



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 1808 4888
RETURN RECEIPT REQUESTED**

November 27, 2007

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

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

Dear Mr. Gallo:

On March 28, 2007, 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 and air regulations.

Gallo's operation of emissions unit G001: Gas Dispensing Facility is in violation of OAC 3745-21-09(DDD) (2) and the Ohio Revised Code Section 3704.05(G). Gallo's failed to pass a dynamic pressure test, an air-to-liquid ratio test, and a static leak test as stipulated in the OAC Rule 3745-21-09(DDD)(2). Last stage II performance test date was completed on June 4, 2007.

You will have 30 days from the date of receiving this letter to comply by performing stage II testing and provide test copies to CDAQ demonstrating passing results. If it has been determined that stage II testing can not be done due to operational problems Gallo's Convenient Market must provide documentation for what steps will be required to achieve compliance.

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 a corrective action plan 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.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by the OCAPP.

Facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production can contact the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518 and there is no charge for their services.

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,

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\2007-11-27 NOV.doc

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <i>x Andre Wanski</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <p style="text-align: center;">Frank Gallo Gallo's Convenient Market 3870 Pearl Rd Cleveland, OH 44109</p>	B. Received by (<i>Printed Name</i>)	C. Date of Delivery <i>11-3</i>
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 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. 4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes	
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