



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview 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 7011 3500 0000 1759 9048
RETURN RECEIPT REQUESTED**

April 12, 2013

David Nye
True North Energy 356
10346 Brecksville Road
Brecksville, Ohio 44141

NON-HIGH PRIORITY FACILITY

**RE: TRUE NORTH ENERGY 356, 14473 CEDAR ROAD, SOUTH EUCLID, OHIO
FACILITY ID: 13-18-54-6835**

**NOTICE OF VIOLATION: FAILURE TO SUCCESSFULLY PASS STAGE II
TESTING**

Dear Mr. Nye:

On April 2, 2013, the Cleveland Division of Air Quality (CDAQ) witnessed Stage II vapor recovery system testing at True North Energy Location 356 at 14473 Cedar Road in South Euclid. 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 Energy Location 356 failed to successfully pass the testing requirements specified 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. This is a violation of OAC Rule 3745-21-09(DDD)(1)(c) and Ohio Revised Code Chapter 3704.05(G).

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 356 schedule and retest Static Leak and Dynamic Pressure, and submit the testing results, within thirty (30) days of your receipt of the letter to the following enforcement representative:



Mike Samec
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 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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA facility identification number for True North Energy Location 356: 13-18-54-6835.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ms

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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