



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 1851
RETURN RECEIPT REQUESTED**

5/17/11

David Nye
True North Shell #375
3711 Leharps Rd.
Youngstown, OH 44515

**FACILITY ID: 13-18-00-6858
NOTICE OF VIOLATION: Failure to pass Stage II Testing**

Dear Mr. Nye:

On 5/13/11, the Cleveland Division of Air Quality (CDAQ) inspected True North Shell #375 located at 17212 Lorain Rd. 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.

CDAQ has determined that True North Shell #375 conducted Static Leak (SL) and Air to Liquid Ratio (A/L) testing on 4/13/11. The SL test passed, however dispenser #8 failed the A/L test.

On 5/13/11 True North Shell #375 conducted an A/L re-test on dispenser #8. The re-test failed due to no vacuum.

The 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 Section 3704.05(G) and OAC rule 3745-21-09(DDD)(1)(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 True North Shell #375 complete necessary repairs, then conduct a second re-test of the A/L Ratio test on dispenser #8. Submit the current test results to the following enforcement representative within thirty (30) days of receipt of this letter.



Dave DeChant
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, submit a written response which includes a timeline for correcting the alleged violations 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 Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for True North Shell #375: 13-18-00-6858.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/dd

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318006858\2011-5-13 NOV.docx

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:

-00-6858

David Nye
 True North Shell # 375
 3711 Lenhars Rd.
 Youngstown, OH 44515

2. Article Number
 (Transfer from service label)

7009 3410 0002 1934 1851

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
J. Theodore
- B. Received by (Printed Name) C. Date of Delivery
J. Theodore *5/19/11*
- 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