AGENDA FOR THE JUNE 3, 2010
EC MEETING

CASES TO BE CLOSED:

Barrett Paving Materials, Inc.	#2814	HAMCO	Final F&Os	Tom/Steve
J.S. Paris Excavating, Inc.	#2822	M-TAPCA	Final F&Os	Tom/Steve
John Harb, Liberty Gas USA #10, Liberty Gas, JS Solon LLC., Plaxy 1 Inc.	#2839	NEDO	AGO Ref.	Tom/Don
Pure Gas Incorporated	#2857	NEDO	Final F&Os	Tom/Steve
Bridgestone APM Company, Foam Products Division	#2869	NWDO	Final F&Os	John/Don

PENDING CASES:

Pilot Travel Centers, LLC (Pilot #0002)	#2905	NEDO	Prop. F&Os	Tom/Don

OTHER BUSINESS:

(1) Distribute updated schedule of progress for resolving all "old" cases for 2009 and 2010.

(2) Steve is scheduled to provide food for today's meeting at 3:00 p.m. in DAPC Rm C.

(3) The next meeting is scheduled for Thursday, June 17, 2010 at ~~3:00 p.m.~~ 10:00 a.m. in DAPC Rm C. Jim is scheduled for food. (Future food schedule: John for July 1; Don for July 15.)

ENFORCEMENT COMMITTEE MEETING MINUTES

(June 3, 2010)

		Dates:	
Case Number:	2814	**EAR**:	04/01/09
Entity:	Barrett Paving Materials, Inc.	**DWL**:	N/A
Field Office:	HAMCO	**F&Os**:	06/02/10
Contact:	Patty Porter/Tom Kalman	**Referral**:	N/A
Attorney:	Stephen Feldmann	**Dismissal**:	N/A

Background: On February 24, 2010, proposed Director's Final Findings and Orders ("F&Os") were sent to Barrett Paving Materials, Inc. ("Barrett"), of 600 Shepherd Lane in Cincinnati, to attempt an administrative settlement of the emission limit violations that occurred at four of its asphaltic concrete production plants located at 107 River Circle Drive ("Fairfield Facility"), Fairfield, Ohio; 387 Smalley Rd. ("Reading Facility"), Reading, Ohio; 1466 West Mason Morrow Millgrove Road ("West Mason Facility"), South Lebanon, Ohio; and the former plant located at 4000 Turtle Creek Road ("Turtle Creek Facility"), South Lebanon, Ohio. The F&Os proposed to require Barrett to pay a civil penalty of $173,700 within 14 days after the effective date, of which $34,740 would be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP. Also, the F&Os proposed to require the development and implementation of a control equipment (baghouse) inspection and maintenance plan as well as record-keeping requirements to assure compliance with the plan. The plan is to be developed, maintained and implemented within 60 days after the effective date of the F&Os.

The proposed F&Os addressed the following violations of air pollution control permits and law:

(1) Emitting 10.90 lbs of particulate emissions ("PE") per hour from the asphaltic concrete plant's baghouse at the **Turtle Creek Facility**, which exceeded the allowable of 8.0 lbs of PE per hour, from September 20, 2007 (failing test date) to shutdown of the plant in late 2007, in violation of the August 22, 2006 PTI and ORC § 3704.05(C);

(2) Emitting 0.15 gr of PE per dscf from the asphaltic concrete plant's baghouse at the **West Mason Facility**, which exceeded the allowable of 0.03 gr of PE per dscf, from August 28, 2008 (failing test date) to October 28, 2008 (passing test date showing 0.006 gr of PE per dscf), in violation of the December 20, 2007 PTI and ORC § 3704.05(C);

(3) Emitting 40.7 lbs of PE per hour and 0.18 gr of PE per dscf from the asphaltic concrete plant's baghouse at the **Fairfield Facility**, which exceeded the allowables of 10.35 lbs of PE per hour and 0.04 gr of PE per dscf, from September 26, 2008 (failing test date) to October 31, 2008 (passing test date showing 0.009 of PE per dscf and 2.34 lbs of PE per hour), in violation of the April 15, 2008 PTO and ORC § 3704.05(C);

(4) Emitting 44.7 lbs of volatile organic compounds ("VOC") per hour from the asphaltic concrete plant's baghouse at the **Reading Facility**, which exceeded the allowable of 15.1 lbs of VOC per hour, from April 22 and 23, 2008 (failing test dates) to the date that a new permit was issued for the emissions unit that contained a higher VOC emission limitation, in violation of the October 10, 2006 PTO and ORC § 3704.05(C); and

(5) Failing to timely conduct the required testing for the asphaltic concrete plant's baghouse at the **Reading Facility**, from October 10, 2007 (deadline) to April 22 and 23, 2008 (test dates), in violation of the October 10, 2006 PTO and ORC § 3704.05(C).

(See the EC Meeting Minutes of February 25, 2010 for additional background information.)

On March 10, 2010, Barrett's attorney submitted comments on the proposed F&Os with a counteroffer of $119,100. On April 6, 2010, an e-mail was sent to Barrett's attorney addressing the comments and proposing a counteroffer of $141,700. The reduction in penalty was primarily due to additional mitigation being provided for cooperation and the dropping of the penalty augmentation for willfulness or negligence. In a letter dated April 15, 2010, Barrett's attorney indicated that his client accepts the counteroffer. Revised proposed F&Os were sent to Barrett for signing and return. Barrett returned the F&Os with signature.

Action: On June 2, 2010, final F&Os were issued to Barrett in resolution of the violations. The F&Os require Barrett to pay a civil penalty of $141,700 within 14 days after the effective date of the F&Os, of which $28,340 is to be directed to the Ohio EPA's Clean Diesel School Bus Program Fund. Also, the F&Os require Barrett to do the following:

(1) Within 60 days after the effective date of these Orders, develop, maintain and implement a regular inspection and maintenance plan for each air pollution control system employed at the facilities identified in these Orders, except for the former Turtle Creek Facility. The plan is to be developed following the recommendations of the individual control system's vendor and the Ohio EPA's inspection and maintenance manual, and must at minimum meet good engineering practices.

(2) Maintain at each facility all the spare parts that are recommended by the individual control system's vendor and/or the spare parts identified in the plan.

(3) Maintain records of the date, time and results of each inspection conducted on a control system as well as the date, the finishing time, the name of the person(s) conducting the maintenance, and a detailed description of each maintenance activity performed on the control system. Any failure to conduct inspections/maintenance within the deadlines in the plan is to be recorded along with the reason for the failure to do so.

It is estimated that this enforcement action with Barrett reduced actual PE from the facilities in the amount of 60 tons per year.

Case Closed

		Dates:	
Case Number:	2822	**EAR**:	04/28/09
Entity:	J.S. Paris Excavating, Inc.	**DWL**:	N/A
Field Office:	M-TAPCA	**F&Os**:	06/02/10
Contact:	Tan Tran/Tom Kalman	**Referral**:	N/A
Attorney:	Stephen Feldmann	**Dismissal**:	N/A

Background: On November 12, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to J.S. Paris Excavating, Inc. ("J.S. Paris") of 11550 Mahoning Avenue, North Jackson, Ohio, to attempt an administrative settlement of the violation of OAC Rule 3745-20-03(A) and ORC § 3704.05(G). The violation occurred in or about November 2007, when J.S. Paris demolished two commercial structures located at 14941 and 14973 South Avenue, Beaver Township, Mahoning County, Ohio, under contract with the owner, Signature Development Group, LLC, of 23230 Chagrin Boulevard, Suite 700, Beachwood, Ohio.

The F&Os proposed to require J.S. Paris to pay a civil penalty of $8,500 to Ohio EPA, of which $6,800 was to be due within 14 days after the effective date of the F&Os and $1,700 was to be due within 30 days after the effective date of the F&Os to the Clean Diesel School Bus Program Fund as a SEP.

The proposed F&Os addressed the violation that was discovered on February 1, 2008 by a representative of the Mahoning-Trumbull Air Pollution Control Agency ("M-

TAPCA"). It was discovered that the two structures had already been demolished sometime in November 2007 and the debris was removed, and that construction of a new building was in progress. A written notification of intent to demolish a facility was not submitted by J.S. Paris at least 10 working days prior to the beginning of demolition, in violation of OAC Rule 3745-20-03(A) and ORC § 3704.05(G). Also, at the time of the inspection, there was no indication that an asbestos survey of the structures pursuant to OAC Rule 3745-20-02(A) had been conducted prior to commencement of the demolition. However, M-TAPCA was subsequently informed that an asbestos survey was performed prior to the demolition, and no asbestos was found in the structures.

(See the EC Meeting Minutes of November 19, 2009 for additional background information.)

A conference call was held with Jason Paris of J.S. Paris on March 25, 2010 to discuss settlement via the proposed F&Os. A settlement was reached during that meeting.

Action: On June 2, 2010, final F&Os were issued to J.S. Paris. The F&Os require J.S. Paris to pay a civil penalty of $7,000 to Ohio EPA within 30 days after the effective date of the F&Os. Of the total penalty, $1,400 is to be directed to the Clean Diesel School Bus Program Fund as a SEP.

Case Closed

		Dates:	
Case Number:	2839	**EAR**:	07/21/09
Entity:	John Harb, Liberty Gas USA #10, LLC., Liberty Gas, JS Solon LLC., and Plaxy 1 Inc. (Middle Avenue GDF in Lorain)	**DWL**:	N/A
Field Office:	NEDO	**F&Os**:	09/21/09 (prop.)
Contact:	Jim Kavalec/Tom Kalman	**Referral**:	05/27/10
Attorney:	Donald L. Vanterpool	**Dismissal**:	N/A

Background: On September 21, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Liberty Gas USA, LLC ("Liberty"), in care of John Harb at 824 Middle Avenue, Elyria, Ohio, to attempt an administrative settlement of the violations of the Stage II vapor control system requirements at its gasoline dispensing facility ("GDF")

located at the same address. The F&Os proposed to require Liberty to:

(1) Within 30 days after the effective date of the F&Os, submit a Permit-by-Rule ("PBR") notification to Ohio EPA for this GDF in accordance with OAC Rule 3745-31-03(A)(4)(a);

(2) Within 60 days after the effective date of the F&Os, submit documentation to Ohio EPA demonstrating the operator or local manager of this GDF has completed the Stage II vapor control system training required by OAC Rule 3745-21-09(DDD)(3)(a)(vi);

(3) Within 30 days after the effective date of the F&Os, demonstrate that the Stage II vapor control system for this GDF is operating correctly by conducting and passing static leak, A/L ratio, and dynamic pressure performance tests;

(4) Conduct weekly inspections of the Stage II vapor control systems at this GDF for the next two ozone seasons (2010 and 2011), checking for leaks, malfunctions or damage to the systems. Copies of records of these inspections and any repairs made must be submitted to Ohio EPA;

(5) During the next two ozone seasons (2010 and 2011), perform static leak and A/L ratio tests at this GDF prior to the beginning (during March) of each ozone season and during August of each ozone season. The results of these tests must be submitted to Ohio EPA; and

(6) Pay Ohio EPA a civil penalty in the amount of $29,000, of which $23,200 of the civil penalty is due to Ohio EPA within 30 days after the effective date of the F&Os and $5,800 is to be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP within 30 days after the effective date of the F&Os.

The proposed F&Os cited Liberty with the following violations of air pollution control rules and law at the Middle Avenue GDF:

(1) From on or about the expiration date of the last Permit to Operate ("PTO") on September 16, 1997 to the present, Liberty has operated this GDF without applying for or obtaining PTOs, and a Permit to Install and Operate ("PTIO") or a Permit-by-Rule ("PBR"), in violation of former OAC Rule 3745-35-02, OAC Rule 3745-31-02, and ORC § 3704.05(G);

(2) On May 1, 2008, Liberty failed to show maintenance of records demonstrating proof of attendance and completion of the training required by Ohio EPA, in

violation of OAC Rule 3745-21-09(DDD)(3)(a)(vi) and ORC § 3704.05(G). These violations continue to the present;

(3) From May 1 to August 20, 2008, Liberty operated the dispensers after a failed static leak test due to leaks in the coax drop tubes and without conducting an air to liquid ("A/L") ratio test. The failure to properly install, operate and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of OAC Rule 3745-21-09(DDD)(1)(b) and (c) and ORC § 3704.05(G);

(4) From August 20, 2008 to December 5, 2008, Liberty operated the dispensers after a failed static leak test due to the drop tubes sticking open and not properly sealing, and thus leaking. The failure to properly install, operate and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of OAC Rule 3745-21-09(DDD)(1)(b) and (c) and ORC § 3704.05(G); and

(5) From December 5 to the present, Liberty operated the dispensers after a failed A/L ratio test due to low flow on all the premium and mid-grade dispensers. The failure to properly install, operate and maintain the vapor control system and the failure to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of OAC Rule 3745-21-09(DDD)(1)(b) and (c) and ORC § 3704.05(G).

(See the EC Meeting Minutes of September 24, 2009 for additional background information.)

On December 2, 2009, revised proposed F&Os were sent to Mr. Harb that superceded the September 21, 2009 proposed F&Os. These F&Os added another GDF owned and/or operated by Liberty Gas. This GDF is located at 2850 Grove Avenue in Lorain, Ohio, and this GDF is also subject to the Stage II vapor control system requirements of OAC Rule 3745-21-09(DDD). These proposed F&Os contained the same Orders as the September 21, 2009 version except that the Grove Avenue GDF was added to those Orders. Also, the civil penalty was increased to $59,400 for the violations at both GDFs.

The December 2, 2009 proposed F&Os addressed the following violations of air pollution control rules and law associated with the Grove Avenue GDF:

(1) In 2007 and 2008, Liberty failed to conduct the required annual static leak and A/L ratio testing, in violation of OAC Rule 3745-21-09(DDD)(2)(f) and ORC § 3704.05(G);

(2) From March 12 to April 6, 2009, Liberty operated the dispensers after a failed static leak test due to leaking drop tubes and without conducting an A/L ratio test. The failure to properly install, operate and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of OAC Rule 3745-21-09(DDD)(1)(b) and (c) and ORC § 3704.05(G);

(3) From April 6 to June 8, 2009, Liberty operated the dispensers after a passing static leak test and failing an A/L ratio test for dispensers 1, 3 and 4. The failure to properly install, operate and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of OAC Rule 3745-21-09(DDD)(1)(b) and (c) and ORC § 3704.05(G);

(4) On April 6, 2009, Liberty failed to maintain maintenance records and records demonstrating proof of attendance and completion of the training required by Ohio EPA, in violation of OAC Rule 3745-21-09(DDD)(3)(a)(iii) and (vi) and ORC § 3704.05(G). These violations continue to the present;

(5) From June 8 to November 5, 2009, Liberty operated the dispenser after a failing A/L ratio because the newly installed vacuum motor was not operating properly. The failure to properly install, operate and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of OAC Rule 3745-21-09(DDD)(1)(b) and (c) and ORC § 3704.05(G); and

(6) From November 5, 2009 to the present, Liberty operated the dispensers after testing could not be done because the GDF ran out of gasoline. The failure to properly install, operate and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary

storage tank into a motor vehicle were violations of OAC Rule 3745-21-09(DDD)(1)(b) and (c) and ORC § 3704.05(G).

On December 3, 2009, Ohio EPA received a letter dated November 27, 2009 from Mr. Harb. The letter responded to the first proposed F&Os sent to him. He indicated that he took over the operation of the Middle Avenue GDF in January 2008 and that JS Solon LLC. owns the property at this GDF, while he is the operator. On December 30, 2009, Mr. Harb submitted a federal tax return for 2008 in the name of Liberty Gas USA #10LLC. The tax return documented negative net worth at the beginning and end of 2008. Also, in an April 2010 letter, Mr. Harb informed Ohio EPA that he filed for Chapter 7 bankruptcy protection in December 2009 and, therefore, was unable to apply funds to pay the civil penalty, and that he had not operated the Middle Avenue GDF since November 2009.

Because of the bankruptcy protection filing by Mr. Harb, it was decided to refer this case to the Attorney General's Office ("AGO") in order to protect the State's interests.

Action: In a letter dated May 27, 2010, the Director referred this case involving John Harb, Liberty Gas USA #10 LLC., Liberty Gas, JS Solon LLC. and Plaxy Inc. (owner of the Grove Avenue property) to the AGO for enforcement action. The letter requests the AGO to file claims for civil penalties and injunctive relief with the applicable courts.

Case Closed

		Dates:	
Case Number:	2857	**EAR**:	09/22/09
Entity:	Pure Gas Incorporated	**DWL**:	N/A
Field Office:	NEDO	**F&Os**:	05/27/10
Contact:	Jim Kavalec/Tom Kalman	**Referral**:	N/A
Attorney:	Stephen Feldmann	**Dismissal**:	N/A

Background: On December 3, 2009, proposed Director's Final Findings and Orders ("F&Os") were sent to Pure Gas Incorporated ("Pure Gas") of 228 E. Erie Avenue in Lorain, Ohio, to attempt an administrative settlement of the violations of the Stage II vapor control system requirements at its gasoline dispensing facility ("GDF") located at the same address. The F&Os proposed to require Pure Gas to do the following:

(1) Conduct weekly inspections of the Stage II vapor control system for the next two ozone seasons (2010 and 2011), starting by March 15, 2010 and March 15, 2011 and continuing until October 31, 2010 and October 31, 2011, respectively, checking for leaks, malfunctions or damage to the system. Copies of records of these inspections and any repairs made must be submitted to Ohio EPA by August 14 of each year for the period from March 15 through July 31, and by November 14 of each year for the period from August 1 through October 31;

(2) During the next two ozone seasons (2010 and 2011), perform static leak and A/L ratio tests prior to the beginning (during March) of each ozone season and during August of each ozone season. The results of these tests must be submitted to Ohio EPA within 14 days of completion of each test; and

(3) Pay Ohio EPA a civil penalty in the amount of $14,400, of which $11,520 of the civil penalty is due to Ohio EPA within 30 days after the effective date of the F&Os and $2,880 is to be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP within 30 days after the effective date of the F&Os. DAPC's Enhanced Enforcement Protocol Policy was used in calculating the civil penalty.

The proposed F&Os addressed the following violations of OAC Rule 3745-21-09(DDD)(1)(b) and (c), which are also violations of ORC § 3704.05(G):

(1) On January 2, 2008, by the failure to perform the annual static leak and air-to-liquid ("A/L") ratio tests for 2008 due to leaking ATG caps and having two crimped and flattened hoses that needed replacement, all while continuing to transfer gasoline from storage tanks to vehicles;

(2) On January 16, 2008, by the failure to pass the A/L ratio test for dispensers 3 and 4 due to an inoperable vacuum pump and continuing operation of these dispensers;

(3) On March 12, 2009, by the failure to perform the annual static leak and A/L ratio tests for 2009 due to the poor condition of several nozzles and because the wrong nozzles were being used on all of the dispensers at the GDF, while continuing to operate the dispensers; and

(4) On April 7, 2009, by the failure to pass the A/L ratio test for dispenser 4 due to an inoperable vacuum pump while continuing operation of the dispenser. A complying A/L ratio test for dispenser 4 was not achieved until June 8, 2009.

