

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

Monday, December 31, 2007

77 Gulliver's Travel Plaza, INC
Attn: Michael Kerr
2320 Faircrest RD SW
Canton, OH 44706

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

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) expired on August 08, 2000 and to date; a renewal application 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.

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, Dec. 2007

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7005 3110 0000 8719 6062

Sent To	77 GULLIVER'S TRAVEL PLAZA, INC
Street, Apt. No., or PO Box No.	ATTN: MICHAEL KERR
City, State, ZIP+4	2320 FAARCREST RD SW CANTON OH 44706

PS Form 3800, 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 <i>x Sharon McGraw</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Sharon McGraw</i> C. Date of Delivery <i>1-4-08</i></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>1. Article Addressed to:</p> <p style="text-align: center;">77 GULLIVER'S TRAVEL PLAZA, INC ATTN: MICHAEL KERR 2320 FAARCREST RD SW CANTON OH 44706</p>	<p>3. Service Type</p> <p><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> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number <i>(Transfer from service label)</i></p>	<p style="text-align: center; font-size: large;">7005 3110 0000 8719 6062</p>



Office of Compliance Assistance and Pollution Prevention

July 2005

Permit-by-Rule for Air Pollution Sources

What is a PBR?

A permit-by-rule (PBR) is a specific permit exemption in the Ohio Administrative Code (OAC) that applies to certain types of low-emitting air pollution sources. The PBR is an option a company may use to exempt a source from the air permit application process.

The PBR contains qualifying criteria, emission limitations, conditions for operation and requirements for record keeping and reporting. Many of these requirements are similar or identical to those found in air pollution permits issued by Ohio EPA for these types of sources. The air pollution source or facility must continually meet all of the PBR criteria to qualify for the PBR. Ohio EPA retains the authority to deny or revoke a company's ability to operate under the PBR provisions and to require the company to obtain traditional permits.

What are the PBR categories?

OAC 3745-31-03(A)(4) contains PBR provisions for:

- emergency electrical generators;
- resin injection/compression molding equipment;
- small crushing and screening plants;
- soil-vapor extraction and soil-liquid extraction remediation activities;
- auto body refinishing facilities;
- gasoline dispensing facilities;
- natural gas fired boilers and heaters; and
- printing facilities.

How does a PBR differ from an ordinary permit?

Many air pollution sources must obtain air pollution permits from Ohio EPA. A permit-to-install (PTI) is required before installing the air pollution source. A renewable permit-to-operate (PTO) is required for continued operation after installation.

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.

Is a source or facility operating under a PBR exempt from other air pollution provisions?

No. The PBR exempts the air pollution source or facility from the procedural permitting requirements only (OAC 3745-31-02 and 3745-35-02). For convenience, the PBR specifies applicable emission regulations and any other OAC requirements for the source. A source operating under a PBR is still subject to general air pollution provisions such as OAC 3745-15-07 Air Pollution Nuisances Prohibited.

How did Ohio EPA determine the PBR categories?

Not all types of air pollution sources are suited for a PBR. The following is a list of some criteria Ohio EPA used

when considering an air pollution source or type of facility for a PBR:

- there are many (i.e., greater than 300) such sources in Ohio;
- the sources are similar in design and operation;
- the sources have few applicable air pollution regulations;
- the emissions from the sources are well defined and the sources do not have the potential to emit large quantities of air emissions;
- the sources do not need to employ add-on pollution control devices;
- the sources do not require emission (stack) testing; and
- the sources employ a proven type of technology or clean design which is unlikely to change significantly in the near future.

Must an air pollution source or facility use the applicable PBR?

No. The company may elect to obtain a traditional air permit.

What are the benefits of a PBR?

Sources qualifying for the PBRs are exempt from obtaining a PTI and PTO. Because the PBR puts all air pollution requirements in one place, industry personnel will have a defined set of requirements for PBR sources, saving time and energy in evaluating potential EPA requirements. The PBR also will also encourage industries to consider cleaner designs and operating practices when planning new installations.

Permit-by-Rule for Air Pollution Sources

Can a company that is operating a source according to an existing PTI or PTO switch to the PBR?

Yes. The company must submit a written request to Ohio EPA to revoke the affected permits and must agree to meet all qualifying and operation conditions of the PBR. Ohio EPA will then make a final written determination on the request. If approved, the company can begin operating according to the PBR on the date the existing PTI or PTO is revoked. In some cases, the PBR conditions might impose more stringent limitations on the facility than those specified in their current permits. It's important to carefully evaluate the PBR provisions.

