State of Ohio Environmental Protection Agency

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P.O. Box 1049
Columbus, OH 43216-1049

Certified Mail

10/21/2009

No	TOXIC REVIEW
No	PSD
No	SYNTHETIC MINOR
No	CEMS
Yes	MACT
No	NSPS
No	NESHAPS
No	NETTING
No	MAJOR NON-ATTAINMENT
No	MODELING SUBMITTED

Tony Gaines
KROGER N-511
4111 Executive Parkway
Westerville, OH 43081

RE: FINAL AIR POLLUTION PERMIT-TO-INSTALL AND OPERATE
Facility ID: 0448011662
Permit Number: P0105606
Permit Type: Renewal
County: Lucas

Dear Permit Holder:

Enclosed please find a final Air Pollution Permit-to-Install and Operate ("PTIO") which will allow you to install, modify, and/or operate the described emissions unit(s) in the manner indicated in the permit. Because this permit contains conditions and restrictions, please read it very carefully.

Ohio EPA maintains a document entitled "Frequently Asked Questions about the PTIO". The document can be downloaded from the DAPC Web page, www.epa.ohio.gov/dapc, from the "Permits" link. This document contains additional information related to your permit, such as what activities are covered under the PTIO, who has enforcement authority over the permit and Ohio EPA's authorization to inspect your facility and records. Please contact the Office of Compliance Assistance and Pollution Prevention at (614) 644-3469 if you need assistance.

The issuance of this PTIO is a final action of the Director and may be appealed to the Environmental Review Appeals Commission ("ERAC") under Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and describe the action complained of and the grounds for the appeal. The appeal must be filed with the ERAC within thirty (30) days after notice of the Director's action. A filing fee of $70.00 must be submitted to the ERAC with the appeal, although the ERAC, has discretion to reduce the amount of the filing fee if you can demonstrate (by affidavit) that payment of the full amount of the fee would cause extreme hardship. If you file an appeal of this action, you must notify Ohio EPA of the filing of the appeal (by providing a copy to the Director) within three (3) days of filing your appeal with the ERAC. Ohio EPA requests that a copy of the appeal also be provided to the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the ERAC at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, OH 43215

If you have any questions regarding this permit, please contact the Toledo Department of Environmental Services. This permit has been posted to the Division of Air Pollution Control (DAPC) Web page www.epa.ohio.gov/dapc.

Sincerely,

Michael W. Ahern

Michael W. Ahern, Manager
Permit Issuance and Data Management Section, DAPC

Cc: TDES

State of Ohio Environmental Protection Agency
Division of Air Pollution Control

FINAL

Air Pollution Permit-to-Install and Operate
for
KROGER N-511

Facility ID:	0448011662
Permit Number:	P0105606
Permit Type:	Renewal
Issued:	10/21/2009
Effective:	10/21/2009
Expiration:	10/21/2019

State of Ohio Environmental Protection Agency
Division of Air Pollution Control

Air Pollution Permit-to-Install and Operate
for
KROGER N-511

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Authorization

Facility ID: 0448011662
Application Number(s): A0038528
Permit Number: P0105606
Permit Description: Gasoline Dispensing Facility. This permit is required because the facility no longer meets the permit by rule qualifications.
Permit Type: Renewal
Permit Fee: $0.00
Issue Date: 10/21/2009
Effective Date: 10/21/2009
Expiration Date: 10/21/2019
Permit Evaluation Report (PER) Annual Date: Oct 1 - Sept 30, Due Nov 15
This document constitutes issuance to:

KROGER N-511
4925 JACKMAN RD
TOLEDO, OH 43613

of a Permit-to-Install and Operate for the emissions unit(s) identified on the following page.

Ohio EPA District Office or local air agency responsible for processing and administering your permit:

Toledo Department of Environmental Services
348 South Erie Street
Toledo, OH 43604
(419)936-3015

The above named entity is hereby granted this Permit-to-Install and Operate for the air contaminant source(s) (emissions unit(s)) listed in this section 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 described emissions unit(s) will operate in compliance with applicable State and federal laws and regulations.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Chris Korleski
Director

Authorization (continued)

Permit Number: P0105606
Permit Description: Gasoline Dispensing Facility. This permit is required because the facility no longer meets the permit by rule qualifications.

Permits for the following emissions unit(s) or groups of emissions units are in this document as indicated below:

Emissions Unit ID:	**G001**
Company Equipment ID:	G001
Superseded Permit Number:	
General Permit Category and Type:	Not Applicable

A. Standard Terms and Conditions

1. **What does this permit-to-install and operate ("PTIO") allow me to do?**

   This permit allows you to install and operate the emissions unit(s) identified in this PTIO. You must install and operate the unit(s) in accordance with the application you submitted and all the terms and conditions contained in this PTIO, including emission limits and those terms that ensure compliance with the emission limits (for example, operating, recordkeeping and monitoring requirements).

