OhioEPA
State of Ohio Environmental Protection Agency

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Columbus, Ohio 43266-0149
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George V. Voinovich
Governor

Donald R. Schregardus
Director

Re: Permit to Install
Summit County
Application No: 16-1347

CERTIFIED MAIL

January 5, 1994

DAIRY MART
AL URBANEK
210 BROADWAY E
CUYAHOGA FALLS, OH 44222

Enclosed please find an Ohio EPA Permit to Install which will allow you to install the described source(s) in a manner indicated in the permit. Because this permit contains several conditions and restrictions I urge you to read it carefully.

You are hereby notified that this action by the Director is final and may be appealed to the Ohio Environmental Board of Review pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Board of Review within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Board. An appeal may be filed with the Environmental Board of Review at the following address:

Environmental Board of Review
236 East Town Street, Room 300
Columbus, Ohio 43215

Very truly yours,

Thomas G. Rigo

Thomas G. Rigo, Manager
Field Operations & Permit Section
Division of Air Pollution Control

cc: AKRON AIR POLLUTION CONTROL

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AKRON AIR MGMT.
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State of Ohio Environmental Protection Agency

Permit to Install
Terms and Conditions

Application No. 16-1347
APS Premise No. 1677000224
Permit Fee: $50.00

Name of Facility: DAIRY MART

Person to Contact: AL URBANEK

Address: 210 BROADWAY E
CUYAHOGA FALLS, OH 44222

Location of proposed source(s): 3634 MASSILLON RD
VILLAGE OF GREEN, OHIO

Description of proposed source(s):
GASOLINE DISPENSING FACILITY W/ 2-12,000 GALLON GASOLINE TAN KS.

Date of Issuance: January 5, 1994

Effective Date: January 5, 1994

The above named entity is hereby granted a permit to install for the above described source(s) pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source(s) of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described source(s) of pollutants will be granted the necessary permits to operate (air) or NPDES permits as applicable.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Donald R Schregardus

Director

TERMINATION OF PERMIT TO INSTALL

Substantial construction for installation must take place within 18 months of the effective date of this permit. This deadline may be extended by up to 12 months if application is made to the Director within a reasonable time before the termination date and the party shows good cause for any such extension.

NOTICE OF INSPECTION

The Director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above-named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, or to examine records or reports pertaining to the construction, modification or installation of the source(s) of environmental pollutants identified within this permit.

CONSTRUCTION OF NEW SOURCES(S)

The proposed source(s) shall be constructed in strict accordance with the plans and application submitted for this permit to the Director of the Ohio Environmental Protection Agency. There may be no deviation from the approved plans without the express, written approval of the Agency. Any deviations from the approved plans or the above conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

If the construction of the proposed source(s) has already begun or has been completed prior to the date the Director of the Environmental Protection Agency approves the permit application and plans, the approval does not constitute expressed or implied assurance that the proposed facility has been constructed in accordance with the approved plans. The action of beginning and/or completing construction prior to obtaining the Director's approval constitutes a violation of Ohio Administrative Code (OAC) Rule 3745-31-02. Furthermore, issuance of the Permit to Install does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. Approval of the plans in any case is not to be construed as an approval of the facility as constructed and/or completed. Moreover, issuance of the Permit to Install is not to be construed as a waiver of any rights that the Ohio Environmental Protection Agency (or other persons) may have against the applicant for starting construction prior to

the effective date of the permit. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities prove to be inadequate or cannot meet applicable standards.

PERMIT TO INSTALL FEE

In accordance with Ohio Revised Code 3745.11, the specified Permit to Install fee must be remitted within 15 days of the effective date of this permit to install.

PUBLIC DISCLOSURE

The facility is hereby notified that this permit, and all agency records concerning the operation of this permitted source, are subject to public disclosure in accordance with OAC Rule 3745-49-03.

APPLICABILITY

This Permit to Install is applicable only to the contaminant sources identified. Separate application must be made to the Director for the installation or modification of any other contaminant sources.

BEST AVAILABLE TECHNOLOGY

As specified in OAC Rule 3745-31-05, all new sources must employ Best Available Technology (BAT). Compliance with the terms and conditions of this permit will fulfill this requirement.

PERMIT TO OPERATE APPLICATION

A Permit to Operate application must be submitted to the appropriate field office for each air contaminant source in this Permit to Install. In accordance with OAC Rule 3745-35-02, the application shall be made at least 90 days prior to start-up of the source.

NINETY DAY OPERATING PERIOD

The facility will be permitted to operate during a 90-day period in accordance with OAC Rule 3745-35-02(C)(4)(b). The purpose of this period of operation is to fulfill the performance tests conditions used in the determination of compliance with the provisions of this Permit to Install or other applicable Ohio EPA rules.

SOURCE OPERATION AFTER COMPLETION OF CONSTRUCTION

This facility is permitted to operate each source described by this permit to install for a period of up to one year from the date the source commenced operation. This permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws, regulations, and policies.

AIR EMISSION SUMMARY

The air contaminant sources listed below comprise the Permit to Install for DAIRY MART located in Summit County. The sources listed below shall not exceed the emission limits/control requirements contained in the table. This condition in no way limits the applicability of any other state or federal regulations. Additionally, this condition does not limit the applicability of additional special terms and conditions of this permit.

OHIO EPA SOURCE NO.	SOURCE DESCRIPTION
G001	Gasoline Dispensing Facility with two 12,000 gallon gasoline tanks.

EMISSION SUMMARY

The total, allowable volatile organic compound emissions from the source(s) will be 1.2 tons per year.