What do the PBRs require?

All PBRs include notification, record keeping and reporting requirements.

Notification: A company wishing to claim a PBR exemption is required to submit a written notification to Ohio EPA stating the source meets the PBR qualifying criteria and will operate according to the PBR conditions. For new installations, the notification is required before installation. For permitted sources wishing to switch to PBR, the company must request the change in writing as specified above and have Ohio EPA approve the request.

Record Keeping: Each PBR details what operational records, such as amount of material used, type of fuel burned, test records, etc., that must be maintained.

Reporting: Facilities claiming PBR exemptions must promptly report any exceedances of the PBR conditions or emission limitations to Ohio EPA.

It is critical that a company claiming a PBR exemption be aware of all of these requirements.

Some PBRs contain material usage limits. What is the basis for these limits?

The limits were included to demonstrate the facility's potential emissions would not classify it as a major source under the Title V program. These limits are based, in part, on U.S. EPA's Potential to Emit (PTE) Guidance for Specific Source Categories, April 1998. Ohio EPA used the document and associated background information to develop the qualifying criteria for the PBRs for auto body refinishing, gasoline-dispensing facilities and printing facilities. This document was intended to help states understand PTE issues when developing general permits or PBR provisions for certain categories of small sources.

Does a PBR have associated fees?

No. Because PBRs 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.

Will the PBRs have a negative effect on air quality?

No. Ohio EPA's air permit program is one tool used to help improve air quality. Because each PBR will contain the same requirements as a traditional individual permit, there should not be an increase in pollutants.

How does the PBR affect Ohio EPA's enforcement authority?

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 the PBR. Sources operating under a PBR can be inspected by Ohio EPA and are subject to the same enforcement provisions as other permitted facilities.

Where can I get more PBR information?

Copies of the PBR requirements, notification forms, guidance materials and other information can be obtained online at www.epa.state.oh.us/dapc/pbr/permitbyrule.html.

This Web site also features a listing of all PBR notifications received by Ohio EPA, including type of PBR, date received and effective date.

You may also contact your local Ohio EPA district office or local air agency for PBR questions. Ohio EPA's Office of Compliance Assistance and Pollution Prevention can also assist you in obtaining information about the PBRs at (800) 329-7518.



**Division of Air
Pollution Control**

**Permit by Rule Notification Form
Gasoline Dispensing Facility**

Submission of this form constitutes notice that the party identified in Section I of this form intends to be authorized to install/operate a source of air pollution according to the permit-by-rule provisions of OAC 3745-31-03(A)(4)(a) and (h) or (i). By submitting this form, the applicant agrees to operate and maintain the facility and equipment in accordance with the applicable permit-by-rule provisions. An original signature is needed and forms transmitted by fax will not be accepted. Complete all information as indicated by the instructions.

I. Applicant Information / Mailing Address

Company (Applicant) Name: _____
 Mailing (Applicant) Address: _____
 City: _____ State: _____ Zip Code: _____
 Contact Person: _____ Phone: _____ Fax: _____ E-mail: _____

II. Facility / Site Location Information

Facility Name: _____
 Facility Address / Location: _____ County: _____
 City: _____ State: _____ Zip Code: _____
 Facility Contact: _____ Phone: _____ Fax: _____ E-mail: _____
 Ohio EPA Facility ID Number (10-digit) if known – See Instructions: _____

III. Reason for Submitting Notification:

- Initial request Equipment modification Ownership change
- Request for revocation of current permit - See Instructions and complete additional information below
- Permit to install (PTI) or Permit to operate (PTO) number Emission Unit ID (4-digit)
- _____ _____

IV. Permit-by-Rule Requested – See Instructions for eligibility by county

- Facility with Stage I controls Facility with Stage I and II controls
 OAC 3745-31-03(A)(4)(h) OAC 3745-31-03(A)(4)(i)

V. Storage Tank Information

- Yes No Are all gasoline tanks equipped with submerged fill pipes?

