



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Auglaize County
TravelCenters of America
Complaint Investigation
Notice of Violation (NOV)

July 2, 2009

CERTIFIED MAIL

Mr. Tom Panos, Owner
TravelCenters of America
1775 Bellefontaine Street
Wapakoneta, Ohio 45895

Dear Mr. Panos:

As you will recall from our past telephone conversations and emails, Ohio EPA has consistently, over the past couple of years, received complaints about the Travel Centers of America's (TCA) parking lot dust. Although we have attempted to elicit voluntary control measures from the company, the efforts put forth, to date, have been minimal and failed to result in any continuous control of dust from vehicular traffic. Based on these past and recent complaints, we believe fugitive dust emissions from the unpaved roadway(s) and parking lot(s) at this Travel Center location are causing a public nuisance in violation of Ohio Administrative Code (OAC) rule 3745-15-07.

TCA's failure to control its fugitive dust emissions is also a violation of OAC rules 3745-31-05 and 3745-17-08(A)(2). In addition, the company's operation of an air contaminant source without a Permit-to-Install /Operate is a violation of OAC rule 3745-31-02. To correct these violations, TCA needs to do the following:

1. Provide the date(s) for your acquisition of ownership for this facility and, if different, for the acquisition of the TCA franchise.
2. Provide a potential-to-emit (PTE) analysis for fugitive dust emissions from the paved and unpaved roadway(s) and parking area(s). Emissions are determined by using equations in US EPA's AP-42, Section 13.2.2-1 (11/2006).
3. Submit a Permit-to-Install /Operate (PTIO) application, and associated attachments, for the paved/unpaved roadway(s) and parking area(s).

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This application should include a comprehensive plan to implement best available technology/reasonably available control measures to permanently eliminate fugitive dust emissions. Please note that, based on our understanding of the operation, i.e. the unpaved parking area is utilized as a parking lot by a large number of trucks each night, we would not accept "watering" as the primary means for controlling fugitive dust emissions. TCA also needs to be aware of its responsibility of preventing any material from being tracked out onto public roadways (See OAC rule 3745-17-08(B)(9)).

4. Implement immediate interim control measures to rectify the public nuisance. These measures must be adequate to control fugitive dust whenever visible emissions are present. Failure to do so will result in additional NOV's and escalated enforcement. Upon receipt of this letter, please contact me and provide the immediate steps TCA will take.

The submission of this information is required within 30 days of the date of this letter. Please note that the submission of the requested information to respond to this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

You may contact me at (419) 373 -3117, should you have any questions or comments regarding this letter. I may also be contacted electronically by E-mail at: paul.chad@epa.state.oh.us

Sincerely,



Paul Chad
Division of Air Pollution Control

/llr

pc: Don Waltermeyer, DAPC NWDO
Tom Kalman, DAPC CO
Lisa Holscher, US EPA
DAPC-NWDO File
NWDO Follow-up File
Certified Receipt Number 7007 2560 0000 4479 2919

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7/2/09

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LAURENCE BROWN...
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PS Form 3811, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 7/7/09</p> <p>D. Is delivery address different from item 1? If YES, enter delivery address below: P.O. Box 38</p>
<p>1. Article Addressed to: MR TOM PINES, OWNER TRAVEL CENTERS OF AMERICA 1775 BELLECHASSE BLVD ANN ARBOR MI 48106</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

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