

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

August 28, 2013

### CERTIFIED MAIL

Mr. Samuel Warren  
Terminal Manager  
Delta Fuels Inc.  
1820 Front St.  
Toledo, OH 43605

Re: Notice of Violation

Dear Mr. Warren:

Enclosed is a "Notice of Violation" for Delta Fuels Inc. (Facility ID 0448010387). Please review this document carefully as some action is required on your part.

If you have any questions regarding this matter, feel free to contact me at (419) 936-5043.

Sincerely,

Jeff Coleman  
Engineering Associate

Enclosure

cc: Tim Murphy, Commissioner, TDES  
Karen Granata, TDES  
Bill Jennings, Law Department, City of Toledo  
John Paulian, Ohio EPA  
Brian Dickens, U.S. EPA

## NOTICE OF VIOLATION

The City of Toledo Division of Environmental Services (TDES) hereby serves notice that:

Delta Fuels Inc.  
Facility ID 0448010387  
1820 Front Street  
Toledo, OH 43605

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

### Dates of Violations

Aug. 5, 2009 through Aug. 7, 2013

<u>Regulations Violated</u>	<u>Description of Violations</u>
OAC rule 3745-31-05(D)	There was no record of monthly exhaust gas VOC concentrations from vapor recovery unit.
OAC rule 3745-21-10(K)	There was no record of any leaks not repaired within 15 days and a portable hydrocarbon analyzer was not used to check for leaks.
OAC rule 3745-21-10(E)	Emission testing has not been performed within 12 months of issuance of this permit.

The above violation(s) may subject the violator to **penalties** of up to \$25,000 per violation. It is possible that a penalty will be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

### Required Actions

Within 14 days of receipt of this Notice of Violation, you shall:

1. Abate the violations or provide for an acceptable remedy which shall include:
  - a. Obtain and begin using a portable hydrocarbon analyzer to obtain VOC concentration readings.
  - b. Schedule an emission test for the carbon absorber.
  - c. Resubmit the PER reports for 2011 and 2012 stating facility was not in

compliance.

2. Reply in writing to this Notice of Violation. The reply shall include:
  - a. detailed descriptions and dates of actions taken thus far to abate the violations;
  - b. detailed descriptions and expeditious time schedule of actions taken or yet to be taken to remedy the violations and excess emissions, including options reviewed but not implemented; and
  - c. descriptions of actions taken or to be taken to prevent recurrence of the violations.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

Your written response and any questions regarding this Notice of Violation should be directed to Jeff Coleman at the City of Toledo, Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604.