

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

Terri L. Kane
1710 County Road 175
Jeromesville, OH 44840

COPY

Thursday, January 22, 2009

Certified Mail
Stark County

Re: NOTICE OF VIOLATION: The Ohio Administrative Code 3745-31-02 (A); Operation of a non-permitted air emissions source and eligibility for Permit by Rule: Gas Dispensing Facility – Stage I, Air emissions source Permit-By-Rule, Friendly Express Marathon, Emission Unit G001 at Facility ID 1576011901 located at 911 W. State ST, Alliance, OH 44601.

Dear Terri L. Kane:

A review of Canton Local Air Agency files to update and verify compliance status has disclosed that the Permit to Install and Operate (PTIO) for this *Gas Dispensing Facility* registered under the previous facility name had expired on 07/05/06 and to date; a renewal application has not been completed and submitted to this Agency. As is, the operation of this facility will not be in compliance with the State of Ohio regulations. Such an operation constitutes a violation of the Ohio Administrative Code (OAC) rule 3745-31-02 (A).

This is to notify you that the facility indicated above is qualified for a permit exemption option. A Permit-By-Rule (PBR) is a specific permit exemption in the OAC that applies to certain types of low-emitting air pollution sources including but not limited to *Gas Dispensing Facilities*. 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 PTIO 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 PTIO.

You may elect to obtain a traditional air permit, but because PBR's are part of OAC 3745-31-03 PTIO exemptions, the air pollution sources are exempt from the air permit application process and the associated PTIO 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 Permit By Rule Notification Form – *Gas Dispensing Facility* and guidance materials. Please complete and send to:

Canton City Health Department
Air Pollution Control Division
Attn: Denny Tan
420 Market AVE North
Canton, OH 44702-1544

Should you have any questions concerning this letter or would like assistance with completing the *PBR Notification Form*, please contact me at 330.489.3385.

Regards,



Denny Tan

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

Enc:

- 1) PBR Notification Form with instructions – Gas Dispensing Facility
- 2) PBR Fact Sheet

Pc:

- 1) Correspondence file, January 2009

DT / dt

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Sent To: **TERRI L. KANE**
 Street, Apt. No., or PO Box No. **1710 COUNTY ROAD 175**
 City, State, ZIP+4[®] **JEROMESVILLE OH 44840**

PS Form 3800, June 2002 See Reverse for Instructions

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TERRI L KANE
1710 COUNTY ROAD 175
JEROMESVILLE OH 44840

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