

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

February 6, 2007

CERTIFIED MAIL

Lillie Teeters, ASP
Kroger Fuel Mechandising
Great Lakes Division
4111 Executive Parkway
Westerville, OH 43081

Re: Notice of Violation

Dear Ms. Teeters:

On October 26, 2006, an email was sent regarding expired Permits to Operate (PTO) at the locations listed below. Since then, one more attempt was made to contact you on January 26, 2007, with no response. To date, the Toledo Division of Environmental Services (TDOES) has not received either the PTO applications or Permit by Rule (PBR) applications for these facilities.

Enclosed, please find a "Notice of Violation" for the Kroger Fuel Stations listed below.

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 419-936-3955.

Very truly yours,

A handwritten signature in cursive script that reads "Pam Barnhart".

Pam Barnhart

Environmental Engineer - Air Resources

cc: Casey Stephens, Commissioner, Toledo Division of Environmental Services
John Paulian, Ohio EPA
Karen Granata, Chief of Air Resources
Lisa Holscher, U.S. EPA, Region V
Leslie Kovacik, City of Toledo Law Department

T. Casey Stephens, Commissioner
DIVISION OF ENVIRONMENTAL SERVICES
Quilter Environmental Center
348 South Erie Street, Toledo, Ohio 43604-8633 USA
Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: casey.stephens@toledo.oh.gov

NOTICE OF VIOLATION

February 6, 2007

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

Kroger Fuel Merchandising
Great Lakes Division
4111 Executive Parkway
Westerville, OH 43081

has violated the following environmental laws, orders, rules, or regulations on the indicated dates for the following Ohio EPA premise numbers:

<u>Premise</u>	<u>Permit to Operate Expiration Date</u>	<u>Address</u>
0448011662	9/5/06	4925 Jackman Rd., Toledo
0448020082	9/5/06	3301 Navarre Rd, Oregon
0448002025	9/5/06	7545 Sylvania Ave, Sylvania
NEW	no permits	4633 Suder Ave, Toledo

Dates of Violations

9/5/06 through 2/6/07

Regulations violated

Description of Violations

OAC rule 3745-35-02

Operation of air contaminant sources without a permit to operate(PTO) or permit by rule (PBR). (3 sources)

OAC rule 3745-31-02

Operation of air contaminant source without a permit to install (PTI) or permit by rule (PBR). (1 source)

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

After the receipt of this Notice of Violation, you shall:

1. Abate the violations or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
 - a. descriptions and dates of actions taken thus far to abate the violations;
 - b. descriptions and expeditious time schedule of actions yet to be taken to remedy the violations;
 - c. descriptions of actions taken or to be taken to prevent recurrence of the violations;

Recommended Remedial Actions

It is recommended that you consider the following suggestions:

For those facilities with expired PTO's:

1. Submit the Permit to Operate Application (form 3161) and Emission Activity Category Form (form 3105/3106) for each gasoline dispensing facility with an expired PTO to the Toledo Division of Environmental Services. The forms may be obtained from the following website:
<http://www.epa.state.oh.us/dapc/fops/eac/eacforms.html>

OR

2. Submit the Permit by Rule Application located at the following website:
<http://www.epa.state.oh.us/dapc/pbr/permitbyrule.html>

For the facility with no PTI or PBR:

3. For the new Kroger Fuel station located on Suder Aver., please submit a the Permit to Install Application (form 3150a) and Emission Activity Category Form (form 3105/3106) to the Toledo Division of Environmental Services. The forms may be obtained from the following website:
<http://www.epa.state.oh.us/dapc/fops/eac/eacforms.html>

OR

4. Submit the Permit by Rule Application located at the following website:
<http://www.epa.state.oh.us/dapc/pbr/permitbyrule.html>

Your written response to the above actions and any questions regarding this Notice of Violation must be received by February 28, 2007, and should be directed to Pam Barnhart, City of Toledo Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call (419) 936-3955.