



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114-2080  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7002 2030 0001 1807 8498  
RETURN RECEIPT REQUESTED

July 10, 2008

Frank Gallo  
Gallo's Convenient Market  
3870 Pearl Road  
Cleveland, Ohio 44109

FACILITY ID: 1318008647  
NOTICE OF VIOLATION: FAILURE TO CONDUCT STAGE II TESTING

Dear Mr. Gallo:

On June 24, 2008, the Cleveland Division of Air Quality (CDAQ) inspected Gallo's Convenient Market located at 3870 Pearl Road 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.

Gallo's operation of a gas dispensing facility is in violation of the Ohio Administrative Code Rule 3745-21-09(DDD)(2), Ohio Revised Code Section 3704.05(C) and (G) in that Gallo's Convenient Market failed to provide Dynamic Pressure, annual Static Leak, and annual Air-to-Liquid ratio tests. Gallo Convenient Market has been in operation since March of 2007. In that time CDAQ has not received a passing Stage II test.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Gallo's Convenient Market submit Stage II test results for Dynamic Pressure, Static Leak and Air-to-Liquid ratio tests. It has been known to the following enforcement representative:

Mike Samec  
Cleveland Division of Air Quality  
1925 St. Clair Avenue NE  
Cleveland, Ohio 44114-2080

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 Gallo's Convenient Market: 1318008647.

Sincerely,

A handwritten signature in black ink, appearing to read "George Baker".

George Baker  
Chief of Enforcement, CDAQ

GB/ms

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Facility File and L:\Data\Facilities\1318008647\2008-07-02 NOV gallo.doc

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Kellie Dodge</i>      <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>)      C. Date of Delivery</p>
<p>1. Article Addressed to: <i>608647</i></p> <p><i>Frank Gallo</i>  <i>Gallo's Convenient Market</i>  <i>3870 Pearl Rd</i>  <i>Clev, OH 44109</i></p>	<p>D. Is delivery address different from item 1? <i>Jul 15 2008</i>  If YES, enter delivery address below:      <input type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail      <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered      <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail      <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (<i>Extra Fee</i>)      <input type="checkbox"/> Yes</p>
<p>2. Article Number  (<i>Transfer from service label</i>)</p>	<p><i>7002 2030 0001 1807 8498</i></p>