



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 1523
RETURN RECEIPT REQUESTED**

March 1, 2011

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 testing

Dear Mr. Nye:

On February 24, 2011, the Cleveland Division of Air Quality (CDAQ) witnessed Stage II testing at 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 (A/L) Ratio test on dispensers #1 and #4 on February 24, 2010. The Static Leak (SL) test passed. The A/L Ratio passed on dispensers #2, #3, #5, #6, #7, and #8. The failure to successfully pass the testing requirements in Ohio Administrative Code (OAC) Rule 3745-21-09 (DDD)(2) for dispensers #1 and #4 while causing, allowing or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle are 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 conduct a re-test of the A/L Ratio on dispensers #1 and #4 then submit all test results within thirty (30) days of receipt of this letter 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 #316: 13-18-53-7101.

Sincerely,

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

Linda Kimmy
Field Enforcement Manager

LK/mm

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\1318537101\2011-2-24 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
 True North #316
 3711 Lettarp Rd.
 Youngstown, OH 44515

2. Article Number
(Transfer from service label)

7009 3410 0002 1934 1523

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Katelya Patten

 Agent Addressee

B. Received by (Printed Name)

K. Patten

C. Date of Delivery

3/4/4

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