(See the EC Meeting Minutes of December 17, 2009 for additional background information.)

On January 17, 2010, a conference call was held with Imran Nazir, the President of Pure Gas, to attempt settlement of the violations. A settlement was not achieved, but Mr. Nazir indicated he would submit financial documentation to show Pure Gas's net worth was lower than that estimated in the penalty worksheet.

On February 10, 2010, Mr. Nazir submitted a balance sheet for 2008 to Ohio EPA that indicated a net worth averaging less than $100,000 for January 1 of 2008 and 2009. This reduced the size of violator penalty and correspondingly lowered the penalty from $14,400 to $11,400.

Based on information provided by Mr. Nazir, the length of time of violation for the 2009 violation was eliminated because he did not operate the dispenser until after it was repaired. Also, mitigation of 15% was provided for cooperation. This resulted in a counteroffer of $8,230.

Pure Gas provided a counteroffer of $2,000, which was unacceptable. Ohio EPA provided a last chance counteroffer of $7,000 by providing the maximum mitigation percentage for cooperation under the policy. A payment plan over two years was also provided in view of Pure Gas's poor financial condition. Mr. Nazir eventually accepted the counteroffer.

Action: On May 27, 2010, final F&Os were issue to Pure Gas in resolution of the violations. The F&Os require Pure Gas to do the same inspection and testing required in the proposed F&Os except that the two ozone seasons were changed to 2011 and 2012. Also, the F&Os require Pure Gas to pay Ohio EPA a civil penalty of $7,000, of which $1,400 is to be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP. Payment of the penalty is to be made via a schedule wherein the $1,400 for the SEP is due within 90 days after the effective date of the F&Os and the remaining $5,600 is payable in seven payments of $800 each and due within quarterly installments beginning within 180 days after the effective date of the F&Os and ending within 720 days after the effective date of the F&Os.

Case Closed

		Dates:	
Case Number:	2869	**EAR**:	10/06/09
Entity:	Bridgestone APM Company	**DWL**:	N/A
Field Office:	NWDO	**F&Os**:	05/27/10
Contact:	John Paulian	**Referral**:	N/A
Attorney:	Donald L. Vanterpool	**Dismissal**:	N/A

Background: Bridgestone APM Company ("Bridgestone") operates a manufacturing facility located at 245 Commerce Drive in Upper Sandusky (OEPA facility ID #0388010051). At the facility Bridgestone manufactures polyurethane foam seats and energy absorbing pads for the automotive industry.

On April 6, 2004, PTI 03-13782 was issued for emissions units P005 and P006 (polyurethane foam seat lines).

On August 6, 2006, a Title V permit to operate was issued to Bridgestone.

From at least February 2, 2008 until February 20, 2009, Bridgestone exceeded the short-term volatile organic compound ("VOC") emissions limit of 13.15 pounds per hour ("lbs/hr") for emissions units P005 and P006. During the period of violation, emissions unit P005 was operating at 20.00 lbs/hr and emissions unit P006 was operating at 14.91 lbs/hr, in violation of the terms and condition of PTI 03-13782 and ORC § 3704.05(C).

OAC Rule 3745-31-02 states, in part, that no air contaminant source is permitted to be installed or modified without first applying for and obtaining a PTI.

Beginning in at least October 2004 and continuing until February 20, 2009, Bridgestone modified and operated emissions units P005 and P006 without applying for and obtaining a PTI modification, in violation of OAC Rule 3745-31-02. Bridgestone modified the above emissions units by increasing line speeds and using larger mold sizes, which caused an increase in use of mold release agent.

The revised PTI for the modification of the emissions units described above was issued by Ohio EPA on October 13, 2009.

On December 4, 2009, proposed Director's Final Findings and Orders were sent to Bridgestone. The Orders proposed to require Bridgestone to pay a civil penalty of $160,688 of which 20% was to be directed to the School Bus Fund.

Action: On May 27, 2010, final Director's Final Findings and Orders were issued to Bridgestone. The Orders require Bridgestone to pay a civil penalty of $90,628 within 30 days after the effective date of the F&Os, of which 20% of the total penalty will be directed to the School Bus Fund.

CASE CLOSED

		Dates:	
Case Number:	2905	**EAR**:	03/24/10
Entity:	Pilot Travel Centers, LLC. (Pilot #0002)	**DWL**:	N/A
Field Office:	Jim Kavalec/Tom Kalman	**F&Os**:	05/28/10 (prop.)
Contact:	Donald L. Vanterpool	**Referral**:	N/A
Attorney:		**Dismissal**:	N/A

Background: Pilot Travel Centers, LLC. ("Pilot"), with corporate office located in Knoxville, Tennessee, owns and operates a gasoline dispensing facility ("GDF") located at 2246 State Route 45, Austinburg (Ashtabula County), Ohio and identified by Pilot as Pilot #0002. This GDF is subject to the requirements of OAC Rule 3745-21-09(DDD) concerning Stage II vapor control systems and is required to conduct Stage II compliance tests, which consist of annual static leak and air-to-liquid ("A/L") ratio tests and an every five-year dynamic pressure performance test. The GDF was issued a Permit-by-Rule ("PBR") on December 12, 2006, which also requires compliance with the requirements for Stage II vapor control systems in OAC Rule 3745-21-09(DDD).

Pilot failed to comply with the Stage II vapor control system requirements in OAC Rule 3745-21-09(DDD) and in the PBR, and State laws as follows:

(1) On January 12, 2009, Pilot failed the static leak and dynamic pressure performance tests for the 2009 annual testing and continued to operate the dispensers after the failed tests. The failure to properly operate and maintain the vapor control system and the failure to successfully pass the testing requirements contained in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of the PBR, OAC Rule 3745-21-09(DDD)(1)(b) and (c), and ORC § 3704.05(C) and (G). Complying static leak and dynamic pressure performance tests were conducted on January 27, 2009.

(2) On December 10, 2009, Pilot failed the static leak and air-to-liquid ("A/L") ratio tests for dispensers 3, 4 and 7 for the 2010 annual testing and continued to operate those dispensers after the failed tests. The failure to properly operate and maintain the vapor control system and the failure to successfully pass the testing requirements contained in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of the PBR, OAC Rule 3745-21-09(DDD)(1)(b) and (c), and ORC § 3704.05(C) and (G).

(3) On February 12, 2010, Pilot passed the A/L ratio test but failed the static leak test for dispensers 3, 4 and 7 for the retest for the 2010 annual testing and continued to operate those dispensers after the failed test. The failure to properly operate and maintain the vapor control system and the failure to successfully pass the testing requirements contained in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of the PBR, OAC Rule 3745-21-09(DDD)(1)(b) and (c), and ORC § 3704.05(C) and (G). A complying static leak test was conducted on March 12, 2010.

The Northeast District Office of Ohio EPA ("NEDO") sent a notice of violation letter to Pilot for the above-mentioned violations on March 22, 2010.

On March 24, 2010, NEDO submitted an Enforcement Action Request to Central Office of Ohio EPA in which it was requested that administrative orders with civil penalty, consistent with the penalty protocol for Stage II vapor control system cases, be pursued.

Action: On May 28, 2010, proposed Director's Final Findings and Orders ("F&Os") were sent to Pilot to attempt an administrative settlement of the violations of the Stage II vapor control system requirements at the GDF. The F&Os proposed to require Pilot to do the following:

(1) Conduct weekly inspections of the Stage II vapor control system for the next two ozone seasons (i.e., April 1 to October 31, 2011 and April 1 to October 31, 2012), starting by March 15, 2011 and March 15, 2012 and continuing until October 31, 2011 and October 31, 2012, respectively, checking for leaks, malfunctions or damage to the system. Copies of records of these inspections and any repairs made must be submitted to Ohio EPA by August 14 of each year for the period from March 15 through July 31, and by November 14 of each year for the period from August 1 through October 31;

(2) During the next two ozone seasons (i.e., April 1 to October 31, 2011 and April 1 to October 31, 2012), perform static leak and A/L ratio tests prior to the beginning (during March) of each ozone season and during August of each ozone season. The results of these tests must be submitted to Ohio EPA within 14 days of completion of each test; and

(3) Pay Ohio EPA a civil penalty in the amount of $23,000, of which $18,400 of the civil penalty is due to Ohio EPA within 30 days after the effective date of the F&Os and $4,600 is to be directed to Ohio EPA's Clean Diesel School Bus Program Fund as a SEP within 30 days after the effective date of the F&Os. DAPC's Enhanced Enforcement Protocol Policy was used in calculating the civil penalty.

Case Continued

ACTIONS & MINUTES APPROVED BY: Bob Hodanbosi

Bob Hodanbosi, Chief, DAPC

NEXT MEETING:
June 17, 2010
9:30 a.m.
DAPC Room C

PENDING AIR ENFORCEMENT COMMITTEE CASES

Total Unresolved Cases (93)

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2676	OmniSource Corporation - Lima Division	NWDO	MG/MM	02/23/06	11/08/07
2701 (VC)	City of Dayton, Advanced Wastewater Treatment Facility	RAPCA	BZ/JK	02/19/08	02/19/08
2726	Glick Real Estate LTD/All-Type Demolition and Excavating (asbestos)	Canton	BZ/FU	05/19/06	05/19/08
2739	BP - Husky Refining LLC	TDES	BZ/JP	08/01/07	07/18/08
2745	OmniSource Corporation	NWDO	MG/MM	12/14/05	08/11/08
2752	Allied Corporation (Plant #75)	Akron	MG/JP	01/29/05	09/02/08
2775	Selvey's Dirt Works / Famous Supply (asbestos)	NWDO	DV/UD	06/12/08	11/05/08
2777	Sawbrook Steel LLC	HAMCO	BZ/MM	11/13/06	11/07/08
2781	Great Lakes Crushing, Ltd. (asbestos)	NEDO	SF/PP	06/18/08	11/18/08
2782	International Converter, Inc. - Caldwell (**HPV**)	SEDO	DV/FU	07/05/08	11/26/08
2789	Complete Clearing, Inc. (asbestos)	NWDO	MG/PP	07/09/08	02/05/09
2790	Erie Materials, Inc.	NWDO	SF/TT	04/16/08	02/05/09
2791	Carmeuse Lime, Inc. (Millersville) (**HPV**)	NWDO	DV/FU	02/14/06	02/09/09
2793	Combs' Trucking Incorporated	HAMCO	SF/MM	07/16/08	02/09/09
2794	Kenmore Construction Co., Inc.	Akron	DV/UD	05/14/08	02/13/09
2795	Evans Landscaping, Inc.	HAMCO	MG/TT	05/01/08	02/23/09
2803	Wheeling Brake Band & Friction Mfg., Inc./Investment Capital of America, Inc./Rob Burgess Enterprises, LLC (asbestos) (multi-media case, DSIWM lead)	SEDO	DV/PP	01/13/09	02/26/09
2810	Ellwood Engineered Castings Co. **(HPV)**	NEDO	DV/TT	02/25/09	03/13/09
2811	NewKor, Inc.	Cleve.	SF/EY	01/27/09	03/30/09
2815	Royal Sebring Properties, Inc., a.k.a. Zee Tech Warehousing	M-TAPCA	MG/JK	09/17/07	04/02/09
2819	Masonic Temple/The New Victorians, Inc./AHC, Inc. (asbestos)	CDO	DV/	01/24/08	04/27/09
2821	OmniSource Corporation, Mansfield Division	NWDO	MG/MM	05/08/08	05/04/09
2823	Rudzik Excavating, Inc./Charles J. Arendas (asbestos)	MTAPCA	DV/FU	02/27/09	05/11/09
2826	Staker Alloys, Inc.	RAPCA	DV/FU	11/14/07	05/29/09
2829(VC)	ODNR, Division of Forestry (regarding the Shawnee State Forest open burning)	Ports.	DV/JP	04/24/09	06/03/09

Updated: 06/03/10

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2833	Veterans of Foreign Wars Post 6519 (asbestos)	Lake Co.	DV/TT	04/29/08	06/22/09
2835	Elyria Foundry Company **(HPV)**	NEDO	SF/PP	10/18/07	07/13/09
2840	Von Vittersan Le Copla USA LLC Delaware Corporation (asbestos)	MTAPCA	MG/UD	07/03/08	07/23/09
2841	Salvatore Sorice/Michael A. Kernan (asbestos)	MTAPCA	SF/MM	03/13/09	07/27/09
2844	Iten Industries, Inc. (Plant 1) **(HPV)**	NEDO	SF/MM	04/18/08	07/28/09
2847	Ultimate Building Systems, Ltd.	HAMCO	SF/FU	04/29/08	08/03/09
2848	Sandusky Dock Corporation	NWDO	BZ/JO	07/27/08	08/06/09
2849	Dean Calhoun/Tim Gearhart (asbestos)	NWDO	DV/MM	03/27/09	08/11/09
2850	Yochman Excavating, Inc. (open burning)	M-TAPCA	MG/PP	03/23/09	08/05/09
2852	AOHW Corporation/Hasper Leggett (asbestos)	M-TAPCA	DV/UD	03/25/09	08/11/09
2853	Valentine Contractors, Inc.	Akron	MG/TT	05/30/08	08/17/09
2855	Lakeside Fuel Mini-Mart	NEDO	DV/JK	02/09/09	09/09/09
2858	Burnham Foundry, LLC	SEDO	DV/TK	04/01/08	09/22/09
2859	Rollin Cooke, d.b.a. Concord Sunoco, Cooke's Car Care, Incorporated, and Munson Corners Sunoco	NEDO	SF/JK	07/20/09	09/17/09
2860	Richard C. Zahn	Akron	SF/PP	06/15/09	09/14/09
2861	Scott Klem	Akron	DV/TT	08/14/09	09/14/09
2864	Forest Creek Mobile Home Park	HAMCO	SF/ FU	03/19/09	09/25/09
2866	3M Medina (**HPV**)	Akron	MG/ PP	08/27/09	09/29/09
2867 (VC)	ODNR, Division of Forestry (regarding another Shawnee Forest open burning)	Ports.	SF/JP	04/02/09	09/02/09
2872	Piper Excavation (asbestos and open burning)	NWDO	DV/JK	11/24/08	11/03/09
2873	Hanini Marathon - Superior	Cleve.	MG/EY	08/21/08	11/04/09
2875	David Klein, d.b.a. Belle-Aire Cleaners	Akron	DV/	10/07/09	11/13/09
2877	Murphy Oil USA, Inc. (GDFs #6630, #7294, and #7371)	NEDO	SF/JK	07/27/09	11/30/09
2878	Pexco Packaging Corp.	TDES	DV/EY	03/13/09	12/01/09
2880	Prime Properties Limited Partnership, d.b.a. Prime #3, 5 and 9	Cleve.	SF/EY	09/05/08	12/07/09

Updated: 06/03/10

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2881	Tube City IMS, LLC	NWDO	DV/MM	08/26/08	12/10/09
2883	The Andersons Marathon Ethanol, LLC	RAPCA	MG/JK	07/16/08	12/28/09
2884 (112r)	Eaton Aeroquip, Inc.	N/A	SF/KJ	07/21/09	12/30/09
2885	Hughes-Roller Building Co./Sovereign SP, LLC (asbestos)	NEDO	MG/UD	07/07/09	12/08/09
2886	David Rose, d.b.a. Rose Excavating/Jacqueline MacAleese (asbestos)	NEDO	DV/TT	10/17/08	12/08/09
2888	Titan Tire Corporation	NWDO	MG/MM	09/28/07	01/20/10
2889	Kaz Paving, Inc./George Koustis (asbestos)	Lake Co.	DV/PP	01/08/09	01/15/10
2890	Seth Powers	Akron	SF/TT	02/05/09	01/15/10
2891	Stocker's Excavating LLC/Yoho Excavating, Inc. (asbestos)	MTAPCA	MG/FU	07/30/09	01/18/10
2892	Sartaj Oil Company - Shell #2332	Cleve.	DV/JP	11/10/08	01/25/10
2893	Sterling Professional Group, LLC/Cleveland Public Library (asbestos)	NEDO	SF/MM	11/09/09	01/28/10
2894	The University of Akron	Akron	MG/JK	05/23/08	02/01/10
2895	Medhurst Mason Contractors, Inc.	Akron	DV/FU	09/19/07	02/11/10
2896 (VC)	Lorain County II Landfill	NEDO	SF/JK	11/27/09	02/11/10
2897	Clark Sunoco	Cleve.	MG/JP	10/14/08	02/17/10
2898	Stark C & D Landfill/Marshall Land Company/The City of Canton	NEDO	DV/UD	11/13/09	02/23/10
2900	Clarkia Gas	Cleve.	MG/JP	02/10/09	03/01/10
2902	True North #316	Cleve.	DV/JP	02/24/09	03/17/10
2903	D & D Marathon	Cleve.	SF/JP	02/02/09	03/22/10
2904	United States Gypsum Company (**HPV**)	NWDO	MG/	03/14/07	03/24/10
2905	Pilot Travel Centers, LLC (Pilot #0002)	NEDO	DV/JK	12/10/09	03/24/10
2906	Denison Gas USA	Cleve.	SF/JP	09/16/08	03/29/10
2907	Vicky L. Walls	SWDO	MG/JP	10/14/09	04/02/10
2908	Oglebey Norton Glass Rock Plant (**HPV**)	SEDO	DV/	09/27/07	04/13/10
2909	Puritas Gas	Cleve.	SF/JP		04/13/10

Updated: 06/03/10

PENDING AIR ENFORCEMENT COMMITTEE CASES

Case #	Facility Name	Field Office	Atty./Staff	Zero Date for SOL	EAR Date Received
2910(VC)	Dan & Sheryl Nellis (regarding outdoor wood-fired boiler)	NEDO	MG/		03/26/10
2911	International Paint, LLC	Cleve.	DV/JP		04/26/10
2912	Wallace L. Geuy	SWDO	SF/JP		04/23/10
2913	Crown Battery Manufacturing Company	NWDO	MG/		05/03/10
2914	City of Akron/Akron Energy Systems, LLC	Akron	BZ/TK		05/01/10
2915	The Hygenic Corporation	Akron	DV/		05/10/10
2916	Heartland Refinery Group, LLC	CDO	MG/JP		05/13/10
2917	Al Brice	NWDO	SF/		05/21/10
2918	POET Biorefining - Leipsic	NWDO	DV/		06/02/10
2919	Ohio One Contractors and Developers, LLC/Sergio Dipaolo/Edgar C. Knieriem, d.b.a. Diversified Resources, Inc./Von Vittersan Le Copla USA, LLC (asbestos)	MTAPCA	MG/JK	03/09/10	04/16/10
2920	The Kreidler Construction Co./Burdman Group, Inc. (asbestos)	MTAPCA	SF/FU	02/24/10	04/16/10
2921	Troy Noble	CDO	DV/JP		05/27/10
2922	John Schneider	CDO	MG/JP		05/27/10
2923	Delbert Troyer / A & J	CDO	SF/JP		05/27/10
2924	Berkshire Campgrounds	CDO	DV/JP		05/27/10
2925	William Pizzuto, d.b.a. All Excavating Co./M. S. Consultants, Inc./City of Campbell (asbestos)	MTAPCA	MG/MM	02/09/10	04/20/10
2926	Hidden Valley Fruit Farm, LLC/Robert E. Ullrich	HAMCO	SF/JK	10/05/09	04/30/10
2927	Career Driving and Learning Centers, Ltd.	Akron	DV/TT	04/16/10	05/28/10

