



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
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Cleveland, Ohio 44114-1839  
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www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL# 7010187000065911857  
RETURN RECEIPT REQUESTED**

September 20, 2011

John Gillota Jr.  
Gillota Inc. East 140<sup>th</sup> Street  
415 Hines Hill Road  
Hudson, OH 44127

**NON-HPV**

**FACILITY ID: 13-18-00-8239**

**NOTICE OF VIOLATION / NOTICE OF VIOLATION FOLLOW-UP LETTER:  
Failure to perform Stage II testing**

Dear Mr. Gillota:

On September 2, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Gillota Inc. East 140<sup>th</sup> Street located at 511 East 140<sup>th</sup> Street in Cleveland. This letter serves as notification that you have operated sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Gillota Inc. East 140<sup>th</sup> Street failed to perform Stage II testing as required by Ohio Administrative Code Rule 3745-21-09(DDD)(2)(f) within 12 months of the last passing Stage II test. The failure to perform and 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, is a violation of Ohio Revised Code (ORC) Chapter 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(c).

On September 14, 2011, Gillota Inc. East 140<sup>th</sup> Street performed and passed all required Stage II testing. Appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

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 Andrew Kenney at (216) 420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Gillota Inc. East 140<sup>th</sup> Street: 13-18-00-8239

Sincerely,

Linda Kimmy

Field Enforcement Manager

LK/ak

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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