



City of Cleveland
Frank G. Jackson, Mayor

RECEIVED JUL 21 2009

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 7001 2510 0006 1130 7769
RETURN RECEIPT REQUESTED

July 15, 2009

David Nye
TrueNorth
3711 LeHarps Road
Youngstown, OH 44515

FACILITY ID: 13-18-37-6024
NOTICE OF VIOLATION: Failure to conduct Dynamic Pressure Test

Dear Mr. Nye:

On July 15, 2009, the Cleveland Division of Air Quality (CDAQ) inspected True North Energy Location #365 located at 23385 Lorain Avenue in North Olmsted. 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 Energy Location #365 failed to perform a Dynamic Pressure test as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2) since April 5, 2004. True North Energy Location #365 has not been in compliance since April 5, 2009.

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 Energy Location #365 submit a corrective action plan to the following enforcement representative:

Andrew Marantides
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within fourteen (14) 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 Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for True North Energy Location #365: 13-18-37-6024.

Sincerely,

George Baker
Chief of Enforcement

GB/AM (LK)

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Facility File and L:\Data\Facilities\1318376024\2009-7-15 NOV.docx

Marantides, Andrew

From: Marantides, Andrew
Sent: Friday, July 24, 2009 9:30 AM
To: 'Nye, David'
Subject: RE: Truenorth #365 - 23385 Lorain Avenue, North Olmsted, Ohio (13-18-37-6024)

That should be just fine, just please be sure to keep me updated in the process. Usually the testing company coordinates with John Szleszynski, one of my co-workers, so that our agency can attempt to witness the test. We will do our best to witness the test, especially because the Dynamic Pressure (blockage) test is only performed once every five years. Thanks again for your quick response and attention to this matter. You should be receiving my follow-up letter some around the end of next week. Enjoy your weekend,

Andrew Marantides

From: Nye, David [mailto:dnye@truenorth.org]
Sent: Friday, July 24, 2009 9:25 AM
To: Marantides, Andrew
Subject: RE: Truenorth #365 - 23385 Lorain Avenue, North Olmsted, Ohio (13-18-37-6024)

Andrew,
We are starting a tank top upgrade at our Strongsville location this Monday and will be there for two weeks. We are then going to our Lorain and Clague location which will be around the 10th of August. It takes usually two weeks to complete a project, so your projection for August 31st should be achieved. However, we could experience some minor unexpected delays due to weather, which could push things back to the first week of September. To be safe, I would say September 7th for all Stage II testing to be complete. Let me know if that is a problem.

Thanks
Dave

-----Original Message-----

From: Marantides, Andrew [mailto:AMarantides@city.cleveland.oh.us]
Sent: Friday, July 24, 2009 8:55 AM
To: Nye, David
Subject: Truenorth #365 - 23385 Lorain Avenue, North Olmsted, Ohio (13-18-37-6024)

Good morning David, it's Andrew Marantides with the Cleveland Division of Air Quality. I called and left you a message for you to return my call in addition to this e-mail, but wanted to clarify what I needed to ask you. I received your letter yesterday, stating that the facility will be undergoing a complete Tank Top Upgrade in the middle of August. I am just wondering about a date when you anticipate the Stage II testing to be performed and passed. I know that isn't something you can state for sure, but I need some type of date to put on a follow-up letter I will be sending you in the near future. Does completing testing by August 31st seem reasonable, or would you like me to extend that deadline a little bit to be safe? Please let me know a safe date at your earliest convenience so that I can get my follow-up letter mailed out to you. Thanks,

Andrew Marantides
Environmental Enforcement Specialist I
Cleveland Department of Public Health
Division of Air Quality
75 Erieview Plaza - 2nd Floor, Cleveland, OH 44114
(Office) 216-420-8049 / (Fax) 216-420-8047
amarantides@city.cleveland.oh.us
www.clevelandhealth.org

Serving as Ohio EPA Agency 13 for Cuyahoga County

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. 	<p>A. Signature <i>x K. Patterson</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery 7/21/09</p>
<p>1. Article Addressed to:</p> <p><i>David Nye True North 3711 LeHamps Road Youngstown, OH 44515</i></p>	<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: <i>3710 LeHamps Rd.</i></p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><u>7001 2510 0006 1130 7769</u></p>