

Air Pollution Control Division



Canton City Health Department

APC Contractual
Representative
Serving All of Stark County

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

Robert E. Pattison, MPA
Health Commissioner

Daniel J. Aleman
APCD Administrator

COPY

CERTIFIED MAIL

Thursday, January 10, 2008

BIG KMART EXPRESS #4175
ATTN: BOB KEELER
3801 HARMONT AVE NE
CANTON, OH 44705

**Re: NOTICE OF VIOLATION OF NONCOMPLIANCE WITH THE OHIO
ADMINISTRATIVE CODE 3745-35-02(A); OPERATION OF A NONPERMITTED
GASOLINE DISPENSING FACILITY ID # 1576001893**

Dear Mr. Keeler,

A review of Local Air Agency files to update our files and to verify compliance status has disclosed that the PTO (Permit to Operate) for this GDF (Gasoline Dispensing Facility) has not been completed and submitted to this Agency. As is, the operation of this GDF 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 your GDF 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.

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

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

Should you have any questions concerning this letter, please contact me at (330) 489-3385 ext. 4664.

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, Jan. 2008

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

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Total Postage & Fees	\$ 11.80

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Sent to: BIG KMART EXPRESS #4175
 ATTN: BOB KEELER
 Street No.: 3801 HARMONT AVE NE
 ZIP+4: CANTON OH 44705

PS Form 3811, June 2002 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"/> <i>Wanda Goodman</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>BIG KMART EXPRESS #4175 ATTN: BOB KEELER 3801 HARMONT AVE NE CANTON OH 44705</p>		<p>B. Received by (Printed Name) C. Date of Delivery <i>WANDA GOODMAN</i> 02-11-08</p>	
<p>2. Article Number (Transfer from service label) 7006 0810 0004 5529 3219</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
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