Updated: 06/03/10

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2010

January

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Direcor's F&O's	Referred to AGO
2698 (112r)	Sugar Creek Packing Co. (Washington Courthouse)	3	N/A	TK	SS	DV	01/31/08					01/14/10	
2719 (112r)	Sugar Creek Packing Co. (Dayton)	3	N/A	TK	SS	DV	04/28/08					01/14/10	
2750 (VC)	New Day Farms, LLC/Henning Construction Company	3	CDO	JP	JP	SF	08/21/08					01/11/10	
2784	Reichert Excavating, Inc.	0	CDO	JP	JP	SF	12/04/08					(01/11/10)	
2760	Precision Environmental Company (asbestos)	1	Akron	TK	PP	SF	10/22/08		01/12/10 (DWL)	Closed-NFA	01/14/10		
2813	ConSun Food Industries, Inc. (Convenient Food Mart GDFs #736 and #746)	3	NEDO	TK	JK	DV	03/27/09					01/14/10	

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2010

January

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Direcor's F&O's	Referred to AGO
2870	Brent Saionz, d.b.a. Simon Excavating	3	NWDO	TK	TT	MG	10/15/09					01/13/10	
2874	Ron Smith	3	NWDO	TK	FU	SF	11/09/09					01/12/10	
2744	The Afcose Group (asbestos)	3	NEDO	TK	JK	BZ	08/06/08					01/20/10	
2854	Lehigh Gas Corporation	3	NEDO	TK	JK	SF	09/03/09					01/20/10	

Total for the month of January = 10

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2010

February

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Direcor's F&O's	Referred to AGO
2817	S. H. Bell Company (Little England and Stateline facilities)	3	NEDO	TK	JO	MG	04/21/09					02/08/10	
2887	Kimberly Dailey	3	SWDO	JP	EY	SF	01/07/10					02/01/10	
2671	Mar-Zane, Inc. (Plant 1)	3	CDO	JP	JP	MG	10/25/07						02/18/10

Total for the month of February = 3

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2010

March

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Direcor's F&O's	Referred to AGO
2685	Quikrete-Cleveland	3	Akron	TK	UD	DV	12/14/07					02/26/10	
2731 (112r)	H. B. Fuller Company	3	N/A	TK	KJ	DV	06/04/08					03/10/10	
2824	Ariel Corporation	3	CDO	JP	EY	MG	05/18/09					03/09/10	
2834	Foti Contracting, LLC	3	Akron	TK	FU	MG	06/29/09					03/10/10	
2879 (112r)	City of Youngstown, Wastewater Treatment Plant	3	N/A	TK	SS	MG	12/04/09					03/10/10	
2901	Rumpke Sanitary Landfill, Inc.	3	HAMCO	TK	JO	BZ	03/01/10					03/18/10	
2527	Carmeuse Lime, Inc. (Maple Grove Facility)	3	NWDO	TK	FU	DV	06/19/06					03/19/10	
2820	Bailey-PVS Oxides Delta LLC.	3	NWDO	TK	JK	MG	04/27/09					03/19/10	

Total for the month of March = 8

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2010

April

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Direcor's F&O's	Referred to AGO
2722	Tuscarawas County YMCA (asbestos)	3	SEDO	TK	UD	BZ	05/05/08					04/02/10	
2827	Evelyn M. Koch	1	MTAPCA	TK	UD	MG	06/01/09			Closed-NFA	04/08/10		
2856	Dorothy Jeannine Slessman	1	NWDO	TK	MM	MG	09/14/09			Closed-NFA	04/08/10		
2865	The Great Lakes Construction Co.	3	HAMCO	TK	UD	DV	09/25/09					04/02/10	
2871	MARA2-DNA Inc., d.b.a. Nates Marathon	3	NEDO	TK	JK	SF	10/15/09					04/02/10	
2899	Servestal Wheeling, Inc./Mingo Junction Energy Center, LLC	3	SEDO	TK	JO	BZ	02/01/10					03/30/10	
2806	Raman Patel, d.b.a. Marathon Quick Mart	3	NEDO	TK	JK	DV	03/02/09					04/20/10	

Total for the month of April = 7

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2010

May

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Direcor's F&O's	Referred to AGO

Total for the month of May = 0

Summary of the Final Disposition of Air Enforcement Committee Cases Processed During Calendar Year 2010

June

Docket #	Case Name	Rank	Field Office	EC Contact	Staff	Att.	Complaint Referral	Returned to FO	Warning Letter	Status	Source in Compliance	Direcor's F&O's	Referred to AGO
2814	Barrett Paving Materials, Inc. **(HPV)**	3	HAMCO	TK	PP	SF	04/01/09					06/02/10	
2822	J. S. Paris Excavating, Inc. (asbestos)	3	MTAPCA	TK	TT	SF	04/28/09					06/02/10	
2839	John Harb, Liberty Gas USA #10, Liberty Gas, JS Solon LLC., Plaxy, Inc.	3	NEDO	TK	JK	DV	07/21/09						05/27/10
2857	Pure Gas Incorporated	3	NEDO	TK	JK	SF	09/22/09					05/28/10	
2869	Bridgestone APM Company, Foam Products Division **(HPV)**	3	NWDO	JP	EY	DV	10/06/09					05/28/10	

Summary of Compliance with Effective Findings and Orders

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Ball & Sons Construction (11/08/96)	Civil penalty: ($1,000)		563513	11/22/96	Y	FSC**	
Smith Foundry & Machine Co. (12/31/96)	Civil penalty: ($25,000)						
		$5,000	530404	01/31/97		01/23/97	
		$5,000	530405	01/31/98		01/23/98	
		$5,000	530406	01/31/99	Y	01/19/99	
		$5,000	530407	01/31/00	Y	ACT**	
		$5,000	541831	01/31/01		ACT**	
	AC			01/15/97		N/A*	
	IC			06/16/97		N/A*	
	CC			08/15/97		N/A*	
	Conduct emission tests - submit results			10/15/97		N/A*	

* The cupola has been removed.
The 12/96 F&O's were revised to reflect the installation of electric induction furnaces rather than controls for the cupola.
The facility has been permanently shut down since some time in 2006. Incorporation status w/ Secetary of State was dissolved in 2006.

Mark Fuerst (02/08/00)	Civil penalty: ($10,000)						
	OEPA	$2,000	172154	04/08/00	Y	FSC**	
		$2,000	172155	05/08/00	Y	*	
		$2,000	172156	06/08/00	Y	FSC**	
		$2,000	172157	07/08/00	Y	FSC**	
	ODNR	$2,000	606212	03/08/00	Y	FSC**	

* Paid $1,654 on 2/10/09. $165.40 of that amount was paid to AGO.

American Environmental Abatement Company, Inc. (12/29/00)	Civil penalty: ($2,500)						
	OEPA	$2,000	206005	01/12/01		01/16/01	
	ODNR	$500	564224	01/29/01			
Anco Properties (06/19/01)	Civil penalty: ($23,000)						
	OEPA	$4,600	224714	09/19/01	Y	FSC**	
		$4,600	224715	12/19/01	Y	FSC**	
		$4,600	224716	03/19/02	Y	FSC**	
		$4,600	224717	06/19/02	Y	FSC**	
	ODNR	$4,600	613129	07/19/01	Y	FSC**	
Superior Demolition and Excavating (12/28/01)	Civil penalty: ($15,000)						
	OEPA	$3,000	270396	01/28/02		02/11/02	
		$3,000	270397	02/28/02		03/14/02	
		$3,000	270398	03/28/02		04/23/02	
		$3,000	270399	04/28/02	Y	UNC**	
	ODNR	$3,000	270395	01/11/02		01/10/02	

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Richard and Joby Hackett	Civil penalty: ($3,000)						
(04/04/02)	OEPA	$ 150	279226	09/04/02	Y	RTN**	
		$ 150	279227	10/04/02	Y	RTN**	
		$ 150	279228	11/04/02	Y	RTN**	
		$ 150	279229	12/04/02	Y	RTN**	
		$ 150	279230	01/04/03	Y	RTN**	
		$ 150	279231	02/04/03	Y	RTN**	
		$ 150	279232	03/04/03	Y	RTN**	
		$1,350	279233	04/04/03	Y	RTN**	
	ODNR	$ 150		05/04/02			
		$ 150		06/04/02			
		$ 150		07/04/02			
		$ 150		08/04/02			
Schloss Materials Company	Civil penalty: ($6,000)						
(09/18/02)	OEPA	$4,000	304257	10/02/02		09/30/02	
	ODNR	$2,000	564243	10/18/02	N		
	pave entrance & access road to facility			10/31/02		06/03/04*	
City of Oregon	Civil penalty: ($10,000)						
(09/16/02)	OEPA	$8,000	304257	09/30/02		09/30/02	
	ODNR	$2,000	564243	09/30/02	N		
	conduct asbestos fire training			02/01/03	01/18-14-15&29/03		
Cleveland Industrial Drum Servic	Civil penalty: ($1,000)						
Service, Inc.	OEPA	$800	314152	11/13/02		06/24/03	
(10/30/02)	ODNR	$200	564255	11/30/02	N		
M & J Excavating	Civil penalty: ($2,450)						
(11/27/02)	OEPA	$392	333074	01/27/03	Y	09/27/03	
		$392	333075	02/27/03	Y	10/25/03*	
		$392	333076	03/27/03	Y	UNC	
		$392	333077	04/27/03	Y	01/24/04*	
		$392	333078	05/27/03	Y	01/24/04*	
	ODNR	$490	564257	12/27/02		09/25/02	
Chris Corso	Civil penalty: ($7,000)						
(12/02/02)	OEPA	$1,600	319940	12/16/02		12/16/02	
		$2,000	319941	03/02/03		09/04/03	
		$2,000	319942	06/02/03		09/27/03	
	ODNR	$1,400	614162	01/02/03	N		

* CDAQ inspection date.

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Goldline Wrecking Co.	Civil penalty: ($35,000)						
(12/23/02)	OEPA	$ 8,000	333227	04/23/03		06/30/04*	
		$10,000	333228	12/23/03	Y	10/27/08**	
		$10,000	333229	06/23/04	Y	10/27/08**	
	ODNR	$ 7,000		01/23/03		01/22/03	

* The AGO Special Counsel collected $8,134.92. The AGO kept $723.13 of that amount.

** Ohio EPA agreed to a payment of $13,150 to satisfy the remaining claim of $20,000. Special counsel received $4,339.50 and the AGO received $1,183.50 of the $13,150 for their collection services.

Glo-Mar Masonry	Civil penalty: ($8,500)						
(02/06/03)	EPA	$ 500	336723	03/06/03	Y	06/23/03	
		$2,100	336724	06/06/03	Y	01/24/04	
		$2,100	336725	08/06/03	Y	04/24/04	
		$2,100	336726	02/06/04	Y	03/26/05*	
	ODNR	$1,700	583375	03/06/03	Y		

* Account Certified to AGO. Three partial payments made totaling ($680), still owe $1,419.40

Ford Motor Company,	Civil penalty: ($40,000)		413303	01/31/04		01/07/04	
Cleveland Casting Plant	Submit modeling analysis			02/29/04			
(12/24/03)							

Minerva Enterprises, Inc.	Civil penalty: ($41,125)						
(12/31/03)		$3,500	413351	01/31/04	Y	07/29/04a	
		$3,500	413352	03/02/04	Y	06/16/05b	
		$3,500	413353	04/02/04	Y	08/12/05c	
		$3,500	413354	05/03/04	Y	06/15/05d	
		$3,500	413355	06/03/04	Y	07/22/05e	
		$3,500	413356	07/04/04	Y	08/12/05f	
		$3,500	413357	08/04/04	Y	07/23/04	
		$3,500	413358	09/04/04	Y	12/24/05h	
		$3,500	413359	10/04/04	Y	12/24/05	
		$3,500	413360	11/04/04		07/29/05	
		$3,500	413361	12/04/04	Y	11/10/05	
		$2,625	413362	01/04/05	Y	12/05/05i	

a. Paid $3,501.92, of which $315.17 was kept by AGO and $3,186.75 was put into OEPA's account. The remaining $1.92 is interest charged.
b. Paid $53.70 to resolve this claim. $4.83 of that amount was AGO's share. $48.87 was put in OEPA's account.
c. Paid $831.54 to resolve this claim. $74.84 of that amount was AGO's share. $756.70 was put in OEPA's account.
d. Paid $3,574.03 to resolve this claim. $321.66 of that amount was AGO's share. $3,252.37 was put in OEPA's account.
e. Paid $2,211.00 to resolve this claim. $198.99 of that amount was AGO's share. $2,012.01 was put in OEPA's account.
f. Paid $3,903.47 to resolve this claim. $351.31 of that amount was AGO's share. $3,552.16 was put in OEPA's account.
h. Paid $3,500 to resolve this claim. $315 of that amount was AGO's share. $3,185 was put in OEPA's account..
I. Paid $1,141.96 to resolve claim. $102.78 of that amount was AGO's share. $1,039.18 was put in OEPA's account.

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Hydraulic Press Brick	Civil penalty: ($19,000)					
(04/28/04)	$7,000	439209	05/12/04		05/12/04	
	$7,000	439210	08/12/04		05/12/04	
	Submit P^2 reports		07/28/04		07/26/04	
			10/28/04		10/25/04	
			01/28/05		01/21/05	
			03/28/05		N/A	
	Submit cost of P^2 study		04/05/05			
Kerry's Motor World	Civil penalty: ($3,000)	443684	05/27/04	Y		
(05/13/04)						
John Dubuk	Civil penalty: ($10,000)					
(12/29/04)	$834	489979	01/28/05		01/24/05	
	$834	489980	02/27/05		02/24/05	
	$834	489981	03/29/05		03/26/05	
	$834	489982	04/28/05	Y	07/29/06	
	$834	489983	05/28/05	Y	UNC**	
	$834	489984	06/27/05	Y	07/29/06	
	$834	489985	07/27/05	Y	UNC**	
	$834	489986	08/26/05	Y	UNC**	
	$834	489987	09/25/05	Y	UNC**	
	$834	489988	10/25/05	Y	UNC**	
	$834	489989	11/24/05	Y	UNC**	
	$826	489990	12/24/05	Y	UNC**	
C & J Contractors	Civil penalty: ($5,600)	479998	01/21/05	Y	*	
(12/21/04)						
* This account is Certified and still open–various payments have been made (10/05-05/06) totaling $2,150, leaving a balance of $3,450.						
Bohanan Investments, Inc.	Civil penalty: ($127,900)	550712	04/14/05	Y		
(04/14/05 - Court Order, Default Judgement)						
Columbus Steel Drum	Civil penalty: ($500,000)					
(07/06/05 - Consent Order)	Bus Fund $25,000	514606	07/31/05		09/20/05	
	$25,000	514607	10/01/05		10/12/05	
	$25,000	514608	01/01/06		02/08/06	
	$25,000	514609	04/01/06		04/21/06	
	OEPA $25,000	514163	07/01/06		07/10/06	
	$25,000	514164	10/01/06		10/30/06	
	$25,000	514165	01/01/07		01/09/07	
	$25,000	514166	04/01/07		04/11/07	

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Columbus Steel Drum (con't)	OEPA	$25,000	514167	07/01/07		08/01/07	
(07/06/05 - Consent Order)		$25,000	514168	10/01/07		10/17/07	
		$25,000	514169	01/01/08		03/12/08	
		$25,000	514170	04/01/08		04/15/08	
		$25,000	514171	07/01/08		07/01/08	
		$25,000	514172	10/01/08		10/01/08	
		$25,000	514173	01/01/09		04/08/09	
		$25,000	514174	04/01/09		07/17/09	
		$21,250	514175	07/01/09		10/15/09	
		$21,250	726464	09/01/09		12/01/09	
		$21,250	726465	11/01/09		11/30/09	
		$21,250	726466	12/01/09			
	Submit PTI app for K001-K003			12/01/09		05/31/05	
	Award contracts		30 days from issuance of PTI				
	IC		60 days from issuance of PTI			07/16/06	
	CC		180 days from issuance of PTI			07/13/07	
	Perform stack tests		210 days from issuance of PTI			07/03/07	
	Submit ITT for P015 & P016			07/20/05		06/07/05	
	Perform stack tests			12/27/05		06/23/05	
	Submit PTI app for P015 & P016		30 days after submission of test			09/22/05	
	Award contracts		30 days from issuance of PTI			*	
	IC		60 days from issuance of PTI			*	
	CC		120 days from issuance of PTI			*	
	Perform stack tests		150 days from issuance of PTI			*	
	Perform stack tests for P001, P005, P012 & P013			09/06/05		07/5-7/05	

* PTI not issued due to the continued incomplete nature of the PTI application.

