



State of Ohio Environmental Protection Agency

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

**RE: FINAL PERMIT TO INSTALL**

**FAYETTE COUNTY**

**Application No: 01-12204**

**Fac ID: 0124000139**

**DATE: 12/20/2007**

Octa Retail LLC  
Jeffrey Hullinger  
1335 Dublin Road Suite 126D  
Columbus, OH 43215

**CERTIFIED MAIL**

	TOXIC REVIEW
	PSD
	SYNTHETIC MINOR
	CEMS
	MACT
	NSPS
	NESHAPS
	NETTING
	MAJOR NON-ATTAINMENT
	MODELING SUBMITTED
	GASOLINE DISPENSING FACILITY

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.

The Ohio EPA is urging companies to investigate pollution prevention and energy conservation. Not only will this reduce pollution and energy consumption, but it can also save you money. If you would like to learn ways you can save money while protecting the environment, please contact our Office of Pollution Prevention at (614) 644-3469.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 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. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

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

Sincerely,

*Michael W. Ahern* 

Michael W. Ahern, Manager  
Permit Issuance and Data Management Section  
Division of Air Pollution Control

CC: USEPA

CDO



**Permit To Install  
Terms and Conditions**

**Issue Date: 12/20/2007  
Effective Date: 12/20/2007**

**FINAL PERMIT TO INSTALL 01-12204**

Application Number: 01-12204  
Facility ID: 0124000139  
Permit Fee: **\$400**  
Name of Facility: Octa Retail LLC  
Person to Contact: Jeffrey Hullinger  
Address: 1335 Dublin Road Suite 126D  
Columbus, OH 43215

Location of proposed air contaminant source(s) [emissions unit(s)]:  
**9021 West Lancaster Road  
Jeffersonville, Ohio**

Description of proposed emissions unit(s):  
**Parking lot area.**

The above named entity is hereby granted a Permit to Install for the above described emissions unit(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 emissions unit(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 emissions unit(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

Chris Korleski  
Director

## Part I - GENERAL TERMS AND CONDITIONS

### A. Permit to Install General Terms and Conditions

#### 1. Compliance Requirements

The emissions unit(s) identified in this Permit to Install shall remain in full compliance with all applicable State laws and regulations and the terms and conditions of this permit.

#### 2. Reporting Requirements

The permittee shall submit required reports in the following manner:

- a. Reports of any required monitoring and/or recordkeeping information shall be submitted to the appropriate Ohio EPA District Office or local air agency.
- b. Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (a) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in this permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted (i.e., postmarked) quarterly by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)

#### 3. Records Retention Requirements

Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.

#### 4. Inspections and Information Requests

The Director of the Ohio EPA, or an authorized representative of the Director, may, subject to the safety requirements of the permittee and without undue delay, enter upon the premises of this source at any reasonable time for purposes of making inspections, conducting tests, examining records or reports pertaining to any emission of air

contaminants, and determining compliance with any applicable State air pollution laws and regulations and the terms and conditions of this permit. The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon verbal or written request, the permittee shall also furnish to the Director of the Ohio EPA, or an authorized representative of the Director, copies of records required to be kept by this permit.

**5. Scheduled Maintenance/Malfunction Reporting**

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio EPA District Office or local air agency in accordance with paragraph (B) of OAC rule 3745-15-06. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is (are) served by such control system(s).

**6. Permit Transfers**

Any transferee of this permit shall assume the responsibilities of the prior permit holder. The appropriate Ohio EPA District Office or local air agency must be notified in writing of any transfer of this permit.

**7. Air Pollution Nuisance**

The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07.

**8. Termination of Permit to Install**

This Permit to Install shall terminate within eighteen months of the effective date of the Permit to Install if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. 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.

**9. Construction of New Sources(s)**

The proposed emissions unit(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 cannot meet the requirements of this permit or cannot meet applicable standards.

If the construction of the proposed emissions unit(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 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 cannot meet the requirements of this permit or cannot meet applicable standards.

#### **10. 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.

#### **11. Applicability**

This Permit To Install is applicable only to the emissions unit(s) identified in the Permit To Install. Separate Permit To Install for the installation or modification of any other emissions unit(s) are required for any emissions unit for which a Permit To Install is required.

#### **12. 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.

#### **13. Source Operation and Operating Permit Requirements 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. Pursuant to OAC Chapter 3745-35, the permittee shall submit a complete operating permit application within ninety (90) days after commencing operation of the emissions unit(s) covered by this permit.