2. **Who is responsible for complying with this permit?**

   The person identified on the "Authorization" page, above, is responsible for complying with this permit until the permit is revoked, terminated, or transferred. "Person" means a person, firm, corporation, association, or partnership. The words "you," "your," or "permittee" refer to the "person" identified on the "Authorization" page above.

   The permit applies only to the emissions unit(s) identified in the permit. If you install or modify any other equipment that requires an air permit, you must apply for an additional PTIO(s) for these sources.

3. **What records must I keep under this permit?**

   You must keep all records required by this permit, including monitoring data, test results, strip-chart recordings, calibration data, maintenance records, and any other record required by this permit for five years from the date the record was created. You can keep these records electronically, provided they can be made available to Ohio EPA during an inspection at the facility. Failure to make requested records available to Ohio EPA upon request is a violation of this permit requirement.

4. **What are my permit fees and when do I pay them?**

   There are two fees associated with permitted air contaminant sources in Ohio:

   - PTIO fee. This one-time fee is based on a fee schedule in accordance with Ohio Revised Code (ORC) section 3745.11, or based on a time and materials charge for permit application review and permit processing if required by the Director.

     You will be sent an invoice for this fee after you receive this PTIO and payment is due within 30 days of the invoice date. You are required to pay the fee for this PTIO even if you do not install or modify your operations as authorized by this permit.

   - Annual emissions fee. Ohio EPA will assess a separate fee based on the total annual emissions from your facility. You self-report your emissions in accordance with Ohio Administrative Code (OAC) Chapter 3745-78. This fee assessed is based on a fee schedule in ORC section 3745.11 and funds Ohio EPA's permit compliance oversight activities. For facilities that are permitted as synthetic minor sources, the fee schedule is adjusted annually for inflation. Ohio EPA will notify you when it is time to report your emissions and to pay your annual emission fees.

5. **When does my PTIO expire, and when do I need to submit my renewal application?**

   This permit expires on the date identified at the beginning of this permit document (see "Authorization" page above) and you must submit a renewal application to renew the permit. Ohio EPA will send a renewal notice to you approximately six months prior to the expiration date of this permit. However, it is very important that you submit a complete renewal permit application (postmarked prior to expiration of this permit) even if you do not receive the renewal notice.

If a complete renewal application is submitted before the expiration date, Ohio EPA considers this a timely application for purposes of ORC section 119.06, and you are authorized to continue operating the emissions unit(s) covered by this permit beyond the expiration date of this permit until final action is taken by Ohio EPA on the renewal application.

6. What happens to this permit if my project is delayed or I do not install or modify my source?

This PTIO expires 18 months after the issue date identified on the "Authorization" page above unless otherwise specified if you have not (1) started constructing the new or modified emission sources identified in this permit, or (2) entered into a binding contract to undertake such construction. This deadline can be extended by up to 12 months, provided you apply to Ohio EPA for this extension within a reasonable time before the 18-month period has ended and you can show good cause for any such extension.

7. What reports must I submit under this permit?

An annual permit evaluation report (PER) is required in addition to any malfunction reporting required by OAC rule 3745-15-06 or other specific rule-based reporting requirement identified in this permit. Your PER due date is identified in the Authorization section of this permit.

8. If I am required to obtain a Title V operating permit in the future, what happens to the operating provisions and PER obligations under this permit?

If you are required to obtain a Title V permit under OAC Chapter 3745-77 in the future, the permit-to-operate portion of this permit will be superseded by the issued Title V permit. From the effective date of the Title V permit forward, this PTIO will effectively become a PTI (permit-to-install) in accordance with OAC rule 3745-31-02(B). The following terms and conditions will no longer be applicable after issuance of the Title V permit: Section B, Term 1.b) and Section C, for each emissions unit, Term a)(2).

The PER requirements in this permit remain effective until the date the Title V permit is issued and is effective, and cease to apply after the effective date of the Title V permit. The final PER obligation will cover operations up to the effective date of the Title V permit and must be submitted on or before the submission deadline identified in this permit on the last day prior to the effective date of the Title V permit.

9. What are my obligations when I perform scheduled maintenance on air pollution control equipment?

You must perform scheduled maintenance of air pollution control equipment in accordance with OAC rule 3745-15-06(A). If scheduled maintenance requires shutting down or bypassing any air pollution control equipment, you must also shut down the emissions unit(s) served by the air pollution control equipment during maintenance, unless the conditions of OAC rule 3745-15-06(A)(3) are met. Any emissions that exceed permitted amount(s) under this permit (unless specifically exempted by rule) must be reported as deviations in the annual permit evaluation report (PER), including nonexempt excess emissions that occur during approved scheduled maintenance.

