

Air Pollution Control Division



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Canton City Health Department

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

Daniel J. Aleman
APCD Administrator

COPY

CERTIFIED MAIL

Tuesday, January 15, 2008

BIG JIM'S AUTOMATIC FUELING LTD.
ATTN: MR. JAMES OESCH
881 BIRCHWOOD DR
ALLIANCE, OH 44601

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

Dear Mr. James Oesch:

The Canton City Health Department, Air Pollution Control Division (APCD) represents the Ohio EPA in air quality matters within Stark County. As such, APCD employees are charged with the responsibility to investigate and enforce Ohio EPA (OEPA) air pollution regulations. APCD employees are authorized under Ohio Revised Code 3704.03 (L) to enter upon private property to determine if there is noncompliance with OEPA regulations.

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) at 2000 Beeson ST, Alliance, OH 44601, expired on March 12, 2003 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, Jan. 2008