



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 7003 1010 0004 2923 7391  
RETURN RECEIPT REQUESTED

February 9, 2010

David Nye  
True North #316  
3711 Leharps Road  
Youngstown, OH 44515

NON-HPV

FACILITY ID: 13-18-53-7101  
NOTICE OF VIOLATION : Failing annual Stage II test

Dear Mr. Nye:

On February 9, 2010, the Cleveland Division of Air Quality (CDAQ) inspected True North #316 located at 6170 SOM Center Road in Solon. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

True North #316 failed an Air-to-Liquid Ratio test on dispenser #5 on February 9, 2010. The Static Leak (SL) and Dynamic Pressure (Blockage) tests passed. The A/L Ratio passed on dispensers #1, #2, #3, #4, #6, #7, and #8. The failure to successfully pass the testing requirements in Ohio Administrative Code (OAC) Rule 3745-21-09 (DDD)(2) for dispenser #5 while causing, allowing or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were 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 True North #316 make the necessary repairs to dispenser #5, re-test the A/L Ratio and submit all current year test results to the following enforcement representative within thirty (30) days of receipt of this letter:

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 True North #316: 13-18-53-7101.

Sincerely,

*Linda Jimmy 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  
Facility File and L:\Data\Facilities\1318537101\2010-2-9 NOV.doc

**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  
Trve North #316  
3711 Leharps Rd.  
Youngstown, OH 44515

**COMPLETE THIS SECTION ON DELIVERY**

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*X K Patterson*  Addressee

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2/16/15

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Cleveland Air Quality  
Megan Murphy  
75 Erieview Plaza 2nd Floor  
Cleveland, OH 44114

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