



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

August 8, 2008

NOTICE OF VIOLATION

0247080814

CERTIFIED MAIL

Mr. Dennis Walter
ConSun Food Industries
123 North Gateway Blvd.
Elyria, OH 44035

Dear Mr. Walter

This letter is in regard to the Gasoline Dispensing Facility located at the Convenient Food Mart #746 which is located at 5375 West Erie St. in the City of Lorain, Ohio.

On July 30, 2008, I inspected the facility to see if a Stage II Vapor Recovery System (Stage II) had been installed per your letter dated August 15, 2007. Upon inspection, it was evident that Stage II had not been installed. Furthermore, upon inspection of your current Stage I Vapor Recovery System (Stage I), the following was discovered.

- The Regular Tank Fill Adapter Coupling Cap did not have a gasket.
- The Regular Tank Dry Break Coupling Cap did not have a gasket.
- The integrity of the Regular Dry Break Coupler is in question due to excessive rusting of the spring loaded plunger.
- The Premium Tank Fill Adapter Coupling Cap did not have a gasket.
- The Premium Tank drop tube was completely eroded away approximately three (3) feet down, thus all deliveries of premium gasoline have been splash fill and not submerged fill.
- The Premium Tank Dry Break Coupling Cap did not have a gasket.
- The integrity of the Premium Dry Break Coupler is in question due to excessive rusting of the spring loaded plunger.

Please submit a return response to this Notice of Violation with three weeks of receipt of this letter. Please include a compliance schedule which indicates when the facility will return to compliance.

MR. DENNIS WALTER
AUGUST 8, 2008
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Failure to respond to this notice in the time frame specified will result in further enforcement action up to and including a referral to the Central Office for appropriate action. Also note, that this NOV in no way waives the right of the Ohio EPA or USEPA to pursue additional enforcement action regarding the violations mentioned in this notice, and/or any additional violations that may be found. Should you have any questions regarding this notice, please contact me at (330) 963-1252 or via e-mail at erik.bewley@epa.state.oh.us

Respectfully,



Erik M. Bewley
Environmental Specialist
Division of Air Pollution Control

EMB:bo

cc: Dennis Bush - NEDO, DAPC
Bob Prinic - NEDO, DAPC