Alfred Nickles Bakery, Inc.	Civil penalty: ($37,800)						
(08/24/05)	OEPA	$10,240	519964	09/24/05		09/23/05	
	Bus Fund	$ 7,560	519965	09/24/05		09/23/05	
	Submit P^2 report			11/24/05			
	Submit P^2 report			02/24/06			
	Submit final P^2 report			05/24/06			
	Submit documentation of costs			08/24/06			

Shell Construction, Inc.	Civil penalty: ($3,700)						
(09/26/05)	OEPA	$100	526004	10/26/05		09/27/05	
		$100	526005	11/25/05		11/10/05	
		$100	526006	12/25/05		12/20/05	
		$100	526007	01/24/06		10/28/06	
		$100	526008	02/23/06		10/28/06	
		$100	526009	03/25/06		10/28/06	

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Shell Construction, Inc. (con't)	$100.00	526010	04/24/06		09/13/06	
(09/26/05)	$100.00	526011	05/24/06		09/13/06	
	$100.00	526012	06/23/06		09/13/06	
	$100.00	526013	07/23/06		09/13/06	
	$100.00	526014	08/22/06		11/02/06	
	$100.00	526015	09/21/06		11/02/06	
	$100.00	526016	10/21/06		11/02/06	
	$100.00	526017	11/20/06		11/02/06	
	$100.00	526018	12/20/06		11/14/06	
	$100.00	526019	01/19/07		11/30/06	
	$100.00	526020	02/18/07		11/30/06	
	$100.00	526021	03/20/07		12/18/06	
	$100.00	526022	04/19/07		01/10/07	
	$100.00	526023	05/19/07		02/02/07	
	$100.00	526024	06/18/07		03/01/07	
	$100.00	526025	07/18/07		03/12/07	
	$100.00	526026	08/17/07		05/07/07	
	$100.00	526027	09/16/07		06/27/07	
	$100.00	526028	10/16/07		06/27/07	
	$100.00	526029	11/15/07		06/27/07	
	$100.00	529030	12/15/07		06/27/07	
	$100.00	526031	01/14/08		08/13/07	
	$100.00	526032	02/13/08		08/13/07	
	$100.00	526033	03/14/08		10/24/07	
	$100.00	526034	04/13/08		10/24/07	
	$100.00	526035	05/13/08		10/24/07	
	$100.00	526036	06/12/08	Y	05/07/09	
	$100.00	526037	07/12/08	Y		
	$100.00	526038	08/11/08	Y	05/07/09	
	$100.00	526039	09/10/08	Y	05/07/09	
	$100.00	526040	10/10/08	Y		
Environmental Affairs Management	Civil penalty: ($10,000)					
(12/29/05)	OEPA $1,000	541425	03/29/06		03/06/06	
	$1,000	541426	03/29/06	Y	FSC**	
	$1,000	541427	05/28/06	Y	FSC**	
	$1,000	541428	06/27/06	Y	12/28/07	
	$1,000	541429	07/27/06	Y	FSC**	
	$1,000	541430	08/26/06	Y	FSC**	
	$1,000	541431	09/25/06	Y	FSC**	
	$1,000	541432	10/25/06	Y	ACT**	
	Bus Fund $1,000	541433	01/28/06		01/25/06	
	$1,000	541434	02/27/06		02/25/06	

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Cargill, Incorporated	Civil penalty: ($61,538)					
(03/03/06 - Consent Decree)	OEPA $30,769	551695	03/27/06		04/03/06	
* - CD modification on 11/26/08	RAPCA $30,769	----	03/27/06		03/29/06	
	Pay Title V permit fees $216,133.86		02/27/06		09/28/05	
	Contribute $75,000 to RAPCA's wood stove replacement program		04/15/06		03/21/06	
	Retire B005		09/01/07		09/14/06	
	Install LNB & FGR for B006		03/03/11			
	Propose final VOC solvent loss limit for Sidney		02/27/09			
	Comply w/final VOC solvent loss limit for Sidney		02/27/10			
	Meet 95% control for VOC or 10 ppm for P067 & P582 at Dayton		02/27/09		06/17/08	
	Meet 98% control for VOC for P057, P031, P052, P088 & P072 at Dayton		09/01/10			
	Meet control equipment operating parameters for P032, P033 and P034 at Dayton		02/28/10 *		02/26/10	
	Test and establish an allowable short-term VOC limit for each scrubber stack serving P032, P033 and P034 at Dayton		02/28/10 *		02/26/10	
	Submit permit apps for P032, P033 and P034 at Dayton to incorporate control equipment operating parameters and VOC emission limits		09/01/10 *			
	Submit PTI app to cap VOC and NOx emissions from Dayton at less than 854 tons/yr		09/01/10 *			
	Comply w/ emission cap for Dayton		09/01/10			
	Submit odor control optimization report for Dayton		09/01/06		08/29/06	
	Meet 90% control for CO or 100 ppm for P067 and P582 at Dayton		02/27/09		06/17/08	
	Meet 90% control for CO or 100 ppm for P057, P031, P052, P088 & P072		09/01/10			
Sunoco, Inc.	SEP Project ($50,000)					
(03/20/06-Consent Decree)	Pay contractor for project		04/20/06		08/01/06	
	Install SCR for FCCU		12/31/09			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Sunoco, Inc. (con't) (03/20/06-Consent Decree)	Install WGS for FCCU		12/31/09			
	Comply w/ NSPS for SO^2 and opacity for FCCU		12/31/09			
	Comply w/ NSPS for PM for FCCU		03/20/06		03/20/06	
	Comply w/ NSPS for CO for FCCU		03/20/08		03/27/08	
	Reduce NOx emissions from heaters & boilers greater than 40mm Btu/hr by at least 2,189 tons/yr		03/20/14			
	Achieve 2/3 of 2,189 tons/yr NOx		03/20/10			
	Submit a detailed NOx Control Plan		07/20/06		07/05/06	
	Install a second Claus train & 2 TGUs at the SRP		12/31/09			
	Submit optimization study for the SRP		09/20/06		09/10/06	
	Implement recommendations of optimization study for SRP		03/20/07		03/12/07	
	Propose interim performance standards for SRP		03/20/07		03/12/07	
	Submit enhanced O & M plans for SRP and TGUs		09/20/06		09/08/06	
	Submit Phase One review and verification of the TAB and BWON compliance status for 2 refineries		11/20/06		11/03/06	
	Modify procedures for annual review of process information for benzene waste streams		09/20/06		08/01/06	
	Impement annual benzene training for employees		06/20/06		06/08/06	
	Develop SOPs for all benzene control equipment		09/20/06		09/08/06	
	Submit schematics for waste/slop/ off-spec oil streams		05/20/06		05/11/06	
	Develop and submit written LDAR		09/20/06		09/08/06	
	Implement an LDAR training program		03/20/07		03/14/07	
	Perform LDAR compliance audit		12/20/06		12/07/06	
	Develop QA & QC procedures for LDAR monitoring		07/20/06		07/11/06	
	Develop LDAR personnel accountability program		09/20/06		09/08/06	
	Submit application to revise Title V permit to incorporate CD requirements		09/20/06		10/31/06	

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
David Scholl (09/25/06)	Civil penalty: ($400)		584589	10/25/06		12/11/06* 05/26/07*	
* Made a partial payment of $200 on 12/11/06. $200 was certified to AGO. A payment of $180 + $20 for AGO was made on 5/26/07							
Alpha-Omega Chemical Co. (12/14/06)	Civil penalty: ($4,000)						
	OEPA	$1,000	605635	05/14/07		08/20/07	
		$1,000	605636	09/14/07	Y		
		$1,200	605637	12/14/07	Y		
	Bus Fund	$ 800	605638	01/14/07	Y	07/29/07	
Gas and Oil, Inc. (03/14/07)	Civil penalty: ($10,000)						
	OEPA	$8,000	607778	06/14/07	Y	BSC	
	Bus Fund	$2,000	607779	06/14/07	Y	BSC	
	Submit ITT			04/14/07			
	Conduct tests for #2, #3, #15 & #19			06/14/07			
	Submit test results			07/14/07			
	Submit PTO renewal application for #19			04/14/07			
Robert Henry and April Garner (07/11/07)	Civil penalty: ($1,000)		616290	08/11/07	Y	ACT	
Eslich Wrecking Company (07/16/07 - Consent Order)	Civil penalty: ($44,853)		623581	08/16/07		8/20/2007	
	($44,853 = 45% of $99,674)						
	Submit survey and plan to install protective physical barrier			08/16/07			
	Install cap		w/i 60 days of OEPA approval of survey & plan				
	Grant a new deed		w/i 30 days of OEPA approval of survey				
Avalon Cleaners (08/21/07)	Civil penalty: ($1,000)						
	OEPA	$250	624475	09/21/07	Y		
		$250	624476	10/21/07	Y		
		$250	624477	11/21/07	Y		
		$250	624478	12/21/07	Y		
	Submit records & documentation			01/31/08			
	Submit records & documentation			07/31/08			
Tim Weiland (09/06/07)	Civil penalty: ($250)		624378	10/06/07	Y	SKP	

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Alfred Nickles Bakery, Inc. (11/08/07)	Civil penalty: ($60,250)					
	OEPA $46,200	634724	12/08/07		11/02/07	222582
	Bus Fund $14,050	634725	12/08/07		11/02/07	222583
	Submit P2 report		02/08/07			
	Submit P2 report		05/08/07			
	Submit P2 report		08/08/07			
	Submit final P2 report		10/08/07			
	Submit cost documentation	w/i 30 days of approval of report by OEPA				
The Premcor Refining Group, Inc. (11/20/07 - Consent Decree)	Civil penalty: ($800,000)					
	OEPA $640,000	634775	12/20/07		12/19/07	
	Bus Fund $160,000	634776	12/20/07		12/19/07	
	Submit plan to meet .060 lb NOx/MMBtu for heaters and boilers		12/31/08		12/10/08	
	Install controls to meet .060 lb NOx/MMBtu for heaters and boilers		12/31/11			
	Submit plan to meet .044 lb NOx/MMBtu for heaters and boilers		12/31/10			
	Install controls to meet .044 lb NOx/MMBtu for heaters and boilers		12/31/13			
	Submit report that demonstrates compliance with limits for heaters & boilers		03/31/12 03/31/14			
	Submit report re: the NOx concentration emissions for the FCCU thru optimization of O2 CS		03/01/12			
	Submit report that demonstrates compliance w/ interim NOx system-wide average for FCCUs		03/31/11			
	Submit report that demonstrates compliance w/ final Nox system-wide average for FCCUs		03/31/14			
	Commence implementation of SO2 ad-sorbing catalyst additive protocol for FCCU		11/20/07		09/07/07	
	Comply w/ CO emission limit for FCCU		02/20/08		11/20/07	
	Comply w/ opacity and PE limits for FCCU		12/31/13			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
The Premcor Refining Group, Inc. (Con't)	Submit alternative monitoring plan application for NSPS subpart J monitoring for SO2 at FCCU		12/31/08		12/19/08	
	Discontinue burning of fuel oil in heaters and boilers		11/20/07		08/16/07	
	Determine compliance w/ 6 BQ compliance option & submit a Benzene Waste NESHAP Compliance Review and Verification Report		03/01/08		03/14/08	
	Submit a report re: carbon canisters installed pursuant to Subpart FF		02/20/08		02/12/08	
	Develop annual training program for employees that draw benzene waste samples		02/20/08		03/19/08	
	Develop SOPs for all control equipment used to conply w/ Benzene Waste NESHAP and complete initial training re: SOPs		11/20/08		05/19/08* 02/12/09*	
			* Develops SOP		** Training	
	Develop and implement procedures to ensure QA/QC for all LDAR data		02/20/08		01/25/08	
	Develop program to hold LDAR personnel accountable for LDAR performance		11/20/07		06/28/07	
	Establish a tracking program for valves and pumps that should be added to LDAR program		11/20/08		01/25/08	
	Reroute any SRP sulfur pit emissions to eliminate emissions		11/20/08		11/03/08	
	Provide description of causes of all acid gas flaring incidents from 1/1/02 thru 12/31/06		11/20/08		08/11/08	
	Submit compliance plan for flaring devices		12/30/09		12/18/09	
	Certify compliance for all flaring devices		12/31/13			
	Complete design of compressor system for P025		12/20/07		01/03/08	
	Complete installation of compressor system for P025		04/01/08		04/01/08	
	Submit T5 permit applications to incorporate emission limits required by Consent Decree		12/31/07		06/12/08	

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
The Premcor Refining Group, Inc. (Con't)	Pay $200,000 to develop and implement a Traffic Signal Synchronization study for City of Lima			02/20/08		1/25/08 04/26/10 (final disbursement	1007
	Install controls for unregulated and uncontrolled relief vents at Refinery (spend $675,000 for SEP)			12/30/09			
	Submit plan for the Lima Infrared Camera Imaging Project (spend $50,000 for SEP)			02/20/08		02/12/08	
	Transfer $200,000 to LADCO for PM 2.5 specification			02/20/08		01/18/08	
	Transfer $50,000 to Ohio Environmental Council for control of emissions from municipal trucks and buses			02/20/08		01/18/08	
E. I. Du Pont de Nemours & Company (11/06/07 - Consent Decree)	Civil penalty: ($550,000)						
	OEPA	$440,000	634777	12/06/07		12/19/07	
	Bus Fund	$110,000	634778	12/06/07		12/19/07	
	Comply w/ short-term SO2 emission limit of 2.2 lbs/ton			03/01/11			
	Comply w/ Mass Cap of 281 TPY			03/01/13			
	Submit proposed O&M Plan for short-term SO2 limit			11/01/10			
	Submit a complete T5 permit application for Consent Decree SO2 limits			09/01/11			
Converters Prepress (12/06/07 - Consent Order)	Civil penalty: ($5,004)						
	OEPA	$139	644190	01/06/08		02/22/08	
		$139	644191	02/06/08		03/26/08	
		$139	644192	03/06/08		03/26/08	
		$139	644193	04/06/08		04/04/08	
		$139	644194	05/06/08		05/05/08	
		$139	644195	06/06/08		05/30/08	
		$139	644196	07/06/08		07/14/08	
		$139	644197	08/06/08		08/04/08	
		$139	644198	09/06/08		08/29/08	
		$139	644199	10/06/08		09/29/08	
		$139	644200	11/06/08		11/06/08	
		$139	644201	12/06/08		12/02/08	
		$139	644202	01/06/09		12/30/08	
		$139	644203	02/06/09		02/09/09	
		$139	644204	03/06/09		03/11/09	

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Converters Prepress (con't)	$139	644205	04/06/09		03/31/09	
(12/06/07 - Consent Order)	$139	644206	05/06/09		05/05/09	
	$139	644207	06/06/09		06/01/09	
	$139	644208	07/06/09		07/06/09	
	$139	644209	08/06/09		08/07/09	
	$139	644210	09/06/09		08/24/09	8256
	$139	644211	10/06/09		09/28/09	8316
	$139	644212	11/06/09		10/27/09	8368
	$139	644213	12/06/09		11/24/09	8427
	$139	644214	01/06/10		12/28/09	8474
	$139	644215	02/06/10		01/25/10	8521
	$139	644216	03/06/10		02/24/10	8572
	$139	644217	04/06/10		03/29/10	8634
	$139	644218	05/06/10		04/27/10	117
	$139	644219	06/06/10			
	$139	644220	07/06/10			
	$139	644221	08/06/10			
	$139	644222	09/06/10			
	$139	644223	10/06/10			
	$139	644224	11/06/10			
	$139	644225	12/06/10			
Real Spaces Property for Rent	Civil penalty: ($17,700)					
(12/31/07	OEPA $ 600	645338	01/30/08		02/07/08	
	$ 600	645339	02/29/08		03/12/08	
	$ 600	645340	03/30/08		05/05/08	
	$ 600	645341	04/29/08		06/09/08	
	$ 600	645342	05/29/08		07/03/08	
	$ 600	645343	06/28/08		08/04/08	
	$ 600	645344	07/28/08		09/11/08	
	$ 600	645345	08/27/08		11/17/08	
	$ 600	645346	09/26/08		01/13/09	
	$ 600	645347	10/26/08	Y	01/27/10*	
	$ 600	645348	11/25/08	Y		
	$ 600	645349	12/25/08	Y		
	$ 600	645350	01/24/09	Y		
	$ 600	645351	02/23/09	Y		
	$ 600	645352	03/25/09	Y		
	$ 600	645353	04/24/09	Y		
	$ 600	645354	05/24/09	Y		
	$ 600	645355	06/23/09	Y		
	$3,360	645356	07/23/09	Y		
	Bus Fund $3,560	645357	07/23/09	Y		

* Partial pymt of $300 made, of which $30 went to AGO.

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Christopher Vincent (02/15/08	Civil penalty: ($1,000)	653134	03/16/08	Y	ACT	
James Brown 3/11/2008	Civil penalty: ($750)	653125	04/11/08	Y	ACT	
Bates Recycling, Inc. (06/04/08	Civil penalty: ($1,000)	657594	06/18/08	Y		
Craig Eddy (06/04/08)	Civil penalty: ($750)	657302	07/04/08	Y		
Warren Ropp (06/02/08	Civil penalty: ($250)	657293	07/02/08	Y		
JR's Truck Parts (06/02/08)	Civil penalty: ($500)	657294	07/02/08	Y		
Peter Backer (07/01/08	Civil penalty: ($750)	657790	07/31/08	Y		
W. A. Miller (07/16/08)	Civil penalty: ($1,000)	666334	08/16/08	Y	*	
	* Partial payment of $350 received 10/20/08					
Lanny Reynolds (07/16/08)	Civil penalty: ($750)	666335	08/16/08	Y		
Lance Dudgeon (07/09/08)	Civil penalty: ($500)	659540	08/09/08	Y		
Johnathan Strickland (07/16/08)	Civil penalty: ($2,000)	666331	08/16/08	Y		
Luci, Inc. (07/08/08)	Civil penalty: ($10,000)					
	OEPA $8,000	659538	08/08/08	Y		
	Bus Fund $2,000	659539	08/08/08	Y		
Ford Motor Company (07/31/08	Civil penalty: ($1,400,000)					
	OEPA $1,120,000	666337	08/31/08		08/18/08	
	Bus Fund $ 280,000	666338	08/31/08		08/18/08	
	Shut down cupola 3 and mold line 7		12/31/08		12/11/08	
	Shut down cupola 1 & 2 and mold lines 2 & 3		12/31/10			

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Douglas Kehres (08/13/08)	Civil penalty: ($500)		666363	09/13/08	Y		
Great Lakes Crushing Ltd. (10/01/08)	Civil penalty: ($12,000)						
	OEPA	$9,600	686990	10/31/08	Y	09/10/09*	
	Bus Fund	$2,400	686991	10/31/08	Y	04/23/09*	
Robert Montgomery, Sr., d.b.a. Montgomery Auto Salvage (10/16/08)	Civil penalty: ($3,000)		688462	11/15/08	Y		
Re-Gen, Inc. (01/15/09 - Consent Order)	Civil penalty: ($70,000)						
	OEPA	$28,000	709526	02/14/09		02/11/09	4969
		$28,000	709527	01/15/10		01/27/10	5049
	Bus Fund	$ 7,000	709528	02/14/09		02/11/09	4968
		$ 7,000	709529	01/15/10		01/29/10	5048
	Submit complete approvable synthetic minor PTIO app.		w/i 60 days of resuming operations				
	Submit FERs for 1999-2007 & pay $8,000 in past emission		upon receipt of invoice from OEPA			06/12/09	
Ultimate Industries, Inc. (02/05/09 - Consent Order)	Civil penalty: ($4,200)						
	OEPA	$175	712529	03/05/09		05/12/09	
		$175	712530	04/05/09		06/15/09	
		$175	712531	05/05/09		08/07/09	
		$175	712532	06/05/09		09/28/09	
		$175	712533	07/05/09			
		$175	712534	08/05/09			
		$175	712535	09/05/09			
		$175	712536	10/05/09			
		$175	712537	11/05/09			
		$175	712538	12/05/09			
		$175	712539	01/05/10			
		$175	712540	02/05/10			
		$175	712541	03/05/10			
		$175	712542	04/05/10			

* Paid the $9,600 plus $1,095.45 in interest to AGO Revenue recovery. Ago tool $1,069.55 for its collection efforts.
** AGO took $240 of this amount for its collect efforts.

