



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue Plaza, Second Floor
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 #70122210000052090199
RETURN RECEIPT REQUESTED**

January 9, 2013

David Nye
True North #353
10346 Brecksville Road
Brecksville, OH 44141

NON-HIGH PRIORITY FACILITY

**FACILITY ID: 13-18-51-6830
NOTICE OF VIOLATION: Failing Stage II testing**

Dear Mr. Nye:

On January 7, 2012, the Cleveland Division of Air Quality (CDAQ) witnessed Stage II testing at True North #353 located at 7515 Broadview Road in Seven Hills. This letter serves as notification that you are operating a source in violation of the following applicable air statutes, air regulations, or air permit conditions.

CDAQ has determined that True North #353 failed to pass a Static Leak test on Emission Unit G001: Stage 1 and Stage 2 Gasoline Dispensing Facility, Marconi/Gilbarco, as stipulated in Ohio Administrative Code (OAC) Rule 3745-21-09(DDD)(2). This is a violation of Ohio Administrative Code 3745-21-09(DDD)(1)(c), and Ohio Revised Code Section 3704.05(G). The last passing annual Stage II tests for True North #353 were January 5, 2012, and dynamic pressure on January 17, 2008.

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 #353 schedule, perform and pass all required Stage II testing and submit test results to the following address within thirty (30) days of receipt of this letter:

Cleveland Division of Air Quality
75 Erievue Plaza, 2nd Floor
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Your written response to this letter must be received by CDAQ within thirty (30) 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.

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 Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for True North #353: 13-18-51-6830.

Sincerely,

A handwritten signature in cursive script that reads "Valencia White".

Valencia White
Chief of Enforcement, CDAQ
VW/ak *UK*

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