

REV_4

Department:

Subdepartment:

DERR

NULL

DERR

<NONE>

Program:

RCRA_C_UNIT_CLOSURE

DERR - RCRA C Unit Closure

Office Location:

Medium:

NWDO

LAND

NWDO

LAND

Doc Type:

Doc Subtype:

NOV

NULL

NOV

<NONE>

Facility County:

Facility ID:

48

348002401004

48 - LUCAS

348002401004

Date:

20130710

7/10/2013

Facility/Site/Location/Regulated Entity Name:

DELTA_FUELS

Delta fuels

Your input is 11 characters long (Max 40).

Facility Address 1:

NULL

Your input is 0 characters long (Max 40).

Facility Address 2:

NULL

Your input is 0 characters long (Max 40).

Facility City:

NULL

Facility State:

Facility ZIP: (00000 or 00000-0000)

NULL

NULL

<NONE>

Mailing Name:

NULL

Your input is 0 characters long (Max 40).

Mailing Address 1:

NULL

Your input is 0 characters long (Max 40).

Mailing Address 2:

NULL

Your input is 0 characters long (Max 40).

Mailing City:

NULL

Mailing State/Province:

Mailing ZIP: (00000 or 00000-0000 or X0X0X0)

NULL

NULL

<NONE>

Project Name:

Project Type:

NULL

NULL

Latitude:

Longitude:

NULL

NULL



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Delta Fuels, Inc
OHD 000 724 278
Lucas County
Notice of Violation
Vapor Recovery, Stockpile, and Roll-Off Units

July 10, 2013

Mr. Samuel Warren
Delta Fuels, Inc.
1820 Front Street
Toledo, Ohio 43619

Dear Mr. Warren:

On April 2, 2012, Delta Fuels, Inc. (Delta) submitted to Ohio EPA closure plans for the Vapor Recovery, Stockpile and Roll-Off Units located at 1820 Front Street, Toledo, Ohio. The closure plan was submitted pursuant to the March 7, 2012 Director's Final Findings and Orders in order to demonstrate that Delta Fuels Inc.'s proposal for closure complies with the substantive requirements of Ohio Administrative Code (OAC) rules 3745-55-11 and 3745-55-12.

The closure plans submitted to Ohio EPA on April 2, 2012 by Delta Fuels, Inc. were approved on July 11, 2012. The Vapor Recovery closure plan specified a period of 315 days to complete closure. The closure period for the Vapor Recovery Unit expired on May 22, 2013. The Stock Pile and Roll Off closure plan specified 304 days to complete closure. The closure period for the Stock Pile and Roll off Units expired on May 11, 2013.

Delta has not completed closure activities for either the Vapor Recovery or the Stockpile and Roll-Off Units. I e-mailed you on April 25, 2013 to remind you of the need to submit a closure extension request in accordance with Ohio Administrative Code rule 3745-66-13. On May 8, 2013, I received a call from Delta's consultant, Dirk Mammen, of ECT inquiring what was needed to request an extension. I explained what was required to request an extension of the closure period. I also reminded him that the dates specified in the closure plan also are tied to the April 6, 2012 Consent Order.

At the time of this writing, Delta has not completed closure activities for the Vapor Recovery or Stockpile and Roll-Off Units and has not submitted a request to the Director to extend the closure period.

Therefore, Delta is in violation of the following:

- 1. OAC Rule 3745-66-13(B)(1), Time allowed for closure:**

Delta has not completed partial closure activities in accordance with the approved closure plan.

Mr. Samuel Warren
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2. OAC Rule 3745-66-13(C)(2), Time Allowed for Closure:

Delta has not submitted a request for extension of the closure period at least thirty days prior to the expiration of the closure period specified in the closure plan approved on July 11, 2012.

Delta is also in violation of the April 6, 2012 Consent Order, specifically, paragraph 16 of the Order. Delta is hereby reminded that violations of the Consent Order incur stipulated penalties for each day of failure to comply with a requirement or deadline of the order.

Delta is also reminded that the closure period for the Secondary Containment Area Unit will expire on October 30, 2013. Should Delta be unable to complete closure activities by the date listed, Delta must submit a closure period extension request to the Director of Ohio EPA at least 30 days prior to the expiration of the closure period.

In order to return to compliance with the above-cited violations of Ohio's Administrative Code, Delta must submit a closure period extension request to the Director of Ohio EPA within fourteen (14) days of receipt of this letter. This request must provide a detailed explanation of why Delta was unable to complete closure activities in the specified period, as well as contain a revised schedule for closure.

Should you have any questions, please feel free to call me at (419) 373-3133.

Sincerely,



Brian Patterson
Northwest District Office
Division of Environmental Response and Revitalization

BP/cg

pc: DMWM-HW NWDO File: Lucas County, Delta Fuels Closure
DMWM-HW NWDO File: Lucas County, Delta Fuels
James Carr, Ohio Attorney General's Office

ec: Ed Lim, DERR, CO
Donald Vogel, DERR, CO
Brad Hauser, DMWM, CO
Kelly Jeter, DMWM, CO
Randy Ohlemacher, DERR, CO
Michael Terpinski, DERR, NWDO
Brian Patterson, DERR, NWDO
Don North, DMWM, NWDO
John Weaver, DDAGW, NWDO

NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with applicable regulations.