VI. Vapor Control System for Tank Filling (Stage I controls):

- Vapor balance, single point Vapor balance, dual point Other, describe _____

VII. Vapor Control System for Vehicle Refueling (Stage II controls): Required in certain counties, see Instructions

Manufacturer Name: _____ Model Number: _____
 CARB Executive Order Number: _____ Date installed (month/year) _____

Number of nozzles	Manufacturer	Model Number

VIII. Volume of Gasoline Dispensed: _____ gal/month, _____ gal/year

IX. Vapor Control System Exemption Status (check all that apply)

- Stage I controls exemption per OAC 3745-21-09(R)(4) – See Instructions for additional information required to be submitted with this form.
- Stage II controls exemption per OAC 3745-21-09(DDD)(4) – See Instructions for additional information required to be submitted with this form.
- Not applicable

I certify under penalty of law that all statements or assertions of fact made in this notification are true and complete, and shall subject the signatory to liability under state laws forbidding false or misleading statements.

Applicant Name (Print): _____ Title: _____

Applicant Signature: _____ Date: _____

RETAIN A COPY OF THIS FORM FOR YOUR RECORDS

Mail the original, signed form to the appropriate Air Permit Review Agency (District Office/ Local Air Agency) for your county. (Please refer to the Air Permit Review Agency map in the attached instructions for mailing address).

Rev 05/07

For Ohio EPA Use Only :

PBR ID / FAC ID: _____

Date received : _____

INSTRUCTIONS: Permit-by-Rule Notification Form Gasoline Dispensing Facility

GENERAL INSTRUCTIONS:

Provide complete responses to all applicable questions. Submittal of an incomplete form will delay review and processing. If you need assistance, contact your Ohio EPA District Office or Local Air Agency for assistance. Contact the Ohio EPA, Division of Air Pollution Control at (614) 644-2270 for more information on contacting your local district office or go to <http://www.epa.state.oh.us/dapc> and select the topic "District Offices and Local Air Agencies". For more information on the permit-by-rule process, including online tracking of your notification form, go to <http://www.epa.state.oh.us/dapc/pbr/permitbyrule.html>

This is a notification form for a gasoline dispensing facility intended to be installed and/or operated according to the permit-by-rule provisions of OAC 3745-31-03(A)(4)(a) and (h) or (i). The permit-by-rule (PBR) provisions cover all equipment (pumps, nozzles, storage tanks, vapor recovery systems, piping, etc.) which are part of gasoline dispensing operations but do not cover other types of air pollution sources, if present at the facility, such as solvent parts washers, boilers, or diesel electrical generators which may require air pollution permits. For copies of these regulations, contact your Ohio EPA District Office or Local Air Agency. State regulations may also be viewed and downloaded from the Ohio EPA website at <http://www.epa.state.oh.us/dapc/regs/regs.html>

- I. Enter the company name, corporate name or other name and mailing address for the legal entity which owns or operates the facility specified in the permit-by-rule notification (example: Hi-Way Gas Stations, Inc. or ABC Petroleum Corporation). Provide the name of the individual to be contacted concerning questions about the notification form being submitted.
- II. Enter the name and address for the facility at which the permit-by-rule units (equipment) operate (example: 45th Street Shop, Station #27). This could be the same as the applicant name if the facility has no independent name. This address information is the location of the facility and not the mailing address, unless they are the same. Provide the name of the individual at the facility to be contacted concerning questions about the operation of the facility. Please specify the 10-digit Ohio EPA facility ID number if the facility has been issued air pollution permits from the Ohio EPA. If no permits exist, leave this blank. The facility ID number is contained in permits to install, permits to operate, or fee emission reports sent to the facility by Ohio EPA. If not known, contact the District Office or Local Air Agency with jurisdiction in the area the facility is located to confirm the facility ID number.
- III. Check all applicable boxes. Check "Initial" if this is a new installation or the first request to operate under a permit-by-rule provision. Check "Equipment modification" if making substantial equipment changes (example: replacing vapor control system) since the initial notification. Check "Ownership change" if the facility has changed names, contact person, or has a new owner intending to operate under a permit-by-rule provision. If using this form to also request the revocation of existing permits, specify the permit numbers and all applicable 4-digit emission unit IDs (G001, T001, etc.) These numbers are contained in permits to install, permits to operate, or fee emission reports sent to the facility by Ohio EPA. If not known, contact the District Office or Local Air Agency with jurisdiction in the area the facility is located to confirm the permit numbers and emission unit ID numbers.
- IV. Check the permit-by-rule provision requested. Facilities in Delaware, Franklin, Licking, Lucas, Mahoning, Stark, Trumbull, and Wood counties are eligible for the Stage I controls PBR. Facilities in Ashtabula, Butler, Clark, Clermont, Cuyahoga, Geauga, Greene, Hamilton, Lake, Lorain, Medina, Miami, Montgomery, Portage, Summit, and Warren counties are eligible for the Stage I and II controls PBR.
- V. Check "Yes" or "No" to indicate if all gasoline storage tanks have a fill pipe that extends to within six inches of the tank bottom. Also see OAC 3745-21-01 for the regulatory definition of "submerged fill pipe". Please note if you answer "No", the facility is not eligible for PBR authorization to install or operate. Please complete a permit-to-install application (forms are available at <http://www.epa.state.oh.us/dapc/permits/permits.html>) or continue to operate in accordance with your existing permits if the gasoline dispensing facility has been previously permitted.
- VI. This refers to the type of system employed to control volatile organic compound (VOC) emissions during delivery of gasoline from a tank truck to storage tanks at the gasoline dispensing facility. Check the appropriate box as follows: Vapor Balance System, Single Point (VB-1) means coaxial fill pipe and adaptor; Vapor Balance System, Dual Point (VB-2) means separate fill pipe and vapor return pipe; and Other means a system other than vapor balance (e.g., vapor adsorption or refrigeration). If an exemption from the Stage I control requirements is being claimed (Section IX), leave this blank.
- VII. This section **MUST** be completed for a facility located in Ashtabula, Butler, Clark, Clermont, Cuyahoga, Geauga, Greene, Hamilton, Lake, Lorain, Medina, Miami, Montgomery, Portage, Summit, and Warren counties unless an exemption from the Stage II control requirements is claimed. If claiming an exemption (Section IX), leave this blank. Identify the manufacturer and model number of the Stage II vapor control equipment and date the system was/will be installed. Provide the Executive Order Number (issued by California Air Resources Board) for the equipment; for example, G-70-14-AA.

