

**SOUTHWEST OHIO
AIR QUALITY AGENCY**

August 21, 2012

CERTIFIED MAIL-Return Receipt Requested

Drew Brower
United Dairy Farmers
2515 Leslie Avenue
Cincinnati, OH 45212

Re: Notice of Violation for Gasoline Dispensing Facilities (GDF) located at the following locations UDF # 130 (14-13-02-0328) and UDF # 139 (14-13-00-0338).

Facility ID: UDF# 130: 14-13-02-0328; UDF #139: 14-13-00-0338
Emissions Unit(s): G001
United Dairy Farmers
Locations: UDF #130: 2200 Winemiller Dr, Batavia, Ohio and UDF #139: 961 Cinti-Batavia Pike, Batavia, Ohio
Clermont County

Dear Mr. Brower:

A representative from Southwest Ohio Air Quality Agency (The Agency) conducted inspections on August 16, 2012 at the GDF's referenced above. During the inspections it was discovered that the Hasstechs were turned off. Gasoline was being sold during all of the inspections. The transfer of gasoline from a stationary storage tank at a GDF into a motor vehicle is prohibited when the vapor recovery system is not functioning. Ohio Administrative Code (OAC) 3745-21-09(DDD)(1)(a) states that all vapors displaced from the fueling of motor vehicles are vented to a control system which is operated to maintain an overall control efficiency of 95%. The failure to maintain compliance with (OAC) 3745-21-09(DDD) is a violation of the terms and conditions of the Permit-by- Rule (PBR) and Ohio Revised Code (ORC) 3704.05(C). The PBR requires the owner/operator of the facility to report to the Ohio EPA District Office or local air agency the malfunction of any associated air pollution control equipment. Failure to report this information is a violation of OAC rule 3745-15-06.

No later than August 31, 2012, please submit a compliance plan to The Agency which outlines the actions to be taken in order to bring these GDF's into compliance with all applicable rules. Please include in your response the reason the control equipment was inoperable and the time period of non-compliance.

Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case will be made at a later date. Failure to comply with the requirements of this letter may result in additional enforcement action including possible referral of this case to the Office of the Attorney General.

Your cooperation in this matter is appreciated. Should you have any questions about the contents of this letter please contact me at 513-946-7703.

Sincerely,



Aaron Morgan
Environmental Compliance Specialist II