**14. Construction Compliance Certification**

The applicant shall provide Ohio EPA with a written certification (see enclosed form) that the facility has been 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.

**15. Fees**

The permittee shall pay fees to the Director of the Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78. The permittee shall pay all applicable Permit to Install fees within 30 days after the issuance of this Permit to Install.

**B. Permit to Install Summary of Allowable Emissions**

The following information summarizes the total allowable emissions, by pollutant, based on the individual allowable emissions of each air contaminant source identified in this permit.

SUMMARY (for informational purposes only)  
TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS

<u>Pollutant</u>	<u>Tons Per Year</u>
PE	12.4
PM10	3.65

**PART II - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)**

**A. Applicable Emissions Limitations and/or Control Requirements**

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

**Operations, Property, and/or Equipment -(F001) - Unpaved Truck and Automobile Parking Areas and Roadways**

Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
OAC rule 3745-31-05	<p style="text-align: center;">Limit(s)</p> <p>Fugitive particulate emissions (PE) shall not exceed 12.4 tons per year and 3.65 tons/year of 10 microns or less (PM10).</p> <p>No visible fugitive particulate emissions except for 3 minutes during any 60-minute period from any unpaved roadway or parking area.</p> <p>Best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (see Sections A.2.b through A.2.f)</p>

**2. Additional Terms and Conditions**

- 2.a The unpaved roadways and parking areas that are covered by this permit and subject to the above-mentioned requirements are listed below:

unpaved roadways and parking areas:  
 All unpaved roadways and parking areas.

- 2.b The permittee shall employ best available control measures on all unpaved roadways and/or parking area for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's permit application, the permittee has committed to employ organic or inorganic dust suppressants, coarse aggregate, or water at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control equally-effective measures to ensure compliance.
- 2.c The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such

material has been deposited by trucking or earth moving equipment or erosion by water or other means.

2.d Open-bodied vehicles transporting materials likely to become airborne shall have such materials covered at all times if the control measure is necessary for the materials being transported.

2.e Implementation of the above-mentioned control measures in accordance with the terms and conditions of this permit is appropriate and sufficient to satisfy the best available technology requirements of OAC rule 3745-31-05.

2.f The needed frequencies of implementation of the control measures shall be determined by the permittee's inspections pursuant to the monitoring section of this permit. Implementation of the control measures shall not be necessary for unpaved roadways and parking areas that are covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Implementation of any control measure may be suspended if unsafe or hazardous driving conditions would be created by its use.

**B. Operational Restrictions**

None

**C. Monitoring and/or Recordkeeping Requirements**

1. Except as otherwise provided in this section, the permittee shall perform inspections of the roadways and parking areas in accordance with the following frequencies:

unpaved roadways and/or parking areas  
All

minimum inspection frequency  
once during each day of operation

2. The purpose of the inspections is to determine the need for implementing the above-mentioned control measures. The inspections shall be performed during representative, normal traffic conditions. No inspection shall be necessary for a roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Any required inspection that is not performed due to any of the above-identified events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.

3. The permittee may, upon receipt of written approval from the Central District Office, modify the above-mentioned inspection frequencies if operating experience indicates

that less frequent inspections would be sufficient to ensure compliance with the above-mentioned applicable requirements.

4. The permittee shall maintain records of the following information:
  - a. the date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;
  - b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;
  - c. the dates the control measures were implemented; and
  - d. on a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

The information required in 4.d. shall be kept separately for the unpaved roadways and parking areas, and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

#### **D. Reporting Requirements**

1. The permittee shall submit deviation reports for unpaved roadway and parking area that identify any of the following occurrences:
  - a. each day during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and
  - b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.
2. The deviation reports shall be submitted in accordance with the reporting requirements of the General Terms and Conditions of this permit.

#### **E. Testing Requirements**

1. Emission Limitation:  
No visible PE from unpaved roadways and parking areas except for a period of time not to exceed three minutes during any 60-minute observation period.

Applicable Compliance Method: If required, compliance with the visible PE limitation listed above shall be determined in accordance with Test Method 22 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources"), as such Appendix existed on July 1, 1996, and the modifications listed in paragraphs (B)(4)(a) through (B)(4)(d) of OAC rule 3745-17-03.

2. Emission Limitation:

PE shall not exceed 12.4 tons per year from unpaved roadways and parking areas.