Identify the quantity, manufacturer, and model number of each type of dispensing nozzle. Information and copies of executive orders, approval letters, equipment advisories, and equivalent test procedures may be obtained by writing to: "California Air Resources Board, Monitoring and Laboratory Division, P.O. Box 2815, Sacramento, CA, 95812-2815" or by calling (916) 327-0900. The full texts of all CARB certification documents are also available in electronic format at <http://www.arb.ca.gov/vapor/vapor.htm> or by contacting your equipment vendor or Ohio EPA District Office or Local Air Agency.

- VIII. Provide the maximum gasoline throughput based on the previous two calendar years. For new facilities provide an estimate of the maximum expected gasoline throughput for a full month and year. To qualify for permit-by-rule, this throughput must be below 3,800,000 gallons/year for the Stage I permit-by-rule, and below 16,000,000 gallons/year for the Stage II permit-by-rule.
- IX. If claiming an exemption from the Stage I or Stage II vapor control equipment requirements pursuant to paragraphs (R)(4) or (DDD)(4) of OAC rule 3745-21-09 respectively, please attach a written description of the appropriate exemption to this notification form. Exemption criteria are specified in the text of OAC 3745-21-09 that accompanies these instructions. If claiming exempt status as an independent small business marketer (ISBM), please contact your Ohio EPA District Office or Local Air Agency.

Signature Requirements – This notification will be deemed incomplete if it is not signed by the appropriate signatory. Please see the following guidance at http://www.epa.state.oh.us/dapc/title_v/resppoff.pdf for more information on who is authorized to sign this form or contact your Ohio EPA District Office or Local Air Agency.

Permit-by-Rule Requirements: Gasoline Dispensing Facility

Excerpts from applicable sections of Ohio Administrative Code 3745-31-03(A)(4) are included with these Instructions for convenience. An owner or operator of a gasoline dispensing facility which intends to install and/or operate according to the permit-by-rule provisions must comply with all applicable requirements specified in paragraphs (A)(4)(a) – General Provisions, and (A)(4)(h) – Gasoline Dispensing Facility with Stage I Controls or (A)(4)(i) – Gasoline Dispensing Facility with Stage I and II Controls.

(4) Permit-by-rule exemptions

The following air contaminant sources are exempt from the requirement to obtain a permit to install. These exemptions are valid only as long as the owner or operator complies with all of the permit-by-rule general provisions, meets the qualifying criteria defined in the applicable permit-by-rule and complies with all of the requirements under the applicable permit-by-rule specific provisions. Upon request by the director, the owner or operator of a facility that has exceeded the permit-by-rule thresholds or that the director finds is causing or may cause a public nuisance in violation of rule 3745-15-07 of the Administrative Code shall submit an application for a permit to install.