10. Do I have to report malfunctions of emissions units or air pollution control equipment? If so, how must I report?

If you have a reportable malfunction of any emissions unit(s) or any associated air pollution control system, you must report this to the Toledo Department of Environmental Services in accordance with OAC rule 3745-15-06(B). Malfunctions that must be reported are those that result in emissions that exceed permitted emission levels. It is your responsibility to evaluate control equipment breakdowns and operational upsets to determine if a reportable malfunction has occurred.

If you have a malfunction, but determine that it is not a reportable malfunction under OAC rule 3745-15-06(B), it is recommended that you maintain records associated with control equipment breakdown or process upsets. Although it is not a requirement of this permit, Ohio EPA recommends that you maintain records for non-reportable malfunctions.

11. Can Ohio EPA or my local air agency inspect the facility where the emission unit(s) is/are located?

Yes. Under Ohio law, the Director or his authorized representative may inspect the facility, conduct tests, examine records or reports to determine compliance with air pollution laws and regulations and the terms and conditions of this permit. You must provide, within a reasonable time, any information Ohio EPA requests either verbally or in writing.

12. What happens if one or more emissions units operated under this permit is/are shut down permanently?

Ohio EPA can terminate the permit terms associated with any permanently shut down emissions unit. "Shut down" means the emissions unit has been physically removed from service or has been altered in such a way that it can no longer operate without a subsequent "modification" or "installation" as defined in OAC Chapter 3745-31.

You should notify Ohio EPA of any emissions unit that is permanently shut down by submitting a certification that identifies the date on which the emissions unit was permanently shut down. The certification must be submitted by an authorized official from the facility. You cannot continue to operate an emission unit once the certification has been submitted to Ohio EPA by the authorized official.

You must comply with all recordkeeping and reporting for any permanently shut down emissions unit in accordance with the provisions of the permit, regulations or laws that were enforceable during the period of operation, such as the requirement to submit a PER, air fee emission report, or malfunction report. You must also keep all records relating to any permanently shutdown emissions unit, generated while the emissions unit was in operation, for at least five years from the date the record was generated.

Again, you cannot resume operation of any emissions unit certified by the authorized official as being permanently shut down without first applying for and obtaining a permit pursuant to OAC Chapter 3745-31.

13. Can I transfer this permit to a new owner or operator?

You can transfer this permit to a new owner or operator. If you transfer the permit, you must follow the procedures in OAC Chapter 3745-31, including notifying Ohio EPA or the local air agency of the

change in ownership or operator. Any transferee of this permit must assume the responsibilities of the transferor permit holder.

14. Does compliance with this permit constitute compliance with OAC rule 3745-15-07, "air pollution nuisance"?

This permit and OAC rule 3745-15-07 prohibit operation of the air contaminant source(s) regulated under this permit in a manner that causes a nuisance. Ohio EPA can require additional controls or modification of the requirements of this permit through enforcement orders or judicial enforcement action if, upon investigation, Ohio EPA determines existing operations are causing a nuisance.

15. What happens if a portion of this permit is determined to be invalid?

If a portion of this permit is determined to be invalid, the remainder of the terms and conditions remain valid and enforceable. The exception is where the enforceability of terms and conditions are dependent on the term or condition that was declared invalid.

B. Facility-Wide Terms and Conditions

1. This permit document constitutes a permit-to-install issued in accordance with ORC 3704.03(F) and a permit-to-operate issued in accordance with ORC 3704.03(G).

   a) For the purpose of a permit-to-install document, the facility-wide terms and conditions identified below are federally enforceable with the exception of those listed below which are enforceable under state law only.

      (1) None.

   b) For the purpose of a permit-to-operate document, the facility-wide terms and conditions identified below are enforceable under state law only with the exception of those listed below which are federally enforceable.

      (1) None.

C. Emissions Unit Terms and Conditions

1. G001, G001

Operations, Property and/or Equipment Description:

G001 - Underground Storage Tanks: one (1) 16000 gallon and one (1) 8,000 gallon storage tanks for gasoline and one (1) 10,000 gallon storage tank for E-85.

a) This permit document constitutes a permit-to-install issued in accordance with ORC 3704.03(F) and a permit-to-operate issued in accordance with ORC 3704.03(G).

(1) For the purpose of a permit-to-install document, the emissions unit terms and conditions identified below are federally enforceable with the exception of those listed below which are enforceable under state law only.

a. None.