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Ultimate Industries, Inc. (con't)	$175	712543	05/05/10			
	$175	712544	06/05/10			
	$175	712545	07/05/10			
	$175	712546	08/05/10			
	$175	712547	09/05/10			
	$175	712548	10/05/10			
	$175	712549	11/05/10			
	$175	712550	12/05/10			
	$175	712551	01/05/11			
	$175	712552	02/05/11			
Brush Wellman, Inc. (03/24/09)	Civil penalty: ($40,000)					
	OEPA $28,000	711745	04/24/09		03/26/09	101226491
	Bus Fund $12,000	711746	04/24/09		03/26/09	101226492
	Install 3 TRIBO.d2 particulate emission monitors		09/24/09		09/16/09	
	Submit documentation of SEP cost		10/24/09		10/13/09	
Chemtrade Logistics Inc/Marcule (04/02/09 - Consent Decree)	Civil penalty: ($120,000)					
	OEPA $72,000	712639	05/02/09		05/26/09	280088323
	Bus Fund $24,000	712640	05/02/09		05/26/09	280088325
	ODNR $24,000		05/02/09			
	Comply w/ short-term and long-term SO2 emission rates:	Oregon Cairo	07/01/11 07/01/11			
	Comply w/ acid mist emission rate:	Oregon Cairo	04/02/09 07/01/11			
	Install SO2 CEMS:	Oregon Cairo	07/01/11 07/01/11			
	Perform compliance tests:	Oregon Cairo	07/01/11 07/01/11			
	Submit O&M Plans:	Oregon Cairo	07/01/11 07/01/11			
	Submit permit applications:	Oregon Cairo	07/01/11 07/01/11			
		Oregon Cairo	01/01/13 (365 days after acceptance of short-term limit)			
	Submit report re: how compliance will be	Oregon Cairo	07/01/11 07/01/11			

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Lagrange Township Trustees	Civil penalty: ($250)		713233	05/14/09	Y	07/26/09	23728
(04/14/09)	Report the results of vehicle inspections			12/31/09		04/20/09	
George Rank	Civil penalty: ($500)		713237	05/16/09	Y		
(04/16/09)							
Richard Morrow	Civil penalty: ($3,000)		713246	05/15/09	Y		
(05/01/09)							
Container Recyclers, Inc. (d.b.a.	Civil penalty: ($87,050)						
Columbus Steel Drum)	OEPA	$21,762.50	713429	10/23/09		10/21/09	22101
(06/08/09 Amended Consent		$21,762.50	713430	01/18/10			
Order for stipulated penalties)		$21,762.50	713431	04/16/10			
	Bus Fund	$10,881.25	713432	06/05/09		06/01/09	21779
		$10,881.25	713433	07/17/09		07/16/09	21859
Plasti-Kote Company, Inc.	Civil penalty: ($240,000)						
(06/17/09)	OEPA	$192,000	714631	07/01/09		08/21/09	6000197973
	Bus Fund	$ 48,000	714632	07/17/09		08/21/09	6000197973
	Submit either a Title V permit app or synthetic minor PTI/FESOP appl. (FEPTIO appl.)			10/17/09		10/12/09	
T. S. Trim Industries, Inc.	Civil penalty: ($85,200)						
(06/17/09	OEPA	$68,160	714704	07/17/09		06/25/09	146684
	Bus Fund	$17,040	714705	07/17/09		06/25/09	146683
	Conduct emission tests			08/07/09			
	Submit test report			09/07/09			
Village of North Randall	Civil penalty: ($1,500)		714660	07/30/09	Y		
(06/30/09)	Have all vehicles tested and report results			12/31/09			
Precision Aggregates III, LLC	Civil penalty: ($15,000)						
(07/08/09)	OEPA	$4,500	715181	09/15/09		09/14/09	5008
		$7,500	715182	09/15/10			
	Bus Fund	$3,000	715183	09/15/09		09/14/09	5010
Village of Oakwood	Civil penalty: ($2,500)		714842	08/07/09		08/17/09	49645
(07/07/09)	Have all vehicles tested and report results			11/02/09			

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
The Belden Brick Company, L.L.	Civil penalty: ($850,000)						
(07/06/09 - Consent Decree)	OEPA	$170,000	717042	08/06/09		08/17/09	9044400714
		$170,000	717043	07/06/10			
		$170,000	717044	01/06/11			
		$170,000	717045	07/06/11			
	Bus Fund	$170,000	717046	08/06/09		08/17/09	9044400715
	Pay $334,514.43 for Title V permit emission fees for CY 2001 thru 2006			Upon receipt of invoice from OEPA		08/14/09	
	Submit SO2 FERs for CY 1993 thru 2000			01/06/10		12/23/09	
	For Plant 8, pay difference in emission fees for CY 1999 and 2000			Upon receipt of invoice from OEPA			
Saif Khan, d.b.a. Lakeland Citgo	Civil penalty: ($10,000)						
(08/20/09)	OEPA	$ 500	726488	09/20/09		08/06/09	23336993
		$2,500	726489	12/20/09		11/30/09	23469420
		$2,500	726490	03/20/10		03/23/10	23705865
		$2,500	726491	06/20/10			
	Bus Fund	$2,500	726492	09/20/09		08/06/09	23336992
Joseph Parker	Civil penalty: ($250)		725188	09/18/09	Y		
(08/18/09)							
Speedway SuperAmerica, LLC	Civil penalty: ($35,880)						
(09/22/09)	OEPA	$28,704	727238	10/05/09		09/29/09	960292
	Bus Fund	$ 7,176	727239	10/22/09		09/29/09	960291
	Submit weekly inspection records			11/14/10			
	Submit weekly inspection records			11/14/11			
	Submit results of static leak and A/L ratio tests for 2010			04/14/10 09/14/10			
	Submit results of static leak and A/L ratio tests for 2011			04/14/10 09/14/10			
Pioneer Environmental Companies	Civil penalty: ($7,000)						
(09/22/09)	OEPA	$2,100	727235	10/22/09	Y		
		$3,500	727236	03/22/10			
	Bus Fund	$1,400	727237	10/22/09	Y		

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Stein, Inc.	Civil penalty: ($50,000)						
(10/13/09)	OEPA	$10,000	735696	05/13/10		05/12/10	18805
		$10,000	735697	08/13/10			
		$10,000	735698	11/13/10			
		$10,000	735699	02/13/11			
	Bus Fund	$10,000	735700	11/13/09		10/23/09	16035
Joseph and Marie Eberz (10/19/09 - CO)	Civil penalty: ($500)		735796	11/19/09	Y		
CertainTeed Corp	Civil penalty: ($230,000)						
(10/19/09 - CO)	OEPA	$184,000	735799	11/19/09		11/05/09	3802097
	Bus Fund	$ 46,000	735800	11/19/09		11/05/09	3802098
	Submit Title V permit application			w/i 90 days of issuance of PTI			
	Submit plan for measuring OC content of stone			01/19/10			
	Submit FERs for 1993-1996			04/19/10			
Aleris International, Inc., et. al. (10/19/09 - CO)	Civil penalty: ($334,545)			when U.S. Bankruptcy Court for District of Delaware decides			
	Install load cells to weigh flux			04/29/10			
	Submit Capture and Collection System Improvement Plan			11/29/09			
	Complete all improvements described in CCSIP			04/29/10			
	Measure fan RPM			01/29/10			
	Measure static pressure of air curtain			01/29/10			
	Perform compliance tests			10/29/10			
	Submit test results			12/29/10			
	Submit HCI PTE analysis			12/29/10			
	Conduct additional compliance tests			03/29/10			
	Comply with all requirements of Subparts A and RRR			09/29/10			

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Circle K Midwest	Civil penalty: ($100,000)						
(GDFs 5204, 5209, 5318, 5320,	OEPA	$80,000	735797	12/04/09		11/13/09	555299730
5557, 5558, 0059 and 5217)	Bus Fund	$20,000	735798	12/04/09		11/13/09	555299731
(11/04/09)	Perform static leak & A/L ratio tests at each GDF			03/31/10			
				08/31/10			
				03/31/11			
				08/31/11			
Rascal House Pizza	Civil penalty: ($10,000)						
(11/12/09)	OEPA	$1,250	746346	12/12/09		12/07/09	2353
		$1,250	746347	03/12/10		03/12/10	2723
		$1,250	746348	06/12/10			
		$1,250	746349	09/12/10			
		$1,250	746350	12/12/10			
		$1,250	746351	03/12/11			
		$1,250	746352	06/12/11			
		$1,250	746353	09/12/11			
Great Plains Exploration	Civil penalty: ($19,000)						
(11/12/09)	OEPA	$1,000	746093	03/01/10			
		$1,000	746094	04/01/10			
		$1,000	746095	05/01/10			
		$1,000	746096	06/01/10			
		$1,000	746097	07/01/10			
		$1,000	746098	08/01/10			
		$1,000	746099	09/01/10			
		$1,000	746100	10/01/10			
		$1,000	746101	11/01/10			
		$1,000	746102	12/01/10			
		$1,000	746103	01/01/11			
		$1,000	746104	02/01/11			
		$1,000	746105	03/01/11			
		$1,000	746106	04/01/11			
		$1,000	746107	05/01/11			
	Bus Fund	$1,000	746108	11/01/09			
		$1,000	746109	12/01/09			
		$1,000	746110	01/01/10			
		$1,000	746111	02/01/10			

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Sunoco, Inc. (Toledo Refinery)	Civil penalty: ($32,250)						
(11/12/09)	OEPA	$25,800	746355	11/26/09		11/06/09	6.9E+09
	Bus Fund	$6,450	746356	12/12/09		11/06/09	6.9E+09
	Complete corrective actions in Finding 15(a) and submit documentation			12/31/09			
	Correct deficiencies in butane sphere inspection reports & submit documentation			06/30/10			
	Resolve compliance audit findings in Finding 14(c) and submit documentation			12/31/09			
Thermo-Rite Manufacturing Company, Inc.	Civil penalty: ($36,000)						
(12/02/09)	OEPA	$800	747314	03/01/10		02/26/10	52818
		$2,000	747315	04/01/10		03/26/10	52926
		$2,000	747316	05/01/10		04/30/10	53077
		$2,000	747317	06/01/10		05/21/10	53155
		$2,000	747318	07/01/10			
		$2,000	747319	08/01/10			
		$2,000	747320	09/01/10			
		$2,000	747321	10/01/10			
		$2,000	747322	11/01/10			
		$2,000	747323	12/01/10			
		$2,000	747324	01/01/11			
		$2,000	747325	02/01/11			
		$2,000	747326	03/01/11			
		$2,000	747327	04/01/11			
		$2,000	747328	05/01/11			
	Bus Fund	$2,000	747329	12/01/09		11/30/09	52386
		$2,000	747330	01/01/10		12/23/09	52520
		$2,000	747331	02/01/10		01/21/10	52664
		$1,200	747332	03/01/10		02/26/10	52819
D & R Supply, Inc.	Civil penalty: ($20,000)						
(12/02/09)	OEPA	$5,000	746313	01/01/10		12/22/09	3847
		$2,750	746314	04/01/10		03/10/10	3934
		$2,750	746315	07/01/10			
		$2,750	746316	10/01/10			
		$2,750	746317	01/01/11			
	Bus Fund	$4,000	746318	12/01/09		11/06/09	3791

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Emery Oleochemicals, LLC	Civil penalty: ($57,400)						
(12/17/09)	OEPA	$28,700	747345	12/31/09		12/09/09	1004602
	Bus Fund	$28,700	747346	12/31/09		12/09/09	1004605
	For odor emission control system for P004 (penalty credit project):						
	Submit plans			03/01/10			
	issue purchase orders			07/01/10			
	initiate construction			10/01/10			
	complete construction			12/31/10			
	submit documentation of spending at least $340,000			01/31/11			
Robert Schiekh (12/22/09)	Civil penalty: ($750)		747648	01/22/10			
D. Todd Hosea, d.b.a. Hosea Project Movers (12/23/09)	Civil penalty: ($22,000)						
	OEPA	$4,400	747655	03/23/10		03/25/10	29831
		$4,400	747656	06/23/10			
		$4,400	747657	09/23/10			
		$4,400	747658	12/23/10			
	Bus Fund	$4,400	747659	01/23/10		01/25/10	2058
Randy Wise (12/23/09)	Civil penalty: ($250)		747654	01/23/10			
Mark A. Mirich, d.b.a. All Demolition (12/28/09 - CO)	Civil penalty: ($25,000)						
	OEPA	$800	748952	02/15/10		04/09/10	263242
		$800	748953	03/15/10			
		$800	748954	04/15/10			
		$800	748955	05/15/10			
		$800	748956	06/15/10			
		$800	748957	07/15/10			
		$800	748958	08/15/10			
		$800	748959	09/15/10			
		$800	748960	10/15/10			
		$800	748961	11/15/10			
		$800	748962	12/15/10			
		$800	748963	01/15/11			
		$800	748964	02/15/11			
		$800	748965	03/15/11			
		$800	748966	04/15/11			
		$800	748967	05/15/11			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Mark A. Mirich, d.b.a. All Demolition (con't)	$800	748968	06/15/11			
	$800	748969	07/15/11			
	$800	748970	08/15/11			
	$800	748971	09/15/11			
	$800	748972	10/15/11			
	$800	748973	11/15/11			
	$800	748974	12/15/11			
	$800	748975	01/15/12			
	$800	748976	02/15/12			
	$200	748977	02/15/10			
	$200	748978	03/15/10			
	$200	748979	04/15/10			
	$200	748980	05/15/10			
	$200	748981	06/15/10			
	$200	748982	07/15/10			
	$200	748983	08/15/10			
	$200	748984	09/15/10			
	$200	748985	10/15/10			
	$200	748986	11/15/10			
	$200	748987	12/15/10			
	$200	748988	01/15/11			
	$200	748989	02/15/11			
	$200	748990	03/15/11			
	$200	748991	04/15/11			
	$200	748992	05/15/11			
	$200	748993	06/15/11			
	$200	748994	07/15/11			
	$200	748995	08/15/11			
	$200	748996	09/15/11			
	$200	748997	10/15/11			
	$200	748998	11/15/11			
	$200	748999	12/15/11			
	$200	749000	01/15/12			
	$200	749001	02/15/12			
Tinkler Construction, Co. (12/30/09 - CO)	Civil penalty: ($14,500)					
	OEPA $11,600	752584	01/30/10		01/28/10	4807547
	Bus Fund $ 2,900	752585	01/30/10		01/28/10	4807548
New Day Farms, LLC, et al. (01/11/10)	Civil penalty: ($55,200)					
	OEPA $44,160	752672	02/11/10		12/10/09	6018
	Bus Fund $11,040	752673	02/11/10		12/10/09	6018

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
ConSun Food Industries, Inc.	Civil penalty: ($17,250)						
(01/14/10)	OEPA	$1,600	751928	02/14/10		02/05/10	290041
		$4,000	751929	05/14/10		05/05/10	290151
		$4,000	751930	08/14/10			
		$4,200	751931	11/14/10			
	Bus Fund	$3,450	751932	02/14/10		02/05/10	290042
	Perform static leak & A/L ratio tests at each GDF			03/31/10		02/22/10	
				08/31/10			
				03/31/11			
				08/31/11			
Brent Saionz, d.b.a. Simon Excavating (01/13/10)	Civil penalty: ($2,000)		753503	01/27/10		05/18/10*	2504
	* $1,000 paid as settlement of the ERAC appeal of the F&O's						
The Afcose Group	Civil penalty: ($1,000)						
(01/20/10)	OEPA	$250	753493	02/20/10			
		$250	753494	03/18/10			
		$250	753495	04/18/10			
		$250	753496	05/18/10			
Lehigh Gas Corporation	Civil penalty: ($12,000)						
(01/20/10)	OEPA	$9,600	753405	02/03/10			
	Bus Fund	$2,400	753406	03/05/10			
	Perform static leak & A/L ratio tests at			03/31/10			
S. H. Bell Company (02/08/10)	Operate and maintain a mobile, wet suppression system for the straight-sided dock barge unloading and loading, and truck loading (F016)			01/15/10			
	Install a building enclosure connected to the PA truck load out and vented to the existing baghouse, for the truck dump unloading of incoming materials (F013)			01/22/10			
	Operate and maintain a mobile, wet suppression system for F009			02/15/10			
	Operate and maintain a mobile, wet suppression system for the railcar unloading and loading (F015)			02/15/10			

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
S. H. Bell Company (con't) (02/08/10)	Install capture system and baghouse for F005 and F008			03/12/10			
	Cease handling, processing, and storage of AM at the Little England Facility			03/31/10			
	Install wet suppression system (with impingement spray nozzles) for the dump hoppers in F006 and F007 as an interim control measure until the capture system and baghouse are installed			04/01/10			
	Cease placing AM storage piles (F002) in any stall-type storage building unless the building has been modified to make it a full enclosure			06/15/10			
	Install capture system and baghouse for F006 and F007			11/19/10			
	Either cease processing AM or install either a wet suppression system with fogging nozzles) or a capture system and baghouse for the building fugitive emissions at P901			11/19/10			
INEOS ABS Corporation (con't) (02/04/10 - Consent Decree)	Civil penalty: ($3,100,000)						
	U.S.	$1,480,000	N/A	03/06/10			
	USEPA Hazardous Substances Superfund	$ 70,000	N/A	03/06/10			
	HAMCO	$ 382,500	N/A	03/06/10			
	Bus Fund	$ 229,500	753743	03/06/10		02/26/10	9494104298
	SERC Fund	$ 20,000	753742	03/06/10		02/26/10	9494104299
	OEPA, DAPC	$ 256,000	753740	03/06/10		02/26/10	9494104300
	OEPA, EEF	$ 612,000	753741	03/06/10		02/26/10	9494104301
	ODNR	$ 50,000		03/06/10			
	Submit summary of FTIR testing and recommend NHVFG			07/06/10			
	Comply with NHVFG of 200 Btu/scf or alternative value approved by USEPA			08/06/10			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
INEOS ABS Corporation (con't)	**Biofilter milestones:**					
(02/04/10 - Consent Decree)	Submit work plan		03/21/10		03/19/10	
	Issue purchase orders		~ 05/04/10*			
	Initiate construction (Phase I)		~ 06/04/10			
	Complete construction (Phase I)		~ 12/04/10			
	Perform emission testing		~ 3/4/2011			
	Submit monitoring procedures/ maintenance plan		~ 5/4/2011			
	Complete construction (Phase II)		~ 6/1/2011			
	(* ~ assuming 2 weeks to approve work plan)					
	Submit a new and/or revised SOP for the Main Duct		03/06/10			
	LDAR program milestones:					
	Develop a written facility-wide LDAR Program Plan		05/06/10			
	Monitor all equipment in accordance with more stringent frequencies		05/06/10			
	Begin replacing "leaking" valves and connectors with "low-leaking" technology		11/06/10			
	Perform the first audit of the LDAR		05/06/10			
Spectrum Metal Finishing, Inc.	Civil penalty: ($100,000)					
(02/19/10 - Consent Order)	OEPA $20,000	753753	03/31/11			
	$20,000	753754	06/30/11			
	$20,000	753755	09/30/11			
	$20,000	753756	12/31/11			
	Bus Fund $ 5,000	753757	03/31/11			
	$ 5,000	753758	06/30/11			
	$ 5,000	753759	09/30/11			
	$ 5,000	753760	12/31/11			
	Submit synthetic minor PTI application for K002		03/21/10			
	Complete construction of RTO		w/i 230 days after PTI is issued			
	Submit odor abatement study		w/i 90 days of notice by OEPA			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Quikrete-Cleveland (02/26/10)	Civil penalty: ($16,250)	753762	03/12/10		03/04/10	1006152
	Complete the asphalt paving SEP project		02/26/11			
H. B. Fuller Company (03/10/10)	Civil penalty: ($9,375)					
	OEPA $6,000	757445	05/10/10		03/18/10	165805
	Bus Fund $3,375	757446	04/10/10		03/08/10	165806
	Submit a schedule for completion of the SEP		04/10/10			
City of Youngstown, WWTP (03/10/10)	Civil penalty: ($12,405)					
	OEPA $9,924	757447	03/24/10		03/26/10	71966
	Bus Fund $2,481	757448	03/24/10		03/26/10	71965
	Submit documentation that RMP deficiencies have been corrected		04/10/10			
Lafarge North America, Inc. (Paulding) (03/18/10 - Consent Decree)	Civil penalty: ($55,250)					
	OEPA $44,200	757491	04/18/10		04/08/10	71820
	Bus Fund $11,050	757492	04/18/10		04/08/10	71819
	Install NOx and SO2 CEMs for both kilns		03/18/11			
	Install SNCR and DAA for one kiln		11/01/11			
	Install SNCR and DAA for the other kiln		12/01/11			
Rumpke Sanitary Landfill, Inc. (03/18/10)	Civil penalty: ($98,000)					
	OEPA $78,400	757937	04/18/10		03/31/10	492278
	Bus Fund $19,600	757938	04/18/10		03/31/10	492279
Carmeuse Lime, Inc. (Maple Grove Facility) (03/19/10)	Civil penalty: ($180,740)					
	OEPA $144,592	757439	04/19/10		03/31/10	252166
	Bus Fund $ 36,148	757440	04/19/10		03/31/10	252165
	Submit Title V permit modification for transloaders and roadways		06/19/10			
	Submit PTI application for the modification of P905		06/19/10			
Bailey-PVS Oxides Delta LLC. (03/19/10)	Civil penalty: ($55,000)					
	OEPA $ 8,800	757469	07/19/10			
	$ 8,800	757470	10/19/10			
	$ 8,800	757471	01/19/11			
	$ 8,800	757472	04/19/11			
	$ 8,800	757473	07/19/11			
	Bus Fund $11,000	757474	04/19/10			
	Submit PTIO applications		04/19/10		5/7/2010	