These exemptions do not, however, exempt any air contaminant source from requirements of the federal Clean Air Act, including being considered for purposes of determining whether a facility constitutes a major source or is otherwise regulated under Chapter 3745-77 of the Administrative Code or any requirement to list insignificant activities and emission levels in a Title V permit application. In addition, this rule does not relieve the owner or operator from the requirement of including the emissions associated with the exempt sources into any major new source review permitting action.

(a) General provisions

These general provisions apply to all owner or operators who are utilizing one or more of the permit-by-rule exemptions listed in paragraphs (A)(4)(b) through (A)(4)(l).

(i) Recordkeeping requirements

The owner or operator shall collect and maintain the records described for each air contaminant source exempted under paragraph (A)(4) of this rule and these records shall be retained in the owner or operator's files for a period of not less than five years, unless otherwise specified in each exemption. These records shall be made available to the director or any authorized representative of the director for review during normal business hours.

(ii) Notification requirements for new installations

For the purposes of this paragraph, a new permit-by-rule air contaminant source is an air contaminant source installed after the promulgation date of any new applicable permit-by-rule or July 29, 2005, whichever comes later. The owner or operator of a new permit-by-rule air contaminant source electing to use an applicable permit-by-rule exemption shall submit a written notification in a form and manner prescribed by the director prior to installation of the air contaminant source. This notification, or form, shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency, and shall contain the following information:

- (a) The owner or operator's and the facility contact's name;
- (b) The facility mailing address and telephone number;
- (c) The location of the air contaminant source(s);
- (d) A description of the air contaminant source, including any pollution control(s); and
- (e) A statement by the owner or operator that indicates which permit-by-rule applies to the air contaminant source.

(iii) Notification requirements for existing permitted sources

The owner or operator of an air contaminant source which is operating under an existing permit to install and/or permit to operate may continue to operate in compliance with that permit or may submit a written request to the Ohio EPA to revoke any such individual permit or permits and to allow the air contaminant source to operate under the permit-by-rule provisions. The director may revoke a permit to install and/or permit to operate if the permittee requests revocation, agrees to meet all permit-by-rule qualifying and operating conditions, and the director determines that the revocation will not result in the violation of any applicable laws. When a permittee requests a revocation pursuant to this paragraph, the director, without prior hearing, shall make a final determination on the request and inform the permittee in writing. If the director agrees with the request to operate under the permit-by-rule, then the permit-by-rule becomes applicable to the permittee on the date the existing permit to install and/or permit to operate are revoked.

(iv) Notification requirements for existing permit-by-rule sources

The owner or operator of an air contaminant source that is operating under one of the permit-by-rules that existed prior to July 29, 2005 (emergency electrical generators, injection and compression molding, crushing and screening plants, soil-vapor extraction and soil-liquid extraction) and desires to continue operating under the permit-by-rule shall submit a written notification which contains all of the elements required in paragraph (A)(4)(a)(ii) of this rule. This notification shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency and shall be submitted by July 29, 2006.

(v) Records retention requirements

Each record of any monitoring data, testing data, and support information required pursuant to a specific permit-by-rule shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the specific permit-by-rule. Such records may be maintained in computerized form.

(vi) Reporting requirements

The owner or operator shall submit required reports in the following manner:

(a) Reports of any monitoring and/or record keeping information required by a specific permit-by-rule shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency.

(b) Except as otherwise may be provided in a permit-by-rule specific reporting requirements paragraph of a specific permit-by-rule, a written report of any deviations (excursions) from emission limitations, operational restrictions, qualifying criteria, and control equipment operating parameter limitations that have been detected by the testing, monitoring, and record keeping requirements specified in the permit-by-rule shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency within thirty days of the date the deviation occurred. The report shall describe the specific limitation and/or operational restriction exceeded, the probable cause of such deviation, and any corrective actions or preventive measures that have been or will be taken.

(vii) Scheduled maintenance/malfunction reporting

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of rule 3745-15-06 of the Administrative Code. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio environmental protection agency district office or local air agency in accordance with paragraph (B) of rule 3745-15-06 of the Administrative Code. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is served by such control system(s).

Note: Paragraphs (b) through (g) are omitted since they do not apply to the gasoline dispensing facility PBR

(h) Gasoline dispensing facility with Stage I controls permit-by-rule.

(i) Qualifications.

A gasoline dispensing facility, as defined in paragraph (H) of rule 3745-21-01 of the Administrative Code, which is not otherwise exempted under paragraphs (A)(1)(ee) or (A)(1)(ff) of this rule, and meets all of the following conditions is eligible to use this permit-by-rule:

(a) Is located in Delaware, Franklin, Licking, Lucas, Mahoning, Stark, Trumbull, and Wood counties.

