



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 6950
RETURN RECEIPT REQUESTED**

May 23, 2011

David Nye
True North Energy Location No. 356
3711 Leharps Road
Youngstown, OH 44515

**FACILITY ID: 13-18-54-6835
NOTICE OF VIOLATION & FOLLOW-UP LETTER**

Dear Mr. Nye:

On April 12, 2011, True North Energy Location No. 356 conducted annual Stage II testing. The Air-to-Liquid (A/L) Ratio test passed at this time; however, the Static Leak failed. The failure to successfully pass the testing requirements 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 are violations of Ohio Revised Code (ORC) section 3704.05(G) and OAC rule 3745-21-09(DDD)(1)(b) and (c).

However, on May 13, 2011, the Static Leak re-test conducted on your gasoline dispensing facility (GDF) successfully passed. Appropriate steps were taken to bring your GDF into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

CDAQ issues this letter with Ohio EPA's concurrence and 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 Valerie Shaffer at (216) 664-6292. All correspondence with CDAQ must include the Ohio EPA facility identification number for True North Energy Location No. 356: 13-18-54-6835.

Sincerely,

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

Linda Kimmy
Field Enforcement Manager, CDAQ

LK/vls

cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318546835\2011-05-13 NOV+NEAR.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:

True North Energy Location
No. 356
3711 Leharps Rd
Youngstown, OH 44575

2. Article Number

(Transfer from service label)

7003 1010 0004 2923 6950

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *J. Theodore* Agent Addressee

B. Received by (Printed Name)

J. Theodore

C. Date of Delivery

*XS-25-11*D. Is delivery address different from item 1? YesIf 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

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• Sender: Please print your name, address, and ZIP+4 in this box •

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DIVISION OF AIR QUALITY
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