Facility Name	Milestone or Requirement*		Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
MARA2-DNA, Inc. (Nates Marathon) (04/02/10)	Civil penalty: ($5,000)						
	OEPA	$250	757483	05/02/10		04/15/10	995002
		$750	757484	08/02/10			
		$750	757485	11/02/10			
		$750	757486	02/02/11			
		$750	757487	05/02/11			
		$750	757488	08/02/11			
		$750	757489	11/02/11			
		$250	757490	02/02/12			
	Perform static leak & A/L ratio tests at each GDF			04/30/10 08/31/10 04/30/11 08/31/11			
Severstal Wheeling, Inc. (03/30/10)	Civil penalty: ($15,000)						
	OEPA	$12,000	757477	04/30/10			
	Bus Fund	$ 3,000	757478	04/30/10			
	Obtain and achieve compliance w/ PTI modification for burning COG in the co-generation boilers			08/15/10			
Demetrius "Duke" Ball, d.b.a. Ball Wrecking Company (03/10/10 - Court Order)	Civil penalty: ($7,000)		757442	04/10/10			
Raman Patel, d.b.a. Marathon Quick Mart (04/20/10)	Civil penalty: ($8,000)						
	OEPA	$ 400	758060	05/20/10		05/17/10	293424
		$2,000	758061	08/20/10			
		$2,000	758062	11/20/10			
		$2,000	758063	02/20/11			
	Bus Fund	$1,600	758016	05/20/10		05/17/10	293425
	Perform static leak & A/L ratio tests at each GDF			03/30/10 08/31/10 03/30/11 08/31/11			
	Submit proof of training			05/20/10			
Summit Equipment and Supplies, Inc. (03/01/10 - Consent Order)	Civil penalty: ($1,250)		758079	04/01/10			

Facility Name	Milestone or Requirement*	Revenue ID	Deadline in F&O	C y/n	Complete Date	Check # / Date
Pure Gas Incorporated	Civil penalty: ($7,000)					
(05/28/10)	OEPA $ 800		09/28/10			
	$ 800		11/28/10			
	$ 800		01/28/11			
	$ 800		03/28/11			
	$ 800		05/28/11			
	$ 800		07/28/11			
	$ 800		09/28/11			
	Bus Fund $1,400		07/28/10		06/07/10	1986
	Perform static leak & A/L ratio tests at each GDF		03/30/11			
			08/31/11			
			03/30/12			
			08/31/12			
Bridgestone APM Company	Civil penalty: ($90,628)					
(05/28/10)	OEPA $72,502		06/28/10			
	Bus Fund $18,126		06/28/10			
Norton Environmental Company	Civil penalty: ($5,000)		06/15/10			
(09/21/09 - Consent Order)	(DAPC's portion)		(by DSIWM)			
J. S. Paris Excavating, Inc.	Civil penalty: ($7,000)					
(06/02/10)	OEPA $5,600		07/02/10			
	Bus Fund $1,400		07/02/10			
Barrett Paving Materials, Inc.	Civil penalty: ($141,700)					
(06/02/10)	OEPA $113,360		06/16/10		05/07/10	048039
	Bus Fund $ 28,340		06/16/10		05/07/10	048040
	Develop and implement a regular inspection and maintenance plan for the air pollution control equipment at each of the asphalt plants		08/02/10			

OhioEPA
State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

June 2, 2010

Certified Mail

Mr. Kim K. Burke, Esq.
Taft Stettinius & Hollister LLP
425 Walnut Street, Suite 1800
Cincinnati, Ohio 45202-3957

Re: Final Findings and Orders for air pollution control rule and law violations at the Turtle Creek, West Mason, Fairfield and Reading asphaltic concrete plants of Barrett Paving Materials, Inc.

Dear Mr. Burke:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date stamped on the first page of the Orders.

Sincerely,

James A. Orlemann

James A. Orlemann, P.E.
Assistant Chief
SIP Development & Enforcement Section

JAO/jp

Enclosure

xc: Carol Hester, PIC
Brenda Case, Fiscal Office (Agency #14)
Priscilla Roberson, DAPC
Jim Orlemann, DAPC
Tom Kalman, DAPC
Stephen Feldmann, Legal Office
Patty Porter, DAPC
Kerri Castlen, HCDES
Dan Gennaro, Barrett Paving Materials, Inc.

OHIO E.P.A.

JUN - 2 2010

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Barrett Paving Materials, Inc. 600 Shepherd Lane Cincinnati, Ohio 45215	:	Director's Final Findings and Orders
RESPONDENT	:	

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: [signature] Date: 6-2-10

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Barrett Paving Materials, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the facilities (as herein defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 3704 and the regulations promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates asphaltic concrete production facilities located throughout Ohio. Four of these facilities are or were located at 107 River Circle Drive ("Fairfield Facility"), Fairfield, Ohio (identified by Ohio EPA as facility ID 1409000018); 4000 Turtle Creek Road ("Turtle Creek Facility"), South Lebanon, Ohio (identified by Ohio EPA as facility ID 1483980456); 387 Smalley Road ("Reading Facility"), Reading, Ohio (identified by Ohio EPA as facility ID 1431443377); and 1466 West Mason Morrow Millgrove Road ("West Mason Facility"), South Lebanon, Ohio (identified by Ohio EPA as facility ID 1483980486). Each of these facilities emit, among other air pollutants, particulate matter ("PM"), particulate matter with an aerodynamic diameter of 10 microns or less ("PM_{10}"), and volatile organic compounds ("VOCs"), which are defined as "air pollutants" or "air contaminants" in Ohio Administrative Code ("OAC") Rule 3745-15-01(C). Additionally, asphaltic concrete production operations are "air contaminant sources" as

defined in OAC Rule 3745-31-01(I).

2. OAC Rule 3745-31-05(F) (formerly OAC Rule 3745-31-02(A)(2)) allows, in part, the owner or operator of any air contaminant source to voluntarily request a permit to install ("PTI") from Ohio EPA that would lower the allowable emissions from the air contaminant source. OAC Rule 3745-31-01(K) defines "allowable emissions," in part, as the emission rate of an air contaminant source calculated using the maximum rated capacity to emit, unless federally enforceable limitations restrict the operation rate or hours of operation. This type of permit is referred to as a "synthetic minor permit."

3. OAC Rule 3745-31-05(E) and (D) (formerly OAC Rules 3745-31-05(D) and 3745-35-02) state, in part, that the Director of Ohio EPA may impose special permit terms and conditions as are appropriate or necessary to ensure compliance with applicable laws and to ensure adequate protection of the environment.

4. ORC § 3704.05(C) prohibits any person from violating any terms or conditions of any permit issued by the Director of Ohio EPA.

Turtle Creek Facility

5. On August 22, 2006, Ohio EPA issued a synthetic minor PTI for Respondent's Turtle Creek Facility. The PTI contained a short-term particulate emissions ("PE") limitation that prohibits more than 8 pounds per hour ("lbs/hr") to be emitted from the Facility's fabric filter stack. Additionally, the PTI required Respondent to conduct compliance tests within 180 days after the issuance of the PTI (i.e., February 18, 2007), using the appropriate USEPA reference test methods, to demonstrate compliance with the short-term PE limitation.

6. On September 20 and 21, 2007, Respondent conducted the required compliance demonstration emission tests. PE were measured at 10.90 lbs/hr, in violation of the 8 lbs/hr PE limitation in the PTI and ORC § 3704.05(C).

7. On January 16, 2008, Hamilton County Department of Environmental Services ("HCDES"), Ohio EPA's contractual representative in Butler, Warren and Hamilton counties, sent Respondent a notice of violation ("NOV") letter for the failure to comply with the terms and conditions of its PTI and requested Respondent to submit a plan to bring the Facility into compliance.

8. On February 15, 2008, HCDES received Respondent's reply to the January 16, 2008, NOV. Respondent stated that the hot mix asphalt plant had ceased to operate and had been disassembled. In a March 25, 2008, response to HCDES's request for additional information, Respondent stated that the Facility had operated 56 days from the failed compliance demonstration until it ceased operation.

9. Respondent failed to comply with the PE limitation specified in the terms and conditions of its PTI, in violation of ORC § 3704.05(C).

West Mason Facility

10. On December 20, 2007, Ohio EPA issued a synthetic minor PTI for the installation of Respondent's 400 tons per hour portable counter-flow drum mix asphalt plant, which is controlled with a baghouse taken from the Turtle Creek Facility, at the West Mason Facility. The PTI specified a short-term PE limitation prohibiting the stack gasses from containing more than 0.03 grain per dry standard cubic foot ("gr/dscf"). To demonstrate compliance with this limitation, the PTI required Respondent to conduct compliance tests. The tests were required to be conducted within 60 days after maximum production was achieved but no later than 120 days after the initial startup of Facility.

11. On August 28, 2008, Respondent conducted the required compliance demonstration emission tests. PE were measured at 0.15 gr/dscf, in violation of the PTI limitation and ORC § 3704.05(C).

12. Respondent inspected and tested the baghouse controlling the PE for possible causes of the excessive PE. The tests revealed that a flange between the clean and dirty air compartments of the baghouse was not properly sealed allowing part of the PE to "by-pass" the filters and be emitted "uncontrolled." Respondent resealed the flange and conducted a new compliance demonstration on October 28, 2008. The filterable particulate emissions (i.e., PE) were measured at 0.006 gr/dscf, in compliance with the 0.03 gr/dscf limitation.

13. Respondent failed to comply with the 0.03 gr/dscf PE permit limitation, in violation of ORC § 3704.05(C). The violation occurred from June 30, 2008 (i.e., the date of startup of the Facility using the baghouse with the failing stack test from the Turtle Creek Facility) and continued until compliance was demonstrated on October 28, 2008. In a compliance plan letter dated January 8, 2009, Respondent committed to inspect the ductwork that had been problematic for baghouses with internal ducting and to record the inspections in the baghouse maintenance log to help prevent the reoccurrence of the problems that caused the PE limitation exceedance.

Fairfield Facility

14. On April 15, 2008, Ohio EPA issued a synthetic minor permit to operate ("PTO") for the operation of Respondent's Fairfield Facility. The PTO required Respondent to conduct compliance tests on the Facility's stack gasses to determine compliance with 0.04 gr/dscf and 10.35 pounds per hour PE limitations. The compliance tests were required to be conducted within six months after the issuance of the PTO.

15. On September 26, 2008, Respondent conducted the required compliance test. The measured PE of 0.18 gr/dscf and 40.7 pounds per hour revealed that Respondent was not complying with the short-term PE limitations contained in the PTO, in violation of ORC § 3704.05(C). Based on Respondent's experience with the failed seam at the West Mason Facility, Respondent inspected a similar seam at the Fairfield Facility's control device and found that it had worn from age and heat. Respondent cleaned and

repaired the worn seam.

16. On October 31, 2008, Respondent retested the Facility's stack emissions and demonstrated compliance with both short-term PE limitations.

17. Respondent's failure to comply with PE limitations is a violation of the PTO terms and conditions and the ORC § 3704.05(C).

Reading Facility

18. On October 10, 2006, Ohio EPA issued a synthetic minor PTO for the operation of Respondent's Reading Facility. Among other things, the PTO required Respondent to conduct compliance tests on the Facility's stack gasses to determine compliance with various short-term emission limitations contained in the PTO. The compliance tests were required to be conducted within 12 months after the issuance of the PTO for the primary fuel fired and within 60 days after switching to the secondary fuel.

19. On December 13, 2007, a representative of HCDES told Respondent that the Reading Facility had failed to conduct the required compliance demonstrations within the time frame specified in the October 10, 2006, PTO. Respondent stated that an Intent-to-Test form would be submitted in the spring once the Facility reopened for the season.

20. On January 16, 2008, HCDES sent a NOV letter to Respondent requesting written confirmation of the December 13, 2007, commitment to conduct the required compliance demonstrations. Responded replied to the NOV on February 14, 2008, stating it had failed to schedule the required emissions test within the 12-month deadline. Respondent also confirmed that the test would be conducted upon reopening the Facility in the spring. Respondent further stated that the dates had been set and approved by HCDES for April 22 and 23, 2008.

21. On April 22 and 23, 2008, Respondent conducted the compliance testing required by the October 10, 2006, PTO. VOC emissions were measured at 44.7 lbs/hr, in excess of the limit of 15.1 lbs/hr in the PTO, in violation of ORC § 3704.05(C). Respondent also did not comply with the terms and conditions of the PTO by failing to timely conduct the required tests, in violation of ORC § 3704.05(C). The VOC emission limit violation occurred from the dates of the test to the date that a new permit was issued for the emissions unit, which contained a higher VOC emission limitation.

22. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of one hundred forty-one thousand and seven hundred dollars ($141,700) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within fourteen (14) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for one hundred thirteen thousand three hundred and sixty dollars ($113,360). The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

2. In lieu of paying the remaining twenty-eight thousand three hundred and forty dollars ($28,340) of the civil penalty, Respondent shall, within fourteen (14) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of $28,340 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for $28,340. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

3. A copy of each of the above checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

4. Should Respondent fail to fund the SEP within the required timeframe set forth in Order 2, Respondent shall immediately pay to Ohio EPA $28,340 of the civil penalty in accordance with the procedures in Order 1.

5. Within sixty (60) days of the effective date of these Orders, Respondent shall develop, maintain and implement a regular inspection and maintenance plan ("plan") for each air pollution control system employed at the facilities identified in Finding 1, except for the former Turtle Creek Facility. The plan shall satisfy the requirements and recommendations of the individual control system's vendor, the inspection and maintenance procedures contained in Ohio EPA's "O&M Guidelines for Air Pollution Control Equipment" and shall at minimum meet good engineering practices. Respondent

shall maintain copies of the plan and the vendor's recommendations at each facility. Additionally, Respondent shall maintain, at each facility, all the spare parts that are recommended by the individual control system's vendor and/or the spare parts identified in the plan. Respondent shall record the date, the time and the results of each inspection conducted on a control system as well as the date, the finishing time, the name of the person(s) conducting the maintenance, and a detailed description of each maintenance performed on the control system. If a regular scheduled inspection or maintenance is not timely conducted, Respondent shall record the reason why the inspection and or maintenance was not conducted within the time specified in the plan and or the control system's vendor's recommendation. All records shall be maintained for a minimum of 5 years and shall be made available for inspection upon request by Ohio EPA or a representative of Ohio EPA. This Order will terminate at the time these requirements, in existing form or amended form, have been transferred into each facility's permit to operate.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president, or a duly authorized representative, if such representative is responsible for the overall operation of the facilities owned or operated by Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's facilities.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, State and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to the Respondent's facilities.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Hamilton County
Department of Environmental Services
Air Quality Programs
250 William Howard Taft Road
Cincinnati, Ohio 45219-2660
Attention: Kerri Castlen

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Thomas Kalman

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

Date 5/27/10

AGREED:

Barrett Paving Materials, Inc.

Signature

Date 5/19/10

JEFFREY C. LAMB
Printed or Typed Name

VICE PRESIDENT MIDWEST
Title

OhioEPA
State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

June 2, 2010

Certified Mail

Mr. James S. Paris, Jr.
President
J. S. Paris Excavating, Inc.
11550 Mahoning Avenue
P.O. Box 219
North Jackson, Ohio 44451

Re: Final Findings and Orders for violations of asbestos emission control standards associated with J. S. Paris Excavating, Inc.'s demolition of two commercial structures in Beaver Township of Mahoning County

Dear Mr. Paris:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date stamped on the first page of the Orders.

Sincerely,

James A. Orlemann

James A. Orlemann, P.E.
Assistant Chief
SIP Development & Enforcement Section

JAO/jp

Enclosure

xc: Carol Hester, PIC
Brenda Case, Fiscal Office (Agency #21)
Priscilla Roberson, DAPC
Stephen Feldmann, Legal Office
Jim Orlemann, DAPC
Tom Kalman, DAPC
Tan Tran, DAPC
Tara Cioffi, M-TPACA

OHIO E.P.A.

JUN - 2 2010

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

J.S. Paris Excavating, Inc.
11550 Mahoning Avenue
P.O. Box 219
North Jackson, Ohio 44451

:
:
:
:

Director's Final Findings
and Orders

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date: _____

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to J.S. Paris Excavating, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent, of 11550 Mahoning Avenue, North Jackson, Ohio, is a demolition contractor and not a licensed asbestos removal contractor in the State of Ohio. In December of 2007, Respondent was hired by Signature Development Group, LLC, of 23230 Chagrin Boulevard, Suite 700, Beachwood, Ohio, to demolish two commercial structures, which were located at 14941 and 14973 South Avenue, Beaver Township, Mahoning County, Ohio. Each of the above-referenced structures constituted a "facility" as defined by Ohio Administrative Code ("OAC") Rule 3745-20-01(B)(18). Respondent was an "operator" as defined by OAC Rule 3745-20-01(B)(39). The project involved a "demolition," as defined in OAC Rule 3745-20-01(B)(13).