(b) Has all gasoline storage tanks equipped with submerged fill pipes, as defined in paragraph (H) of rule 3745-21-01 of the Administrative Code.

(c) Employs a Stage I vapor balance or vapor control system in accordance with paragraph (R) of rule 3745-21-09 of the Administrative Code to control the vapors displaced from the stationary storage tanks during delivery vessel transfer operations, unless exempted from Stage I requirements by one of the provisions of paragraph (R)(4) of rule 3745-21-09 of the Administrative Code.

(d) Has a gasoline throughput of less than three million eight hundred thousand gallons per year.

(ii) Applicable emission limitations and/or control requirements.

(a) The applicable rules, emissions limitations and control requirements that apply to the facility subject to this permit-by-rule are defined in the following table:

Applicable Rule(s)	Applicable Emissions Limitations/Control Requirements
Paragraph (A)(3) of rule 3745-31-05 of the Administrative Code	Organic compound (OC) emissions from the facility shall not exceed twenty-five tons per year. The facility shall employ submerged fill pipes on all gasoline storage tanks. The requirements of this rule also include compliance with the requirements of paragraph (R) of rule 3745-21-09 of the Administrative Code.
Paragraph (R) of rule 3745-21-09 of the Administrative Code	The control efficiency of the vapor balance or vapor control system shall be at least ninety per cent by weight for volatile organic compounds (VOC).

(iii) Operational restrictions.

The facility shall comply with the following operational restrictions for the Stage I vapor control system:

- (a) The vapor balance system shall be kept in good working order and shall be used at all times during the transfer of gasoline.
- (b) There shall be no leaks in the delivery vessel pressure/vacuum relief valves and hatch covers.
- (c) There shall be no leaks in the vapor lines or liquid lines during the transfer of gasoline.
- (d) The transfer of gasoline from a delivery vessel to a stationary storage tank shall be conducted by use of submerged fill into the storage tank. The submerged fill pipe(s) are to be installed so they are within six inches of the bottom of the storage tank.
- (e) All fill caps shall be in place and clamped during normal storage conditions.
- (f) The owner or operator of the facility shall repair within fifteen days any leak from the vapor balance system or vapor control system which is employed to meet the requirements of paragraph (R)(1) of rule 3745-21-09 of the Administrative Code when such leak is equal to or greater than one hundred percent of the lower explosive limit as propane, as determined under paragraph (K) of rule 3745-21-10 of the Administrative Code.

(iv) Monitoring and/or recordkeeping requirements.

- (a) The owner or operator of the facility shall maintain records of the results of any leak checks, including, at a minimum, the following information:
 - (i) Date of inspection.
 - (ii) Findings (may indicate no leaks discovered or location, nature, and severity of each leak).
 - (iii) Leak determination method.
 - (iv) Corrective action (date each leak repaired and reasons for any repair interval in excess of fifteen calendar days).
 - (v) Inspector's name and signature.
- (b) The owner or operator of the facility shall maintain records of the annual gasoline and diesel/kerosene/used oil (if applicable) throughput for the facility.

(v) Permit-by-rule specific reporting requirements

- (a) Any leak from the vapor balance system or vapor control system that is not repaired within fifteen days after identification shall be reported to the appropriate Ohio EPA district office or local air agency within thirty days after the repair is completed.
- (b) Any owner or operator of a facility which is claiming an exemption from the Stage I vapor control requirements pursuant to paragraph (R)(4) of rule 3745-21-09 of the Administrative Code is exempt from paragraphs (A)(4)(h)(ii) through (A)(4)(h)(iv) of this permit-by-rule but shall comply with the following requirements:

- (i) The owner or operator shall maintain records of the quantity of gasoline delivered to the facility during each month, and shall retain these records for a period of three years.
- (ii) The owner or operator shall notify the applicable Ohio environmental protection agency district office or local air agency if the gasoline throughput for any rolling twelve-month period is equal to or greater than one hundred twenty thousand gallons within forty-five days after the exceedance occurs.

(vi) Testing requirements

- (a) Compliance with the annual OC emission limitation is based on multiplying the maximum annual gasoline throughput specified in this permit-by-rule (three million eight hundred thousand gallons) by an emission factor of thirteen pounds of OCs per one thousand gallons of gasoline and dividing by two thousand pounds per ton. The OC emissions from all diesel, kerosene, and used oil tank filling and dispensing operations, if present at the facility, are assumed to be negligible

(i) Gasoline dispensing facility with Stage I and Stage II controls permit-by-rule.