GASOLINE DISPENSING FACILITIES: STAGE II

Gasoline dispensing operations identified within this permit shall comply with the requirements for Stage II vapor control as outlined in OAC rule 3745-21-09(DDD). All vapors displaced from the motor vehicle shall be vented to a vapor control system which is designed and operated to maintain an overall control efficiency of not less than ninety-five per cent, by weight, for the VOC in the displaced vapors and which is certified by the California Air Resources Board (CARB). The vapor control system shall employ only coaxial hoses, and the use of remote check valves shall be prohibited.

The vapor control system shall be operated and maintained in accordance with the manufacturer's specifications and the applicable certification granted by the CARB, and shall be free of any defects as outlined in OAC rule 3745-21-09(DDD)(1)(b).

Operating instructions for the vapor control system must be conspicuously posted in each gasoline dispensing area. The operating instructions shall clearly describe how to properly fuel motor vehicles and shall specifically prohibit the topping off of the motor vehicle fuel tank. At retail gasoline dispensing

facilities, the Ohio EPA's toll free telephone number for complaints concerning the operation and/or condition of the vapor control system shall be clearly posted with the operating instructions.

TESTING REQUIREMENTS

The vapor control system must successfully meet all requirements regarding testing contained in OAC 3745-21-09(DDD)(2). In accordance with the test procedures listed in OAC rule 3745-21-10, the following tests shall be performed: leak test; dynamic pressure drop test; and liquid blockage test.

Not later than thirty days prior to any tests required pursuant to OAC rule 3745-21-09 (DDD)(2)(a) and (DDD)(2)(d), the owner or operator of the gasoline dispensing facility shall submit a test notification to the Ohio EPA or its delegated local air agency. The test notification shall describe the proposed test methods and procedures, the time and date of the tests,and the person who will be conducting the tests. Failure to submit such notification prior to the tests may result in the Ohio EPA's refusal to accept the results of the tests. Personnel from the Ohio EPA or its delegated local air agency shall be permitted to witness the tests, examine the testing equipment, and acquire data and information during the tests. A comprehensive written report on the results of the tests must be submitted to the Ohio EPA or its delegated local air agency within thirty days following the completion of the tests.

At intervals not to exceed five years, the owner or operator of the gasoline dispensing facility shall repeat and demonstrate compliance with the requirements of the tests specified in OAC rule 3745-21-09 (DDD)(2).

RECORDKEEPING REQUIREMENTS

The following records shall be maintained for this facility:

a. The quantity of gasoline delivered to the facility during each calendar month.

b. The results of any tests performed pursuant to OAC 3745- 21-09(DDD)(2).

c. A log of the date and description of all repair and maintenance work performed, or any other modifications made to the vapor control system.

d. A copy of the most recent permit to operate application (including appendix) submitted to the Ohio EPA.

e. copy of the most recent permit to operate issued by the Ohio EPA.

f. Proof of attendance and completion of the training required by the Ohio EPA.

All of the above records shall be retained by the owner or operator for a period of not less than three (3) years and shall be made available to the Director or any authorized representative of the Director for review during normal business hours.

MALFUNCTION/ABATEMENT

In accordance with OAC RULE 3745-15-06, any malfunction of the source(s) or associated air pollution control system(s) shall be reported immediately to the Akron Air Pollution Control, 177 South Broadway, Akron, Ohio 44308.

Except as provided by OAC Rule 3745-15-06(A)(3), scheduled maintenance of air pollution control equipment that requires the shutdown or bypassing of air pollution control system(s) must be accompanied by the shutdown of the associated air pollution sources.

GASOLINE DISPENSING FACILITIES

BAT for any gasoline dispensing operation identified within this permit consists of the use of Stage I vapor balance system. The vapor balance system shall be designed and operated to route at least 90% by weight of the organic compounds in the displaced vapors from the storage tanks to the delivery vessel and shall be equipped with a means to prevent the discharge into the atmosphere of displaced vapors from an unconnected vapor line. This shall be used at all times when filling the tanks.

The transfer of gasoline from a delivery vessel to a stationary storage tank shall be conducted by use of submerged fill into the storage tank. The submerged fill pipe(s) are to be installed so they are within six (6) inches of the bottom of the storage tank.

This facility shall be serviced by a bulk gasoline plant or terminal that is in compliance with OAC Rule 3745-21-09(P) or (Q), respectively.

There shall be no leaks in the vapor and liquid lines during the transfer of gasoline.

All fill caps shall be "in place" and clamped during normal storage conditions.

The gasoline dispensing facility shall repair within 15 days any leaks from the vapor balance system which is employed to meet the requirements of Paragraph (A)(3) of OAC Rule 3745-31-05 or Paragraph (R)(1) of OAC Rule 3745-21-09 when such leaks are equal to or greater than 100% of the lower explosive limit of propane, as determined under Paragraph (K) of OAC Rule 3745-21-10.

DIESEL AND/OR KEROSENE DISPENSING FACILITIES

BAT for any diesel and/or kerosene dispensing operation identified within this permit consists of the transfer of diesel and/or kerosene from a delivery vessel to a stationary storage tank through the use of submerged filling into the storage tank. The submerged fill pipe(s) are to be installed so they are within six (6) inches of the bottom of the storage tank.

MISCELLANEOUS STORAGE TANKS

Unless otherwise indicated, BAT for any miscellaneous storage tanks identified within this permit consists of the use of submerged fill into the storage tanks. The submerged fill pipe(s) are to be installed within six (6) inches of the bottom of the storage tank.

CONSTRUCTION COMPLIANCE CERTIFICATION

The applicant shall provide Ohio EPA with a written certification (see enclosed form) that the facility has constructed in accordance with the Permit to Install application and the terms and conditions of the Permit to Install. The certification shall be provided to Ohio EPA upon completion of construction but prior to startup of the source.