2. The Mahoning-Trumbull Air Pollution Control Agency ("M-TAPCA"), a contractual representative of Ohio EPA in Mahoning County, first learned about the demolition project on January 30, 2008. On February 1, 2008, M-TAPCA personnel conducted a site inspection and discovered that the two former commercial structures had already been demolished sometime in November 2007 and that construction of a new facility was in progress. An asbestos survey, as required pursuant to OAC Rule 3745-20-02(A), was not provided by Respondent at the time of the inspection.

Failure to comply with the notification requirements

3. Pursuant to OAC Rule 3745-20-02(B)(1), the owner or operator of a demolition project must comply with the notification and work practice requirements of OAC Rules 3745-20-03, 3745-20-04, and 3745-20-05 if the combined amount of regulated asbestos-containing material in a facility being demolished is at least 260 linear feet on pipes or at least 160 square feet on other facility components, or at least 35 cubic feet off facility components where the length or area could not be measured previously. Regulated asbestos-containing material ("RACM") is as defined in OAC Rule 3745-20-01(B)(42).

4. Pursuant to OAC Rule 3745-20-02(B)(2), the owner or operator of a demolition project must comply with the notification requirements of OAC Rule 3745-20-03 if the combined amount of regulated asbestos-containing material in a facility being demolished is less than 260 linear feet on pipes or less than 160 square feet on other facility components, or less than 35 cubic feet off facility components where the length or area could not be measured previously, or if there is no asbestos-containing material in a facility being demolished.

5. OAC Rule 3745-20-03(A) requires, in part, the owner or operator of a demolition project to submit a written notice of intention to demolish ("Notification") to Ohio EPA at least ten days prior to the start of the demolition if the project is as described in OAC Rule 3745-20-02(B)(1) or (B)(2).

6. Respondent failed to submit a Notification to Ohio EPA at least ten days prior to the start of the above-mentioned demolition project, in violation of OAC Rule 3745-20-03(A).

Violation of ORC § 3704.05(G)

7. ORC § 3704.05(G) prohibits any person from violating any rule adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704. OAC Chapter 3745-20 was adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704.

8. The OAC rule violation identified in Finding 6 also constitutes a violation of ORC § 3704.05(G).

9. On March 11, 2008, Respondent was issued a notice of violation ("NOV") letter by M-TAPCA addressing the notification violation described in the above findings. In addition to the violation of the notification requirements, the NOV also cited Respondent

for a violation of OAC Rule 3745-20-02(A) for failing to conduct an asbestos survey because Ohio EPA and M-TAPCA had no knowledge of any asbestos survey being done for the above-referenced structures.

10. On March 21, 2008, a Notification and an asbestos survey report dated June 14, 2007 were submitted by Respondent as requested in M-TAPCA's March 11, 2008 NOV letter. The attached asbestos survey report indicated that the above-referenced structures contained no asbestos.

11. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of seven thousand dollars ($7,000) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC § 3704.06. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for five thousand and six hundred dollars ($5,600) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

2. In lieu of paying the remaining one thousand and four hundred dollars ($1,400) of civil penalty to Ohio EPA, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of $1,400 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall make payment on or within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for $1,400. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

3. A copy of each of the above checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

4. Should Respondent fail to fund the SEP within the required timeframe in Order 2, Respondent shall immediately pay to Ohio EPA $1,400 of the civil penalty in accordance with the procedures in Order 1.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operations of Respondent.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Mahoning-Trumbull Air Pollution Control Agency
Oakhill Renaissance Place
2nd Floor - Room 25
345 Oak Hill Avenue
Youngstown, Ohio 44502-1454
Attention: William Slanina

and to:

Ohio Environmental Protection Agency
Division of Air Pollution Control
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attention: Thomas Kalman, Manager, Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

5/27/10
Date

AGREED:

J.S. Paris Excavating, Inc.

Signature

5-18-10
Date

James S Paris Jr
Printed or Typed Name

President
Title

State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

May 27, 2010

The Honorable Richard Cordray
Attorney General of Ohio
Environmental Enforcement Section
State Office Tower, 25th Floor
30 East Broad Street
Columbus, Ohio 43266-0410

Re: Referral of John Harb, Liberty Gas USA #10 LLC., Liberty Gas, JS Solon LLC. and Plaxy 1 Inc. (EC Case #2839)

Dear Mr. Cordray:

Pursuant to ORC § 3704.06, I hereby request that you initiate all necessary legal and/or equitable civil actions as may be deemed necessary and seek appropriate penalties against the above-referenced parties and any other appropriate party for the violations of ORC Chapter 3704 and the regulations adopted thereunder. A copy of the Division of Air Pollution Control's enforcement file is enclosed.

Thank you for your assistance in this matter. Any questions you may have should be directed to Jim Kavalec of the Division of Air Pollution ("DAPC") (644-4840). He, as well as Tom Kalman of the DAPC Enforcement Section (644-3598), should be kept apprised of the status of this matter and any action taken with regard to it. Please also coordinate all negotiations and any resolution of this case with Jim Orlemann, Assistant Chief, SIP Development and Enforcement, and Enforcement Coordinator of the DAPC.

Sincerely,

Chris Korleski
Director

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Donald L. Vanterpool, Legal Office
Jim Kavalec, DAPC
Tim Fischer, NEDO DAPC

Enclosures

CK/JK/jk

Ohio EPA
Division of Air Pollution Control

INTER-OFFICE COMMUNICATION

TO: Dale Vitale, Chief, Environmental Enforcement Section, Attorney General's Office

FROM: Donald L. Vanterpool, Staff Attorney and Jim Orlemann, DAPC Enforcement Coordinator

SUBJECT: Notes concerning the referral of John Harb, Liberty Gas USA #10 LLC., Liberty Gas, JS Solon LLC. and Plaxy 1 Inc. to the Attorney General's Office (EC Case #2839)

DATE: April 28, 2010

CONFIDENTIAL: ATTORNEY-CLIENT PRIVILEGED COMMUNICATION
CONFIDENTIAL LAW ENFORCEMENT INVESTIGATORY RECORD

The Director of Ohio EPA is referring John Harb, Liberty Gas USA #10 LLC., Liberty Gas, JS Solon LLC. and Plaxy 1 Inc. ("Respondents") to the Attorney General's Office ("AGO") for violations of Ohio Revised Code ("ORC") Chapter 3704 and Ohio Administrative Code ("OAC") Rule 3745-21-09(DDD). The December 2, 2009 proposed Director's Final Findings and Orders ("DFFOs"), which were sent to Respondent in an unsuccessful attempt to settle this matter administratively, are attached for the AGO's use in preparing a complaint and consent order. A copy of the enforcement case file is also attached. A brief summary of the case is provided below.

SYNOPSIS

- Respondent, John Harb, dba Liberty Gas USA #10 LLC. operated a gasoline dispensing facility ("GDF") located 824 Middle Avenue, in Elyria from January of 2008 until November of 2009. Respondent, John Harb, dba Liberty Gas, also currently operates a GDF located at 2850 Grove Avenue, in Lorain, Ohio. These GDFs are or were subject to the requirements of Ohio Administrative Code ("OAC") Rule 3745-21-09(DDD) concerning Stage II vapor control systems and are or were required to conduct Stage II compliance tests, which consist of annual static leak and air-to-liquid ("A/L") ratio tests and a five-year dynamic pressure performance test. The purpose of these tests is to ensure that the Stage II vapor control systems are working properly to capture gasoline vapors so they do not contribute to ozone formation.

- For the Middle Avenue GDF, on May 1, August 20 and December 5, 2008, Ohio EPA conducted inspections at this GDF to determine compliance with the Stage II annual static leak and A/L ratio tests. During the May 1 and August 20, 2008 tests, the static leak test failed due to leaks in the drop tubes and the A/L ratio test was not conducted. A retest was conducted on December 5, 2008. The static leak test passed but the A/L ratio test failed on all dispensers due to low flow. Respondent John Harb, dba Liberty Gas USA #10 LLC. was dispensing gasoline prior to and after the failed the tests. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle are violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). To date, this GDF has not retested to demonstrate compliance with OAC Rule 3745-21-09(DDD). Also, Respondent John Harb, dba Liberty Gas USA #10 LLC. had failed to maintain maintenance records since at least May 1, 2008, in violation of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(3)(a)(iii). Mr. Harb notified Ohio EPA that he closed this GDF in November of 2009 and sold the gasoline business in or about February 2010. Mr. Harb did not own the property where this GDF is located. The property owner is JS Solon LLC.

- For the Grove Avenue GDF, Respondent John Harb, dba Liberty Gas, failed to conduct the 2007 and 2008 annual Stage II tests. In 2009, on March 12, April 6, June 8, November 5, November 24 and December 10, Respondent attempted to conduct the required annual Stage II tests but failed the static leak test or the A/L ratio test each time. Respondent John Harb, dba Liberty Gas was dispensing gasoline prior to and after the failed the tests. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle are violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). To date, Respondent John Harb, dba Liberty Gas has not retested and demonstrated compliance with OAC Rule 3745-21-09(DDD). Also, Respondent John Harb, dba Liberty Gas has failed to maintain maintenance records at this GDF, in violation of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(3)(a)(iii). Respondent John Harb, dba Liberty Gas, currently operates this GDF. The owner of this property is Plaxy 1 Inc.

- The proposed DFFOs were sent to Respondent John Harb, dba Liberty Gas USA, LLC. on September 21, 2009. In October of 2009, Ohio EPA discovered that Respondent owned and/or operated another GDF the Grove Avenue GDF, which was also in violation of OAC Rule 3745-21-09(DDD); therefore, Ohio EPA revised the DFFOs to address this GDF as well. The revised DFFOs (copy attached) were sent to Respondent on December 2, 2009. The proposed DFFOs would have required Respondent to: demonstrate that the vapor control systems are operating correctly by conducting and passing the static leak, A/L ratio, and

dynamic pressure performance tests at both GDFs; conduct weekly inspections of the Stage II vapor control system for the next two ozone seasons, checking for leaks, malfunctions or damage to the systems; and perform static leak and A/L ratio tests, during the next two ozone seasons, at both GDFs prior to the beginning (during March) of each ozone season and during August of each ozone season. Lastly, the proposed DFFOs would have required Respondent to pay Ohio EPA a civil penalty in the amount of fifty-nine thousand four hundred dollars ($59,400), from which eleven thousand eight hundred and eighty dollars ($11,880) will go towards the Ohio EPA's Clean Diesel School Bus Program Fund.

- Ohio EPA received a response from Respondent in early April concerning the December 2, 2009 proposed DFFOs. In this response letter, Respondent indicated that he filed for Chapter 7 bankruptcy protection in December of 2009 and therefore is unable to apply funds to pay the civil penalty for the violations alleged in the proposed Director's Final Findings and Orders dated December 2, 2009.

- As a result of the bankruptcy filing, it was decided to recommend that this matter be referred to the AGO to protect the State's interests.

PENALTY

The calculated civil penalty is $59,400. (See the attached penalty worksheets.) The Enhanced Enforcement Protocol penalty policy for Stage II vapor control system violations applies a $5,000 penalty when there are two consecutive test failures for the same test in the same year or when a facility fails to conduct the annual Stage II compliance test. The Middle Avenue GDF had four consecutive failures; therefore, a $5,000 penalty was applied. The Grove Avenue GDF failed to conduct the 2008 annual Stage II tests and had six consecutive failures in 2009; therefore a $10,000 penalty was applied. In addition, a $25 per day length of time violation was applied for failing to fix and pass the static leak or A/L ratio retests within 30 days. For the Grove Avenue GDF, a $25 per day length of time violation was applied for each day the GDF failed to conduct the annual testing in 2008. A $10 per day length of time violation was applied to the Middle Avenue GDF for failing to obtain a PTIO or Permit-By-Rule.

RECOMMENDATION

Ohio EPA is recommending that the AGO resolve this enforcement case by obtaining a consent order (or a court order, if necessary) requiring the responsible parties to comply with the actions in the proposed DFFOs and pay an appropriate civil penalty. Ohio EPA believes that all responsible parties in this matter have been identified; however, it appears Mr. Harb has set up numerous corporations and therefore we recommend that the AGO select the most culpable party or parties to seek penalties from. The claim for penalties can then be filed with the bankruptcy court by the AGO. If you have any questions, please contact one of us.

State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

2 December 2009

Mr. John Harb
Liberty Gas USA, LLC
824 Middle Avenue
Elyria, Ohio 44035

Re: Director's Final Findings and Orders for Liberty Gas USA, LLC: Elyria and Lorain Facilities.

Dear Mr. Harb:

Attached for your review are the Director's Final Findings and Orders (F&Os) for Liberty Gas USA, LLC (Liberty Gas). The attached F&Os supercede the F&Os issued to Liberty on 21 September 2009. Please disregard the 21 September F&Os. Since the issuance of the F&Os similar violations have been observed at another facility owned and/or operated by Liberty Gas. The attached F&Os are being issued to include the second facility. The attached F&Os address violations at both the Middle Avenue and Grove Avenue facilities.

In order to resolve these matters the proposed F&Os include a provision for civil penalties for the settlement of claims resulting from Liberty's violations of Ohio's air pollution control laws. This letter and the attached F&Os summarize a proposed settlement and are inadmissible for any enforcement action Ohio may take if settlement cannot be reached.

The F&Os continue to include a provision for 20 percent of the total civil penalty amount to go toward funding of a supplement environmentally beneficial project involving the retrofitting of school buses with control equipment to reduce diesel particulate emissions.

Following your review of the F&Os please contact Donald L. Vanterpool at 614.644.3037. He should be contacted on or before 11 December 2009 regarding settlement of this matter.

Sincerely,

Donald L. Vanterpool
Staff Attorney

attachment

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Printed on Recycled Paper

Ohio EPA is an Equal Opportunity Employer

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Liberty Gas USA, LLC **824 Middle Avenue** **Elyria, Ohio 44035**	: : :	Director's Final Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Liberty Gas USA, LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the facilities (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates gasoline dispensing facilities ("GDFs") located at 824 Middle Avenue, in Elyria and 2850 Grove Avenue, in Lorain, Ohio. These GDFs are subject to the requirements of Ohio Administrative Code ("OAC") Rule 3745-21-09(DDD) concerning Stage II vapor control systems.

2. ORC § 3704.05(G) states, in part, that no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704. OAC Rule 3745-21-09(DDD) was adopted by the Director pursuant to ORC Chapter 3704.

3. OAC Rule 3745-21-09(DDD)(1)(b) states, in part, that no owner or operator of a subject GDF may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless a vapor control system is installed, operated, and maintained in accordance with the manufacturer's specifications and the applicable California Air Resources Board ("CARB") certification, and is free from defect.

4. OAC Rule 3745-21-09(DDD)(1)(c) states, in part, that no owner or operator of a subject GDF may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2).

5. OAC Rule 3745-21-09(DDD)(2)(f) requires the owner or operator of a GDF to perform and comply with any vapor control system tests specified in the applicable CARB certification. As part of the required CARB testing for the above-mentioned GDF, an air-to-liquid ("A/L") ratio test and a static leak test are required to be performed annually and any fueling point not capable of demonstrating compliance with the performance standards of the A/L ratio test is deemed to be defective and is required to be removed from service.

6. OAC Rule 3745-21-09(DDD)(3)(a)(iii) and (vi) states, in part, that any owner or operator of a GDF subject to the requirements of paragraph (DDD)(1) shall maintain a log of the date and description of all repair and maintenance work performed or any other modifications to the vapor control system and maintain records demonstrating proof of attendance and completion of training required by Ohio EPA for the operator or local manager of the GDF.

<u>Liberty Gas (Middle Avenue)</u>

7. On September 16, 1994, a Permit to Operate ("PTO") was issued by Ohio EPA to the previous owner of this GDF, in accordance with the requirements of former OAC Rule 3745-35-02. The PTO required the previous owner to comply with the requirements for Stage II vapor control systems as specified in OAC Rule 3745-21-09(DDD). On September 16, 1997, the PTO for this GDF expired. Subsequently, the ownership of this GDF was transferred to Respondent. On November 5, 2009, Respondent submitted and Ohio EPA issued a Permit-by-Rule ("PBR") for this GDF in accordance with OAC Chapter 3745-31.

8. On May 1, 2008, Ohio EPA conducted an inspection at this GDF to determine compliance with the Stage II annual static leak and A/L ratio tests. The static leak test failed due to leaks in coax drop tubes. The A/L ratio test was not conducted. Respondent was dispensing gasoline prior to and after the failed static leak test. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle are violations of ORC § 3704.05(G) and OAC Rule 3745-21-

09(DDD)(1)(b) and (c). In addition, Respondent failed to maintain maintenance records and records demonstrating proof of attendance and completion of the training required by Ohio EPA, in violation of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(3)(a)(iii) and (vi).

9. On August 20, 2008, Respondent conducted a retest at this GDF. The static leak test failed due to the drop tubes sticking open, not properly sealing and thus leaking. The A/L ratio test was not conducted. Respondent was dispensing gasoline prior to and after the failed the static leak test. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle are violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c).

10. On December 5, 2008, Respondent conducted another retest at this GDF. The static leak test passed but the A/L ratio test failed due to low flow on all the premium and mid-grade dispensers. Respondent was operating these dispensers prior to and after the failed A/L ratio test. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle are violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). To date, Respondent has failed to retest and demonstrate compliance with OAC Rule 3745-21-09(DDD).

11. November 24, 2009, Respondent provided Ohio EPA with a certification demonstrating proof of attendance and completion of the training required by Ohio EPA, as required by ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(3)(a)(vi).

Liberty Gas (Grove Avenue)

12. On May 22, 2006, Ohio EPA issued a PBR for this GDF in accordance with OAC Chapter 3745-31. Respondent failed to conduct the 2007 and 2008 annual Stage II vapor control system tests, in violation of OAC Rule 3745-21-09(DDD)(2)(f) and ORC § 3704.05(G).

13. On March 12, 2009, Ohio EPA conducted an inspection at this GDF to determine compliance with the Stage II annual static leak and A/L ratio tests. The static leak test failed because the drop tubes were leaking. The A/L ratio test was not conducted due to these leaks. Respondent was dispensing gasoline prior to and after the failed static leak and A/L ratio tests. In addition, several hoses were replaced because they were dry rotted. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c).

14. On April 6, 2009, Respondent conducted a retest at this GDF. The static leak test passed but the A/L ratio test failed for dispensers 1, 3 and 4. Respondent was dispensing gasoline prior to and after the failed the static leak test. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). In addition, Respondent failed to maintain maintenance records and records demonstrating proof of attendance and completion of the training required by Ohio EPA, in violation of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(3)(a)(iii) and (vi).

15. On June 8, 2009, Respondent conducted another retest at this GDF. Dispenser 1 failed the A/L ratio test because the newly installed vacuum motor was not operating properly. Respondent was operating this dispenser prior to and after the failed A/L ratio test. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c).

16. By letter dated September 4, 2009, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 12, 13, 14 and 15 of these Orders.

