hesitate to contact me at (330) 963-1270.

Sincerely,



Tim Fischer
Environmental Supervisor
Division of Air Pollution Control

TF:bo

pc: Tom Kalman, DAPC, CO
Lisa Holscher, U.S. EPA, Region V