

# Air Pollution Control Division

## Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544  
(330) 489-3385 • Fax: (330) 489-3335

James M. Adams, R.S., MPH  
Health Commissioner

Daniel J. Aleman, M.S., PE  
APCD Administrator

**OhioEPA**

APC Contractual Representative  
Serving All of Stark County

**COPY**

**CERTIFIED MAIL**

Friday, March 14, 2008

HARRISON & TUSCARAWAS 76  
ATTN: MR. JIM KELLER  
2206 WEST TUSCARAWAS  
CANTON, OH 44708

**Re: NOTICE OF VIOLATION OF NONCOMPLIANCE WITH THE OHIO ADMINISTRATIVE CODES, 3745-31-02(A); OPERATION OF NON PERMITTED GASOLINE DISPENSING FACILITIES (NO PTI) AND 3745-35-02(A); OPERATION OF NONPERMITTED GASOLINE DISPENSING FACILITIES (NO PTO); FACILITY ID # 1576051438, HARRISON & TUSCARAWAS 76, LOCATED AT 2206 WEST TUSCARAWAS, 44708 IN STARK COUNTY**

Dear Mr. Keller,

A review of Local Air Agency files to update our files and to verify compliance status has disclosed that PTO (Permit to Operate) for this GDF (Gasoline Dispensing Facility), has expired on 04/11/2005; an application has not been completed and submitted to this Agency. As is, the operation of this facility is not in compliance with the State of Ohio regulations. Such an operation constitutes a violation of the OAC (Ohio Administrative Code) rule 3745-35-02 (A). A violation of OAC rule 3745-35-02 (A) constitutes a violation of Ohio Revised Code 3704.05(G).

This is to notify you that the gas dispensing facility is qualified for a permit exemption option. A PBR (Permit-By-Rule) is a specific permit exemption in the OAC that applies to certain types of low-emitting air pollution sources including but not limited to GDF's. The PBR is an option you may use to exempt your source from the air permit application process.

A PBR exempts the air pollution source from the PTI and PTO process and functions as both the installation and operating permit for the source. However, the air pollution source must continually meet all of the PBR criteria. If the air pollution source can no longer comply with the conditions of the PBR, you must apply for a traditional PTI and/or PTO.

You may elect to obtain a traditional air permit, but because PBR's are part of OAC 3745-31-03 PTI exemptions, the air pollution sources are exempt from the air permit application process and

the associated PTI fees. Additionally, if all air pollution sources at a facility are exempt, the facility is not required to pay annual emission fees.

Since the PBR effectively functions as the permit, Ohio EPA retains the authority to enforce all provisions of the OAC, including, but not limited to, revoking a company's option to operate under a PBR. Sources operating under a PBR can be inspected by Ohio EPA and are subject to the same enforcement provisions as other permitted facilities.

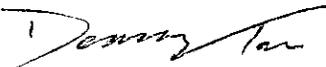
Copies of the PBR requirements, notification form, guidance materials, and other information can be obtained online at [www.epa.state.oh.us/dapc/pbr/permitbyrule.html](http://www.epa.state.oh.us/dapc/pbr/permitbyrule.html).

**I have enclosed a copy of the *Permit By Rule Notification Form – Gas Dispensing Facility*. Please complete for each facility and send to:**

**Canton City Health Department  
Air Pollution Control Division  
Attn: Mr. Denny Tan  
420 Market AVE N  
Canton, OH 44702**

Should you have any questions concerning this letter or the completion of the notification forms, please contact me at (330) 489-3385.

Sincerely,



Denny Tan

Staff Field Inspector II  
Air Pollution Control Division  
Canton City Health Department

Enc:

- 1) *Permit by Rule Notification Form – Gasoline Dispensing Facility*
- 2) *Permit by Rule Fact Sheet*

Pc:

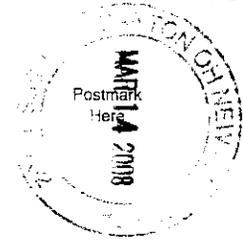
- 1) *Correspondence file, March, 2008*
- 2) *Addressee via Certified Mail*

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**CERTIFIED MAIL™ RECEIPT**  
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Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.38



Sent To: HARRISON & TUSCARAWAS 76  
 Street, Apt. No., or PO Box No.: ATTN: MR. JIM KELLER  
 2206 W. TUSC.  
 City, State, ZIP+4: CANTON OH 44708

PS Form 3800, June 2002 See Reverse for Instructions.

**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:

HARRISON & TUSCARAWAS 76  
 ATTN: MR. JIM KELLER  
 2206 W. TUSC.  
 CANTON OH 44708

2. Article Number  
(Transfer from service label)

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
*[Signature]*  
 B. Received by (Printed Name)  Agent  Addressee  
*JIM KELLER*  
 C. Date of Delivery  
*3-11-08*  
 D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

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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Domestic Return Receipt