(i) Qualifications.

A gasoline dispensing facility, as defined by paragraph (H) of rule 3745-21-01 of the Administrative Code, which is not otherwise exempted under paragraphs (A)(1)(ee) of (A)(1)(ff) of rule 3745-31-03 of the Administrative Code, and meets all of the following conditions is eligible to use this permit-by-rule:

- (a) Is located in Ashtabula, Butler, Clark, Clermont, Cuyahoga, Geauga, Greene, Hamilton, Lake, Lorain, Medina, Miami, Montgomery, Portage, Summit, and Warren counties.
- (b) Employs storage tanks equipped with submerged fill pipes, as defined by paragraph (H) of rule 3745-21-01 of the Administrative Code.
- (c) Employs a Stage I vapor balance or vapor control system in accordance with paragraph (R) of rule 3745-21-09 of the Administrative Code, unless exempted from Stage I requirements pursuant to paragraph (R)(4) of rule 3745-21-09 of the Administrative Code.
- (d) Employs a CARB certified stage II vapor control system, as defined by paragraph (H) of rule 3745-21-01 of the Administrative Code, and in accordance with paragraph (DDD) of rule 3745-21-09 of the Administrative Code, unless exempted from Stage II requirements by one of the provisions of paragraph (DDD)(4) of rule 3745-21-09 of the Administrative Code.

[Comment: The meaning of CARB certified and CARB certification used throughout this permit-by-rule shall be consistent with the definition specified by paragraph (H) of rule 3745-21-01 of the Administrative Code.]

- (e) Has a gasoline throughput of less than sixteen million gallons per year.

(ii) Applicable emissions limitations and/or control requirements.

- (a) The applicable rules, emissions limitations and control requirements that apply to the facility subject to this permit-by-rule are defined in the following table:

Applicable Rule(s)	Applicable Emissions Limitations/Control Requirements
Paragraph (A)(3) of rule 3745-31-05 of the Administrative Code	Organic compound (OC) emissions from the facility shall not exceed twenty-five tons per year. The facility shall employ submerged fill pipes on all storage tanks. The requirements of this rule also include compliance with the requirements of paragraphs (R) and (DDD) of rule 3745-21-09 of the Administrative Code.
Paragraph (R) of rule 3745-21-09 of the Administrative Code	The control efficiency of the Stage I vapor balance or vapor control system shall be at least ninety percent by weight for volatile organic compounds.
Paragraph (DDD) of rule 3745-21-09 of the Administrative Code	The control efficiency of the Stage II vapor control system shall be at least ninety-five percent by weight for volatile organic compounds (VOC).

(iii) Operational restrictions.

(a) The owner or operator shall comply with the following operational restrictions for the Stage I vapor control system:

- (i) The vapor balance system shall be kept in good working order and shall be used at all times during the transfer of gasoline.
- (ii) There shall be no leaks in the delivery vessel pressure/vacuum relief valves and hatch covers.
- (iii) There shall be no leaks in the vapor lines or liquid lines during the transfer of gasoline.
- (iv) The transfer of gasoline from a delivery vessel to a stationary storage tank shall be conducted by use of submerged fill into the storage tank. The submerged fill pipe(s) are to be installed so they are within six inches of the bottom of the storage tank.
- (v) All fill caps shall be in place and clamped during normal storage conditions.
- (vi) The owner or operator of the facility shall repair within fifteen days any leak from the vapor balance system or vapor control system which is employed to meet the requirements of paragraph (R)(1) of rule 3745-21-09 of the Administrative Code when such leak is equal to or greater than one hundred percent of the lower explosive limit as propane, as determined under paragraph (K) of rule 3745-21-10 of the Administrative Code.

(b) The owner or operator shall install, operate and maintain the Stage II vapor control system in accordance with the manufacturer's specifications, the applicable CARB certification, and all requirements of paragraph (DDD)(1) of rule 3745-21-09 of the Administrative Code.

(iv) Monitoring and/or recordkeeping requirements.

(a) The owner or operator shall maintain records of the results of any leak checks, including, at a minimum, the following information:

- (i) Date of inspection.
- (ii) Findings (may indicate no leaks discovered or location, nature, and severity of each leak).
- (iii) Leak determination method.
- (iv) Corrective action (date each leak repaired and reasons for any repair interval in excess of fifteen calendar days).
- (v) Inspector's name and signature.

