



## REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-1280

937-225-4435 — Fax: 937-225-3486

[www.rapca.org](http://www.rapca.org)

July 30, 2010

### Certified Mail

Mr. John Tucker

Klosterman Bakery Co. - KBO

508 W. Main St.

Springfield, OH 45504

### NOTICE OF VIOLATION [HPV – GC 6]

**Summary:** Klosterman Bakery Co. – KBO (“Klosterman”) operates a Title V facility at 508 West Main Street, Springfield, Clark County, Ohio.

Klosterman was required to submit a Title V renewal application by April 7, 2010. On June 28, 2010, the Regional Air Pollution Control Agency (RAPCA) received the Title V renewal permit application. Klosterman failed to submit a complete and timely Title V renewal application. Klosterman also failed to submit a Title V Compliance Certification by the due date of April 30, 2010. A Title V Compliance Certification was received on July 12, 2010. Enforcement orders may be issued in the future to resolve these violations.

Dear Mr. Tucker:

On October 4, 2005, Klosterman (Ohio EPA facility no. 0812100106), was issued a Final Title V Operating Permit. On October 28, 2009 and on December 24, 2009, Ohio EPA issued reminder letters to Klosterman notifying the facility that the Title V permit would expire on October 4, 2010, and that a renewal Title V permit application was due by April 7, 2010. Pursuant to Ohio Administrative Code (OAC) rule and the Clark County Combined Health District Air Pollution Control Regulations (CCCHDAPCR) rule 3745-77-04(E), “Title V permit renewal applications shall be filed no earlier than eighteen months and no later than six months prior to the expiration of the Title V permit”. Klosterman submitted a Title V renewal application to Ohio EPA via Air Services on June 28, 2010. Late submittal of a Title V renewal application is a violation of OAC and CCCHDAPCR rule 3745-11-02(A) and Ohio Revised Code (ORC) 3704.05.

The failure to submit a complete and timely Title V permit renewal application has resulted in the loss of the “application shield” provided by OAC and CCCHDAPCR rule 3745-77-06(A) for this facility. The submission of the late Title V permit renewal application did not reinstate the “application shield” provided by OAC and CCCHDAPCR rule 3745-77-06(A) for this facility. Therefore, operation of this facility after the expiration

Klosterman Bakery Co.  
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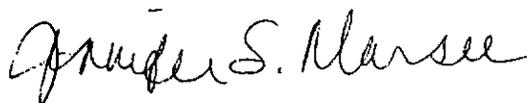
date of the Title V permit, without a valid Title V renewal permit or a federally enforceable permit to install and operate being issued by the Director, is a violation of OAC and CCCHDAPCR rule 3745-77-02(A) and ORC 3704.05.

Klosterman also failed to submit a Title V Compliance Certification by April 30, 2010, in violation of the General Terms and Conditions, Part I, Section A.12.d.i., of the Title V operating permit issued October 4, 2005, and ORC 3704.05(J)(2). A Title V Compliance Certification was received on July 12, 2010.

Acceptance of the Title V permit renewal application and Title V Compliance Certification does not constitute waiver of Ohio EPA's and RAPCA's authority to seek civil penalties as provided in section 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether to pursue such penalties will be made by Ohio EPA and RAPCA at a later date.

If you have any questions regarding this matter, please contact Jason Simon at (937) 496- 6751, or me at (937) 496-7540.

Sincerely,



Jennifer S. Marsee  
Supervisor, Abatement Unit  
Regional Air Pollution Control Agency

cc: John Paul, RAPCA  
Jefferis Canan, RAPCA  
Michael Matis, PHDMC  
Lisa Holscher, USEPA  
Tom Kalman, OEPA

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Total P.O.: Mr. John Tucker  
 Sent To: Klosterman Bakery Co. - KBO  
 Street, Apt. or PO Box: 508 W. Main St.  
 City, State: Springfield, OH 45504

PS Form 3800, January 2001 See Reverse for Instructions

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1. Article Addressed to:

Mr. John Tucker  
 Klosterman Bakery Co. - KBO  
 508 W. Main St.  
 Springfield, OH 45504

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