



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

October 30, 2009

RE: NOTICE OF VIOLATION
FAILED ANNUAL STAGE II COMPLIANCE TEST
THORNE'S MARKET
DAPC FACILITY ID #0204000493

CERTIFIED MAIL

Bill Thorne
Thorne's Market
P.O. Box 619
Salem, OH 44460

Dear Mr. Thorne:

The annual Stage II compliance test conducted at Thorne's Market located at 344 S. Chestnut St., in Jefferson, Ohio on February 25, 2009, failed to demonstrate compliance with Ohio Administrative Code (OAC) Rule 3745-21-09(DDD). A subsequent retest on August 24, 2009, passed.

2009 Testing

On February 25, 2009, testing was attempted, but could not pass the A/L portion for pump #2.

On August 24, 2009, a retest was conducted and after replacing several pieces of equipment, the station passed.

2008 Testing

This office has no record of testing performed at this station during 2008.

Summary

Failed test results and failure to test constitute violations of OAC Rule 3745-21-09(DDD). More than 30 days to pass a retest after a failing test is considered excessive.

The above results indicate that the Stage II system is often not maintained in good working condition. Please be sure to perform preventative maintenance as needed to ensure compliance.

The most recent compliance demonstration does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

If you have any questions regarding this letter, please do not hesitate to contact me at (330) 963-1270.

Sincerely,

Tim Fischer
Environmental Supervisor
Division of Air Pollution Control

TF:bo

pc: Tom Kalman, DAPC, CO
Lisa Holscher, USEPA, Region V