Applicable Compliance Method:

Compliance with fugitive PE limitations shall be determined by using the emission factor equations in AP-42 (11/2006) Section 13.2.2 (for unpaved roadways) using the silt content and vehicle weights information supplied by the applicant. Should further updates in AP-42 occur, the most current equations shall be used. These emission limits were based on maximum vehicle miles traveled (PTI Application 01-12204 and subsequent revision) and a summation of the two vehicle categories, and a 71% PE control efficiency from the application of organic or inorganic dust suppressants, coarse aggregate, or water.

PE emissions for trucks on unpaved roads and parkways:

$$E = k(s/12)^a(W/3)^b$$

- E = size-specific particulate emission factor (lb/VMT)
- k = constant - 4.9 for PE (particle size multiplier for pounds/VMT)
- s = 11.1 percent - surface material silt content
- W = maximum vehicle weight in tons trucks (40)
- a = constant - 0.7 for PE
- b = constant - 0.45 for PE

$$E = 4.9(11.1/12)^{0.7}(40/3)^{0.45}$$

$$4.9(.95)(3.2) = 14.9 \text{ Lbs/VMT}$$

Control efficiency (organic or inorganic dust suppressants, coarse aggregate, or water) = 71 percent

$$= 14.9 \text{ Lbs/VMT } 4,289 \text{ Miles-Yr } /2000 =$$

$$31.95 \text{ Tons-Yr (71 percent control) } = 9.27 \text{ TPY- PE}$$

PE emissions for automobiles on unpaved roads and parkways:

$$E = k(s/12)^a(W/3)^b$$

E = size-specific particulate emission factor (lb/VMT)  
k = constant - 4.9 for PE (particle size multiplier for pounds/VMT)  
s = 8.2 percent - surface material silt content  
W = maximum vehicle weight in tons automobiles (2.5)  
a = constant - 0.7 for PE  
b = constant - 0.45 for PE  
 $E = 4.9(8.2/12)^{0.7}(2.5/3)^{0.45}$   
 $4.9(0.77)(0.92) = 3.47 \text{ Lbs/VMT}$

Control efficiency(organic or inorganic dust suppressants, coarse aggregate, or water.) = 71 percent

3.47 Lbs/VMT 6,228 Miles-Yr /2000 =  
10.81 Tons-Yr (71 percent control) = 3.13 TPY- PE  
Total 12.4 TPY/PE

3. Applicable Compliance Method:

Compliance with fugitive PM10 limitations shall be determined by using the emission factor equations in AP-42 (11/2006) Section 13.2.2 (for unpaved roadways) using the silt content and vehicle weights information supplied by the applicant. Should further updates in AP-42 occur, the most current equations shall be used. These emission limits were based on maximum vehicle miles traveled (PTI Application 01-12204 and subsequent revision) and a summation of the two vehicle categories, and a 71% PM10 control efficiency from the application of organic or inorganic dust suppressants, coarse aggregate, or water.

PM10 emissions for trucks on unpaved roads and parkways:

$$E = k(s/12)^a(W/3)^b$$

E = size-specific particulate emission factor (lb/VMT)  
k = constant - 1.5 for PM10 (particle size multiplier for pounds/VMT)  
s = 11.1 percent - surface material silt content  
W = maximum vehicle weight in tons trucks (40)  
a = constant 0.9 for PM10  
b = constant - 0.45 for PM10  
 $E = 1.5(11.1/12)^{0.9}(40/3)^{0.45}$   
 $1.5(.93)(3.2) = 4.46 \text{ Lbs/VMT}$

Control efficiency (organic or inorganic dust suppressants, coarse aggregate, or water.) = 71 percent

4.46 Lbs/VMT 4,289 Miles-Yr /2000 =

9.56 Tons-Yr (71 percent control) = 2.77 TPY- PM10

PM10 emissions for automobiles on unpaved roads and parkways:

$$E = k(s/12)^a(W/3)^b$$

E = size-specific particulate emission factor (lb/VMT)  
k = constant - 1.5 for PM10 (particle size multiplier for pounds/VMT)  
s = 8.2 percent - surface material silt content  
W = maximum vehicle weight in tons automobiles (2.5)  
a = constant - 0.9 for PM10  
b = constant - 0.45 for PM10

$$1.5(8.2/12)^{0.9}(2.5/3)^{0.45}$$
$$1.5(.71)(0.92) = 0.98 \text{ Lb/VMT}$$

Control efficiency (organic or inorganic dust suppressants, coarse aggregate, or water) = 71 percent

= 0.98 Lb/VMT 6,228 Miles-Yr /2000 =  
3.05 Tons-Yr (71 percent control) = 0.88 TPY- PE  
Total 3.65 TPY/PM10

## F. Miscellaneous Requirements

None