

**HAMILTON COUNTY
ENVIRONMENTAL
SERVICES
Air Quality • Solid Waste**

August 15, 2011

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Denny Fee
United Dairy Farmers
2515 Leslie Avenue
Cincinnati, OH 45212

Dear Mr. Fee:

RE: Notice of Violation for OAC Rule 3745-21-09(DDD)(1)(c) for United Dairy Farmers

According to OAC Rule 3745-21-09(DDD)(1)(c), no owner or operator of a GDF may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2). As of August 15, 2011, agency records indicate that United Dairy Farmers has 46 GDFs that have recently operated in non-compliance for a total of 3548 days. The attached list includes a summary of the date a stage II test was required, date of the passing test, and highlights the stations that are currently overdue for a test. This list does not include recent compliance tests that are now overdue.

This is the seventh letter since December 2010 the Hamilton County Department of Environmental Services ("HCDOES") has sent United Dairy Farmers regarding its failure to successfully pass a Stage II compliance test on time. HCDOES has attached a copy of the previous letters for reference.

At this time, HCDOES is requesting a written compliance plan that outlines how United Dairy Farmers will bring the overdue stations into compliance and keep all stations on time for future testing. Please submit the compliance plan to HCDOES no later than August 31, 2011.

Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case will be made at a later date. Failure to comply with the requirements of this letter may result in additional enforcement action including possible referral to the Office of the Attorney General.

If you have any questions please contact me at (513) 946-7738.

Sincerely,



Kerri Castlen
Permits & Enforcement Area Supervisor

Attachments

250 William Howard Taft Road, Cincinnati, Ohio 45219
phone 513-946-7777 fax 513-946-7778

www.hcdoes.org