



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

April 20, 2009

RE: NOTICE OF VIOLATION  
ANNUAL STAGE II COMPLIANCE TEST  
LIBERTY GAS  
DAPC FACILITY ID 0247081024

CERTIFIED MAIL

John Harb  
Liberty Gas  
3451 Colorado Ave.  
Lorain, Ohio 44052

Dear Mr. Harb:

The annual Stage II compliance demonstration conducted at Liberty Gas located at 3451 Colorado Ave. in Lorain, Ohio on January 22 and March 23, 2009, demonstrated compliance with the requirements of Ohio Administrative Code Rule 3745-21-09 (DDD). On January 22, the static leak test passed, but the A/L test for dispensers #4, #5, and #6 failed. The retest on March 23 passed. Two months to repair and conduct a retest seems an excessively long amount of time.

This is the second consecutive year that your facility has failed the A/L portion of the Stage II compliance test. On May 1, 2008, the static leak test failed, and the A/L test was not conducted. On June 1, 2008, again the static leak test failed and the A/L test was not conducted. The August 21, 2008, retest passed for both parameters.

The facility also failed the A/L test in 2006.

Our inspector noted that there were many problems with record keeping and that there was no Stage II training certificate available. I have enclosed a copy of the rule cited above that has all of the requirements that apply to this facility. This is the second consecutive year that we have noted these problems. We advised you by letter, dated September 9, 2008, that these violations needed to be corrected prior to the next compliance test.

I have enclosed a Permit by Rule Notification form. Please complete the form and return it as per the instructions. This will replace any needed Permit-to-Operate or Permit-to-Install and will mean you no longer have to pay the biannual emission fees. Again, this is the second consecutive year that we have requested the submittal of this form.

Failed test results constitute a violation of OAC Rule 3745-21-09 (DDD).

JOHN HARB  
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Violations of state air pollution control regulations are punishable by a civil penalty of \$25,000 per violation. Issuance of this notice does not excuse any violation of state law regarding air pollution. As per Ohio EPA policy, we will be submitting a request to our Central Office in Columbus to begin formal enforcement action.

If you have any questions regarding this letter, please do not hesitate to contact me at (330) 963-1223.

Sincerely,



Dennis Bush  
Environmental Manager  
Division of Air Pollution Control

DB:bo

enclosure: Permit by Rule Notification form  
OAC Rule 3745-21-09 (DDD)

pc: Tom Kalman, DAPC, CO  
Lisa Holscher, US EPA, Region V  
Tim Fischer, DAPC, NEDO