



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Suite 200  
Cleveland, Ohio 44114-1859  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhhealth.org

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

**CERTIFIED MAIL 7009 3410 0002 1934 0588  
RETURN RECEIPT REQUESTED**

July 30, 2010

Christina Hardwick  
Pearl/Bagley Shell  
7250 Pearl Road  
Middleburg Heights, OH 44130

NON-HPV

**FACILITY ID: 13-18-34-6810**  
**NOTICE OF VIOLATION: Failing Stage II testing**

Dear Mrs. Hardwick:

On July 29, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Pearl/Bagley Shell located at 7250 Pearl Road in Middleburg Heights. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Pearl/Bagley Shell conducted annual Stage II testing on July 29, 2010. The Static Leak (SL) test passed at this time. The wet blockage test failed at this time. The failure to successfully pass the testing requirements 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 are violations of Ohio Revised Code (ORC) Section 3704.05(G) and OAC Rule 3745-21-09 (DDD)(1)(b) and (c).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Pearl/Bagley Shell complete the necessary repairs, conduct a re-test of the blockage, conduct the Air-to-Liquid Ratio test and submit the test results within thirty (30) days to the following enforcement representative:

Megan Murphy  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839



If there is insufficient time to correct the alleged violations within this timeframe, a written response which includes a timeline for correcting the alleged violations must be received within thirty (30) days of receipt of this letter.

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 Pearl/Bagley Shell: 13-18-34-6810.

Sincerely,

*Linda Krimmy for G.B.*

George Baker  
Chief of Enforcement

GB/mm

cc: Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
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