

Air Pollution Control Division

Ohio | Environmental
Protection Agency

Canton City Health Department

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APC Contractual Representative
Serving All of Stark County

James M. Adams, RS, MPH
Health Commissioner

Terri A. Dzienis
APC Administrator

September 5, 2012

CERTIFIED MAIL

Mr. Tony Kovacevich
Gatherco, Inc.
300 Tracy Bridge Road
Orrville, Ohio 44667

**Re: NOTICE OF VIOLATION of installation and operation of air contaminant sources without a permit
RESOLUTION OF VIOLATION of installation and operation of air contaminant sources without a permit
Gatherco, Inc. Portable Facility Headquarters located at 300 Tracy Bridge Rd., Orrville, Ohio
44667, Wayne County
Portable Facility ID #'s 1576171929, 1576171946, 1576175006, 1576175007, 1576175009,
1576175010, 1576941925**

Dear Mr. Kovacevich:

The Canton City Health Department, Air Pollution Control Division (Canton, APCD) contacted you on July 13, 2011, to discuss initial Permit-to-Install and Operate (PTIO) air permits for Miley Station (1576175006) and Crooksville Station (1576175007), as well as renewal PTIO permits for Meigs (1576001923), Jeromesville (1576171929), Lebanon (1576941925) and Treat 1 (1576171946). Lucas Campbell met with me at the Canton City Health Department on November 18, 2011. We discussed the status of all the air permits that Gatherco, Inc. currently had and the emission units that this office had listed for each facility.

It was discovered that the information the Canton, APCD had was inconsistent with Gatherco Inc. Several emission units had been swapped out or replaced without first notifying Canton, APCD and obtaining a permit.

Finding:

Lucas Campbell, a representative of Gatherco, Inc., met with me on November 18, 2011. In discussions that followed in the weeks after our meeting, this office learned that the Jeromesville (1576171929), Treat 1 (1576171946), Miley (1576175006), Crooksville (1576175007), Burbank (1576175009), Grimes (1576175010) and Lebanon (1576941925) had been operating natural gas-fired internal combustion engines prior to applying for and obtaining an air PTIO from the Ohio Environmental Protection Agency (Ohio EPA). This was because the equipment that was permitted had been replaced with new equipment, which requires a new permit.

Violation of:

The installation and operation of any stationary air pollution source without first applying for and obtaining a PTIO constitutes a violation of Ohio Administrative Rule (OAC) rule 3745-31-02. The OAC rule 3745-31-02(A) states that:

"...no person shall cause, permit, or allow the installation or modification, and subsequent operation of a new source [of air pollutants]...without first obtaining a PTIO from the director."

OAC rule 3745-31-01(UUU) states that:

"The replacement of an entire air contaminant source is considered a new source."

A violation of OAC rule 3745-31-02 is also a violation of Ohio Revised Code (ORC) 3704.05(A), which states:

"No person shall cause, permit, or allow emission of an air contaminant in violation of any rule adopted by the director of environmental protection..."

Requested Actions and Resolution of Violation:

It was requested that Gatherco submit PTIO applications for all engines that were previously installed and had not been permitted. The table below shows the dates in which the applications were received and the issuance date of the initial installation PTIOs.

Date Application Received	Install Date of Equipment	Emission Unit ID#	Permit Number and Issuance Date
Lebanon (1576941925) – 1/24/2012	June 2004	P002	PTIO P0101493 issued 2/28/2012
Jeromesville (1576171929) – 1/24/2012	March 2005	P002	PTIO P0101473 issued 2/29/2012
Burbank (1576175009) – 1/27/2012	June 2002	P001	PTIO P0109476 issued 3/2/2012
Grimes (1576172010) – 2/3/2012	May 2004	P001	PTIO P0109509 issued 3/2/2012
Crooksville (1576175007) – 2/15/2012	November 2002	P001	PTIO P0108275 issued 3/1/2012
Treat 1 (1576171946) – 2/15/2012	September 2008	P002	PTIO P0109614 issued 4/5/2012
Miley (1576175006) – 2/15/2012	June 2007	P001	PTIO P0108274 issued 4/5/2012

The permit issuance fees were doubled, per ORC 3745.11(J), for the installation of an air pollution source without first obtaining a permit. The violations noted above have therefore been addressed and are now considered resolved for all listed facilities.

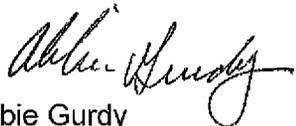
This office requests that Gatherco, Inc. not violate this rule again. Northeast District Office (NEDO) of Ohio EPA now has jurisdiction over Gatherco, Inc., since the home office is located in Wayne County. If at some time in the future these facilities plan to install or modify an air contaminant source, please contact the NEDO of Ohio EPA to obtain the appropriate forms and discuss the applicability of any rules in question. Ohio EPA endeavors to process all applications in an expeditious manner. Please note: This office plans to complete the new installation permits for Malta and Treat 2, which are currently not installed and are not in violation. All facilities will be transferred to NEDO after permit issuance.

Please note that, even though these violations are resolved, this does not preclude the Ohio EPA from seeking civil penalties pursuant to ORC 3704.06. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the facility's future compliance with applicable Ohio EPA requirements.

Mr. Tony Kovacevich
September 5, 2012
Page 3 of 3

If you have any questions, please contact me at 330-489-3385 or e-mail: agurdy@cantonhealth.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Abbie Gurdy". The signature is fluid and cursive, with the first name "Abbie" being more prominent than the last name "Gurdy".

Abbie Gurdy
Air Pollution Control Engineer
Canton City Health Department

cc: Bruce Weinberg, Central Office, Ohio EPA
William MacDowell, Region 5 U.S. EPA