(2) For the purpose of a permit-to-operate document, the emissions unit terms and conditions identified below are enforceable under state law only with the exception of those listed below which are federally enforceable.

a. None.

b) Applicable Emissions Limitations and/or Control Requirements

(1) The specific operations(s), property, and/or equipment that constitute each emissions unit along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from each unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
a.	OAC rule 3745-21-09 (R)	Stage I vapor control - 90% control efficiency for volatile organic compounds (VOCs), submerged fill.
b.	OAC rule 3745-31-05	45.5 tons organic compounds (OC)/year
c.	40 CFR 63, subpart CCCCCC	See b)(2)a.

(2) Additional Terms and Conditions

a. The permittee shall comply with all applicable requirements of 40 CFR Part 63 subpart CCCCCC, “NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORY: GASOLINE DISPENSING FACILITIES”. The complete 40 CFR Part 63 requirements, including the General Provisions may be accessed via the internet from the Electronic Code of Federal Regulations (e-CFR) website http://ecfr.gpoaccess.gov or by contacting the Toledo Division of Environmental Services.

U.S. EPA's generally available control technology (GACT) and/or management practices for area source categories of hazardous air pollutants are regulated by U.S. EPA.

c) Operational Restrictions

(1) The permittee shall comply with the following operational restrictions for the Stage I vapor control system:

a. The vapor balance system shall be kept in good working order and shall be used at all times during the transfer of gasoline.

b. There shall be no leaks in the delivery vessel pressure/vacuum relief valves and hatch covers.

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

d. 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.

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

f. The permittee shall repair within 15 days any leak from the vapor balance system or vapor control system which is employed to meet the requirements of paragraph (R)(1) of OAC rule 3745-21-09 when such leak is equal to or greater than 100 percent of the lower explosive limit as propane, as determined under paragraph (K) of OAC rule 3745-21-10.

d) Monitoring and/or Recordkeeping Requirements

(1) The permittee shall maintain records of the results of any leak checks, including, at a minimum, the following information:

a. Date of inspection.

b. Findings (may indicate no leaks discovered or location, nature, and severity of each leak),

c. Leak determination method.

d. Corrective action (date each leak repaired and reasons for any repair interval in excess of 15 calendar days).

e. Inspector's name and signature.

(2) The permittee shall maintain monthly records of the following:

a. The gasoline throughput for the facility.

b. The rolling, 12-month total gasoline throughput.

e) Reporting Requirements

(1) Any leak from the vapor balance system or vapor control system that is not repaired within 15 days after identification shall be reported to the Director within 30 days after the repair is completed.

f) Testing Requirements

(1) Compliance with the annual organic compound (OC) emission limit in b)(1) of these terms and conditions shall be calculated as the sum of the OC emissions from all gasoline storage tank filling and dispensing operations and, if applicable, diesel, kerosene, and used oil tank filling operations at the gasoline dispensing facility (unless otherwise exempted pursuant to OAC rule 3745-31-03). This calculation shall be based on the annual gasoline, diesel, kerosene, and used oil throughputs for the facility using the calculation and emission factors below.

a. Emission Limitation:

45.5 tons OC/year

Applicable Compliance Method:

Multiply the appropriate emission factor below by the gallons of gasoline, diesel, kerosene, or used oil dispensed per year and divide by 2000 lbs/ton. Repeat this calculation for each material dispensed at the facility and sum the results to yield the total annual OC emission rate.

(Emission rates (factors) are expressed in pounds (lbs) of organic compounds per 1000 gallons of gasoline throughput. Emission factors are for VOC as well as total organic compound (OC) emissions, because the methane and ethane content of gasoline is negligible.)

i. Emission factors for gasoline storage tank filling and dispensing operations:

(a) Gasoline dispensing facility has submerged tank filling for gasoline storage tanks: OC emission factor = 20.0 lbs OC/1000 gallons.

(b) Gasoline dispensing facility has submerged tank filling with Stage I vapor control for gasoline storage tanks: OC emission factor = 13.0 lbs OC/1000 gallons.

(c) Gasoline dispensing facility has submerged tank filling with Stage I vapor control for gasoline storage tanks and Stage II vapor control for vehicle refueling: OC emission factor = 3.1 lbs OC/1000 gallons.

(Gasoline emission factors are from USEPA publication AP-42, Fifth Edition, Table 5.2-7)

ii. Emission factors for diesel, kerosene, and used oil tank filling operations:

(a) Gasoline dispensing facility has submerged tank filling for diesel, kerosene, and used oil tank filling operations: OC emission factor = 0.027 lb OC/1000 gallons.

(This emission factor is the SCC emission factor for transfer operations from diesel storage tanks. It is assumed that the same emission factor applies to kerosene and used oil transfer operations.)

g) Miscellaneous Requirements

(1) None.