(b) The owner or operator shall maintain records as specified by paragraph (DDD)(3) of rule 3745-21-09 of the Administrative Code and any records required by the applicable CARB certification. The owner or operator does not need to maintain copies of the most recent permit to operate and permit to operate application, as required by paragraph (DDD)(3)(a) of rule 3745-21-09 of the Administrative Code if electing to operate under this permit-by-rule.

(c) The owner or operator of the facility shall maintain records of the annual gasoline and diesel/kerosene/used oil (if applicable) throughput for the facility.

(v) Permit-by-rule specific reporting requirements.

(a) Any owner or operator who is claiming an exemption for a facility from the Stage I or Stage II vapor control requirements pursuant to paragraphs (R)(4) or (DDD)(4) of rule 3745-21-09 of the Administrative Code shall notify the appropriate Ohio environmental protection agency district office or local air agency using the written notification procedures described in paragraph (A)(4)(a) of this rule to describe the nature of the exemption.

(b) Any leak from the vapor balance system or vapor control system that is not repaired within fifteen days after identification shall be reported to the appropriate Ohio environmental protection agency district office or local air agency within thirty days after the repair is completed.

(c) A comprehensive written report on the results of any tests performed in accordance with the testing requirements of paragraph (A)(4)(h)(vi) of this permit-by-rule shall be submitted to the appropriate Ohio environmental protection agency district office or local air agency within thirty days following the completion of the tests.

(vi) Testing requirements.

- (a) Within sixty days after the installation or modification of a Stage II vapor control system, the owner or operator shall perform the tests specified by paragraph (DDD)(2) of rule 3745-21-09 of the Administrative Code.

At intervals not to exceed five years, the owner or operator of the facility shall repeat and demonstrate compliance with the static leak test requirements contained in Appendix A of rule 3745-21-10 of the Administrative Code (unless a greater frequency is specified in the applicable CARB certification), and the dynamic pressure performance test requirements contained in Appendix B of rule 3745-21-10 of the Administrative Code (unless the dynamic pressure performance test is not applicable to the specific Stage II vapor control system, as specified in the applicable CARB certification).

Not later than thirty days prior to any required tests, the owner or operator of the facility shall submit a test notification to the appropriate Ohio environmental protection agency district office or local air agency. The test notification shall describe the proposed test methods and procedures, the time and the date of the tests, and the person who will be conducting the tests. Failure to submit such notification prior to the tests may result in the Ohio environmental protection agency's refusal to accept the results of the tests. Personnel from the appropriate Ohio environmental protection agency district office or local air agency shall be permitted to witness the tests, examine the testing equipment, and acquire data and information during the tests. After completion of any tests, the facility shall complete and retain on site a copy of the post test inspection form contained in appendix C to rule 3745-21-10 of the Administrative Code.

- (b) The owner or operator of the gasoline dispensing facility shall perform and comply with any vapor control system tests (i.e., static leak tests, air-to-liquid ratio, etc.) specified in the applicable CARB certification for the vapor control system installed. The tests shall be performed at the frequency specified in the CARB certification. If the applicable CARB certification for the vapor recovery system does not include such testing requirements, the owner or operator shall, at a minimum, comply with the static leak and dynamic pressure test requirements at intervals specified in paragraph (DDD)(2) of rule 3745-21-09 of the Administrative Code.
- (c) Compliance with the annual OC emission limitation is based on multiplying the maximum annual gasoline throughput specified in this permit-by-rule (sixteen million gallons) by an emission factor of 3.1 pounds of OCs per thousand gallons of gasoline and dividing by two thousand pounds per ton. The OC emissions from all diesel, kerosene, and used oil tank filling and dispensing operations, if present at the facility, are assumed to be negligible.

(vii) Miscellaneous requirements.

- (a) All Stage II vapor control systems employed at facilities operating under this permit-by-rule, including all associated underground and above ground plumbing, shall be installed, tested, operated and maintained in accordance with the applicable CARB certification. Copies of CARB certification documents, including executive orders, approval letters, equipment advisories, and equivalent test procedures are available from the appropriate Ohio environmental protection agency district office or local air agency upon request.

Air Permit Review Agencies

Division of Air Pollution Control
Ohio EPA, Central Office
(614) 644-2270
www.epa.state.oh.us/dapc/general/dolaa.html



This map shows jurisdictional boundaries.
Shaded areas represent local agencies within Ohio EPA districts.



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