



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
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Cleveland, Ohio 44114-1839
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**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7003 1010 0004 2923 5205
RETURN RECEIPT REQUESTED**

April 26, 2011

David Nye
True North Energy #0315
3710 LeHarp's Rd.
Youngstown, OH 44515

NON-HPV

FACILITY ID: 13-18-02-7078

NOTICE OF VIOLATION/NOTICE OF VIOLATION FOLLOW-UP LETTER: Failing static leak test

Dear Mr. Nye:

On February 15, 2011, the Cleveland Division of Air Quality (CDAQ) inspected True North #0315 (True North) located at 26100 Chagrin Boulevard in Beachwood. This letter serves as notification that you operated a source in violation of the following applicable air statutes, air regulations, or air permit conditions.

A static leak (SL) test was conducted on February 15, 2011 but failed. The dynamic pressure (DP) air-to-liquid ratio (A:L) were not conducted. This is a violation of Ohio Administrative Code Rule 3745-21-09(DDD)(1)(c) which states that no owner or operator of a gasoline dispensing facility (GDF) may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09 (DDD)(2).

Retest of SL, DP and A:L were conducted on February 24, 2011 and passed. This corrective action was completed in a timely manner to bring the source into compliance. CDAQ determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

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 \$25,000 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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ must include the Ohio EPA facility identification number for True North #0315: 13-18-02-7078.

Sincerely,

A handwritten signature in cursive script that reads "Linda Kimmy".

Linda Kimmy
Field Enforcement Manager

LK/dlw

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
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