

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

David Nye
True North #1405
3710 Lettars Rd.
Youngstown, OH 44515

2. Article Number
(Transfer from service label)

7009 3410 0002 1934 0847

COMPLETE THIS SECTION ON DELIVERY

A. Signature

K. Patten

- Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

4-2-10

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

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

**CERTIFIED MAIL 7009 3410 0002 1934 0847
RETURN RECEIPT REQUESTED**

August 31, 2010

David Nye
True North #1405
3710 LeHarps Rd.
Youngstown, OH 44515

NON-HPV

**FACILITY ID: 13-18-20-6791
RECEIPT OF CORRECTIVE ACTION PLAN: Failing Stage II testing**

Dear Mr. Nye:

On August 5, 2010, the Cleveland Division of Air Quality (CDAQ) witnessed Stage II testing at True North #1405 located at 26051 Euclid Avenue in Euclid. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

On August 5, 2010, True North #1405 failed the Static Leak test due to a leak in the premium tank submersible motor. Failure to 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). The blockage test could not be performed at this time and CDAQ did not witness a blockage test being performed. The Air-to-Liquid Ratio test was conducted at this time and dispensers #1 through #8.

Test results were submitted on August 23, 2010 to CDAQ showing that a blockage test had been performed. CDAQ did not witness a blockage test at True North #1405 on August 5, 2010. Conducting a blockage test without passing a pressure decay test is a violation of CARB Testing Procedure-201.4.3.1 which states that any leaks in the nozzle vapor return path, fillpipe interface, vapor hose, or underground vapor return piping may result in erroneously low dynamic back pressure measurements.

Additionally, conducting a blockage test and submitting test results without allowing an Ohio EPA representative to witness the testing is required by OAC Rule 3745-21-09(DDD)(2)(c) which states that personnel from the appropriate Ohio EPA district office or local air agency shall be permitted to witness the tests, examine the testing equipment, and acquire data and information during the tests.



You are still expected to comply with making the necessary repairs to the premium tanks submersible motor riser, then conduct a Static Leak test and a blockage test by September 10, 2010. CDAQ must witness the blockage test being performed or test results will not be accepted. Failure to do so may result in referral to Ohio EPA or U.S. EPA for further enforcement action. Fulfillment of your commitments included in the corrective action plan and/or any modifications contained within this letter does not constitute a waiver of CDAQ's ability to refer this matter to Ohio EPA or U.S. EPA for further enforcement action. Please submit any future correspondence related to this matter to the following enforcement representative:

Megan Murphy
Cleveland Division of Air Quality
75 Erieview Plaza 2nd 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 True North #1405: 13-18-20-6791.

Sincerely,

Grinda Kimmey for G.B.
George Baker
Chief of Enforcement

GB/mm

cc: Nick Julien, Euclid Square Shell
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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