17. On November 5, 2009, Respondent attempted to conduct another retest at this GDF; however, the testing could not be done because the GDF ran out of gasoline. To date, Respondent has failed to retest and demonstrate compliance with OAC Rule 3745-21-09(DDD).

18. On November 24, 2009 Respondent conducted another retest at this GDF. Dispensers 2 and 4 failed the A/L ratio test as there was no vacuum. Respondent bagged off these nozzles after the test so they could not be used. To date, Respondent has failed to retest and demonstrate compliance with OAC Rule 3745-21-09(DDD). Respondent was able to provide maintenance records and records demonstrating proof of attendance and completion of the training required by Ohio EPA, as required by ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(3)(a)(iii) and (vi).

19. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Within thirty (30) days after the effective date of these Orders, Respondent shall demonstrate that the Stage II vapor control systems at both GDFs are operating

correctly by conducting and passing static leak, A/L ratio, and dynamic pressure performance tests at each GDF. Respondent shall notify Ohio EPA of such testing at least fourteen (14) days prior to any test. The results of these tests shall be submitted to Ohio EPA within fourteen (14) days after completion of the tests.

2. For the next two ozone seasons (April 1, 2010 – October 31, 2010 and April 1, 2011 – October 31, 2011), starting two weeks prior to the start of the ozone season, i.e., by March 15, 2010 and March 15, 2011, and continuing until October 31, 2010 and October 31, 2011, respectively, Respondent shall conduct weekly inspections of the Stage II vapor control systems at both GDFs, checking for leaks, malfunctions or other damage to the system and shall keep records of these inspections and any repairs made. The inspections shall be recorded in an inspection log or checklist. Copies of the inspection logs or checklists shall be submitted to Ohio EPA during the middle and at the end of each ozone season. Specifically, copies of the weekly inspection records for the period from March 15 through July 31 shall be submitted by August 14 of that year. Copies of the weekly inspection records for August 1 through October 31 shall be submitted by November 14 of that year.

3. For the next two ozone-producing seasons (i.e., April 1, 2010 – October 31, 2010 and April 1, 2011 – October 31, 2011), Respondent shall perform static leak and A/L ratio tests at both GDFs prior to the beginning (during March) of each ozone season and during August of each ozone season. Respondent shall notify Ohio EPA of such testing at least fourteen (14) days prior to any test. The results of these tests shall be submitted to Ohio EPA within fourteen (14) days after completion of the tests.

4. Respondent shall pay the amount of fifty-nine thousand four hundred dollars ($59,400) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for forty-seven thousand five hundred and twenty dollars ($47,520) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

5. In lieu of paying the remaining eleven thousand eight hundred and eighty dollars ($11,880) of the civil penalty, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of $11,880 to Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall make payment on or within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for $11,880. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

6. A copy of each of the above checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

7. Should Respondent fail to fund the SEP within the required time frame set forth in Order 5, Respondent shall immediately pay to Ohio EPA $11,880 of the civil penalty in accordance with the procedures in Order 4.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For the purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president or his duly authorized representative.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's facilities.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA, Northeast District Office
2110 East Aurora Rd.
Twinsburg, Ohio 44087
Attn: Tim Fischer

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
50 West Town Street, Suite 700
Columbus, Ohio 43216-1049
Attn: Tom Kalman

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges, and causes of action except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation, or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency

_____ _____
Chris Korleski Date
Director

AGREED:

Liberty Gas USA, LLC

_____ _____
Signature Date

_____
Printed or Typed Name

_____
Title

GDF PENALTY WORK SHEET
Liberty Gas USA, LLC
824 Middle Ave. and 2850 Grove Ave.
Elyria and Lorain, Ohio
(for settlement purposes only)

A. Benefit Component:		$0	Economic benefit is negligible (i.e., less than $5,000).
B. Gravity Component:			
1. Testing violations- a. Consecutive test failures:	$5,000		For Middle Avenue, on 5/1/08 and 8/20/08, Respondent failed the annual static leak due to leaking drop tubes and A/L ratio test was not conducted. On 12/5/08, a retest was conducted and the static leak test passed but the A/L ratio test failed due to low flow. Respondent was operating the dispensers prior to and after each failed test. Operating the vapor control system with malfunctions and the failure to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). Per the GDF penalty policy, when a facility fails two or more consecutive tests, the penalty is $5,000.
b. Failure to test:	$5,000		For Grove Avenue, Respondent failed to conduct the 2008 annual Stage II compliance test, in violation of OAC Rule 3745-21-09(DDD)(2). Per the GDF penalty policy, when a facility fails to conduct the annual Stage II compliance tests, the penalty is $5,000.
c. Consecutive test failures:	$5,000		For Grove Avenue, on 3/12/09 Respondent failed the annual static leak due to leaking drop tubes and the A/L ratio test was not conducted. On 4/6/09, a retest was conducted and the static leak test passed but the A/L ratio test failed for dispensers 1, 3 and 4. On 6/8/09, a retest was conducted and the A/L ratio test failed for dispenser 1. On 11/5/09, a retest was scheduled

			but could not be conducted due to the station running out of gasoline. On 11/24/09, dispensers 2 and 4 failed and A/L retest. To date, Respondent has not demonstrated compliance with OAC Rule 3745-21-09(DDD). Respondent was operating the dispensers prior to and after each failed test. Operating the vapor control system with malfunctions and the failure to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). Per the GDF penalty policy, when a facility fails two or more consecutive tests the penalty is $5,000.
2. Length of violation: a.	$14,450		For Middle Avenue, from 5/1/08 until the present (*12/31/09), Respondent has operated the vapor control system while it was malfunctioning and has failed to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle, in violation of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and(c). Per GDF penalty policy, 30 days is given to fix the problems and retest. Any additional days beyond the initial 30 days are penalized $25 per day. So 6/1/08 until 12/31/09 (578 days). 578 days x $25 per day = $14,450.
b.	$8,875		For Grove Avenue, from 3/22/08 until 3/12/09, 355 days, Respondent failed to conduct the 2008 Stage II compliance tests at this GDF, in violation of OAC Rule 3745-21-09(DDD)(2). Per the GDF penalty policy, when a GDF fails to conduct the annual Stage II tests, a length of time penalty will be assessed at $25 per day for each day the GDF fails to conduct the annual testing. 355 days

			x $25 per day = $8,875.
c.	$6,575		For Grove Avenue, from 3/12/09 until the present (*12/31/09), Respondent has operated the vapor control system while it was malfunctioning and has failed to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle, in violation of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and(c). Per GDF penalty policy, 30 days is given to fix the problems and retest. Any additional days beyond the initial 30 days are penalized $25 per day. So 4/12/09 until 12/31/09 (263 days). 263 days x $25 per day = $6,575.
3. Recordkeeping violations:	$4,000		For Middle Avenue and Grove Avenue, Respondent failed to maintain maintenance records and records demonstrating proof of attendance and completion of the training required by Ohio EPA, in violation of OAC Rule 3745-21-09(DDD)(3)(a)(iii) and (vi). To date, Respondent has failed to demonstrate that the Middle Avenue GDF is maintaining maintenance records. On 11/24/09, Respondent demonstrated proof of attendance and completion of the training required by Ohio EPA for both GDFs. In addition, Respondent demonstrated that maintenance records were being maintained at Grove Avenue. Per the GDF penalty policy a penalty of $1,000-$5,000 will be assessed for failing to keep the necessary records. Since there are two GDFs and two record-keeping violations each the penalty is $4,000.
4. Size of violator:	$5,000		Net worth (~$158,400) is estimated at 20% of annual sales (annual sales are ~ $792,000 from Reference USA database). Penalty associated with this amount is $5,000.
Preliminary Deterrence Amount:		$53,900	
Initial Gravity Component:		$53,900	

C. Adjustment Factors: 1. Degree of willfulness or negligence: (total gravity component times any augmentation percentage)	$0		Not applicable
2. Degree of cooperation: (total gravity component times any mitigation percentage)	$0		Not applicable
3. History of noncompliance: (total gravity component times any augmentation percentage)	$0		Not applicable
4. Ability to pay: (any mitigation amount)	$0		Not known
5. Other unique factors: (total gravity component times any mitigation or augmentation percentage)	$0		Not applicable
D. Adjusted Gravity Component:		$53,900	
E. Administrative Component:		$5,530	Failure to obtain a permit to operate or a permit-by-rule from **5/1/08 to 11/5/09, 553 days. 553 days x $10 per day = $5,530.
F. Initial Settlement Amount:		**$59,430**	Rounded to $59,400.

* Projected compliance date
** Date discovered

OhioEPA
State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

May 28, 2010

Certified Mail

Mr. Imran Nazir
President
Pure Gas Incorporated.
228 E. Erie Avenue
Lorain, Ohio 44052

Re: Final Findings and Orders for the violations of the Stage II vapor control system requirements by Pure Gas at the gasoline dispensing facility at 228 E. Erie Avenue, Lorain, Ohio

Dear Mr. Nazir:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date stamped on the first page of the Orders.

Sincerely,

James A. Orlemann

James A. Orlemann, P.E.
Assistant Chief
SIP Development & Enforcement Section

JAO/jp

Enclosure

xc: Carol Hester, PIC
Brenda Case, Fiscal Office (Agency #N/A)
Priscilla Roberson, DAPC
Stephen Feldmann, Legal Office
Jim Kavalec, DAPC
Tom Kalman, DAPC
Jim Orlemann, DAPC
Tim Fischer, NEDO

OHIO E.P.A.

MAY 27 2010

ENTERED DIRECTOR'S JOURNAL

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Pure Gas Incorporated **228 E. Erie Avenue** **Lorain, Ohio 44052**	: : :	Director's Final Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Pure Gas Incorporated ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent's facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a gasoline dispensing facility ("GDF") located at 228 E. Erie Avenue, in Lorain (Lorain County), Ohio. This GDF is subject to the requirements of Ohio Administrative Code ("OAC") Rule 3745-21-09(DDD) concerning Stage II vapor control systems.

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date: 5-27-10

2. On July 31, 2008, Respondent submitted and was issued a permit-by-rule ("PBR") by Ohio EPA, in accordance with OAC Rule 3745-31-03. The PBR required Respondent to comply with the requirements for Stage II vapor control systems as specified in OAC Rule 3745-21-09(DDD).

3. ORC § 3704.05(G) states, in part, that no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704. OAC Rule 3745-21-09(DDD) was adopted by the Director pursuant to ORC Chapter 3704.

4. OAC Rule 3745-21-09(DDD)(1)(b) states, in part, that no owner or operator of a subject GDF may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless a vapor control system is installed, operated, and maintained in accordance with the manufacturer's specifications and the applicable California Air Resources Board ("CARB") certification, and is free from defect.

5. OAC Rule 3745-21-09(DDD)(1)(c) states, in part, that no owner or operator of a subject GDF may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2).

6. OAC Rule 3745-21-09(DDD)(2)(f) requires the owner or operator of a GDF to perform and comply with any vapor control system tests specified in the applicable CARB certification. As part of the required CARB testing for the above-mentioned GDF, an air-to-liquid ("A/L") ratio test and a static leak test are required to be performed annually and any fueling point not capable of demonstrating compliance with the performance standards of the A/L ratio test is deemed to be defective and is required to be removed from service.

7. On January 2, 2008, Respondent attempted to conduct the annual Stage II compliance tests at this GDF. However, the static leak and A/L ratio tests were not performed due to leaking ATG caps. In addition, two hoses were crimped and flattened and needed to be replaced. Respondent was dispensing gasoline prior to and after the defects were identified. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c).

8. On January 16, 2008, Respondent conducted a retest at this GDF. The static leak test passed but dispensers 3 and 4 failed the A/L ratio test due to the vacuum pump not working. Respondent was dispensing gasoline prior to and after the failed the A/L ratio test. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-

09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). On June 2, 2008, Respondent conducted and passed an A/L ratio retest for dispensers 3 and 4.

9. On March 12, 2009, Respondent attempted to conduct the annual Stage II compliance tests at this GDF. The static leak and A/L ratio tests were not performed due to the poor condition of several nozzles and because the wrong nozzles were being used on all the dispensers at this GDF. Respondent was dispensing gasoline prior to and after the defects were identified. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c).

10. On April 7, 2009, Respondent conducted a retest at this GDF. The static leak test passed but dispenser 4 failed the A/L ratio test due to the vacuum pump not working. Respondent was dispensing gasoline prior to and after the failed the A/L ratio test. The failure to properly install, operate, and maintain the vapor control system and to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of ORC § 3704.05(G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). On June 8, 2009, Respondent conducted and passed an A/L ratio retest for dispenser 4.

11. By letter dated September 9, 2009, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 7, 8, 9, and 10 of these Orders.

12. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. For the next two ozone seasons (April 1, 2011 – October 31, 2011 and April 1, 2012 – October 31, 2012), starting two weeks prior to the start of the ozone season, i.e., by March 15, 2011 and March 15, 2012, and continuing until October 31, 2011 and October 31, 2012, respectively, Respondent shall conduct weekly inspections of the Stage II vapor control system, checking for leaks, malfunctions or other damage to the system and shall keep records of these inspections and any repairs made. The inspections shall be recorded in an inspection log or checklist. Copies of the inspection logs or checklists shall be submitted to Ohio EPA during the middle and at the end of each ozone season. Specifically, copies of the weekly inspection records for the period

from March 15 through July 31 shall be submitted by August 14 of that year. Copies of the weekly inspection records for August 1 through October 31 shall be submitted by November 14 of that year.

2. For the next two ozone-producing seasons (i.e., April 1, 2011 – October 31, 2011 and April 1, 2012 – October 31, 2012), Respondent shall perform static leak and A/L ratio tests prior to the beginning (during March) of each ozone season and during August of each ozone season. Respondent shall notify Ohio EPA of such testing at least fourteen (14) days prior to any test. The results of these tests shall be submitted to Ohio EPA within fourteen (14) days after completion of the tests.

3. Respondent shall pay the amount of seven thousand dollars ($7,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Payment shall be made by official checks made payable to "Treasurer, State of Ohio" for five thousand six hundred dollars ($5,600) of the total amount, which shall be paid in installments per the following schedule:

a. Within one hundred and eighty (180) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of eight hundred dollars ($800);

b. Within two hundred and seventy (270) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of eight hundred dollars ($800);

c. Within three hundred and sixty (360) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of eight hundred dollars ($800);

d. Within four hundred and fifty (450) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of eight hundred dollars ($800);

e. Within five hundred and forty (540) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of eight hundred dollars ($800);

f. Within six hundred and thirty (630) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of eight hundred dollars ($800); and

g. Within seven hundred and twenty (720) days after the effective date of these Orders, Respondent shall pay to Ohio EPA the amount of eight hundred dollars ($800).

The official checks shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

4. In lieu of paying the remaining one thousand four hundred dollars ($1,400) of the civil penalty, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of $1,400 to Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall make payment on or within ninety (90) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for $1,400. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

5. A copy of each of the above checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

6. Should Respondent fail to fund the SEP within the required time frame set forth in Order 4, Respondent shall immediately pay to Ohio EPA $1,400 of the civil penalty in accordance with the procedures in Order 3.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For the purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president or his duly authorized representative.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA, Northeast District Office
2110 East Aurora Rd.
Twinsburg, Ohio 44087
Attn: Tim Fischer

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
50 West Town Street, Suite 700
Columbus, Ohio 43216-1049
Attn: Tom Kalman

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges, and causes of action except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation, or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

Date 5/21/10

AGREED:

Pure Gas Incorporated

Signature

Date 5-5-10

IMRAN NAZIR.
Printed or Typed Name

PRESIDENT
Title

OhioEPA
State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

OHIO E.P.A.
MAY 27 2010
ENTERED DIRECTOR'S JOURNAL

May 28, 2010

Certified Mail

Mr. Brian P. Barger
Attorney at Law
Brady, Coyle & Schmidt, Ltd.
4052 N. Holland-Sylvania Road
Toledo, Ohio 43623

Re: Final Findings and Orders for Violations of Ohio's Air Regulations for Bridgestone APM Company

Dear Mr. Barger:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date stamped on the first page of the Orders.

Sincerely,

James A. Orlemann

James A. Orlemann, P.E.
Assistant Chief
SIP Development & Enforcement Section

JAO/jp

Enclosure

xc: Carol Hester, PIC
Donald Vanterpool, Legal Office
Brenda Case, Fiscal Office (Agency #N/A)
Priscilla Roberson, DAPC
John Paulian, DAPC
Jennifer Jolliff, NWDO
Don Waltermeyer, NWDO
Tom Kalman, DAPC

OHIO E.P.A.

MAY 27 2010

ENTERED DIRECTOR'S JOURNAL

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Bridgestone APM Company 245 Commerce Drive Upper Sandusky, Ohio 43351	: : :	**Director's Final Findings and Orders**

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date: 5-27-10

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Bridgestone APM Company ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meanings as defined in ORC Chapter 3704 and the regulations promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent operates a manufacturing facility located at 245 Commerce Drive in Upper Sandusky (OEPA facility ID# 0388010051). At the facility Respondent manufactures polyurethane foam seats and energy absorbing pads for the automotive industry.

2. ORC Section 3704.05(G) states that no person shall violate any order, rule, or determination of the Director.

3. ORC Section 3704.05(C) states that no person who is the holder of a permit issued under section (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms.

4. On April 6, 2004, permit to install ("PTI") 03-13782 was issued to Respondent for emissions units P005 and P006 (polyurethane foam seat lines).

5. On August 6, 2006, a Title V permit to operate was issued to Respondent.

6. From at least February 2, 2008 until February 20, 2009, Respondent exceeded the short term volatile organic compound ("VOC") emissions limit of 13.15 pounds per hour ("lbs/hr") for emissions units P005 and P006. During the period of violation, emissions unit P005 was operating at 20.00 lbs/hr and emissions unit P006 was operating at 14.91 lbs/hr, in violation of the terms and condition of PTI 03-13782 and ORC 3704.05(C).

7. Ohio Administrative Code ("OAC") rule 3745-31-02 states, in part, that no air contaminant source is permitted to be installed or modified without first applying for and receiving a PTI.

8. Beginning in at least October 2004 and continuing until February 20, 2009, when Respondent submitted a PTI modification application, Respondent modified and operated emissions units P005 and P006 without applying for and receiving a PTI modification, in violation of OAC rule 3745-31-02. Respondent modified the above emissions units by increasing line speeds and using larger mold sizes, which caused an increase in use of mold release agent. The PTI modification was issued final on October 13, 2009.

9. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of ninety thousand six hundred and twenty-eight dollars ($90,628) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official

check made payable to "Treasurer, State of Ohio" for seventy-two thousand five hundred and two dollars ($72,502) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

2. In lieu of paying the remaining eighteen thousand one hundred and twenty-six dollars ($18,126) of civil penalty, Respondent shall within 30 days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution to the Ohio EPA's Clean Diesel School Bus Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for $18,126. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

3. A copy of each check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, OH 43216 - 1049

4. Should Respondent fail to fund the SEP within the required timeframe set forth in Order 2, Respondent shall immediately pay to Ohio EPA $18,126 of the civil penalty in accordance with the procedures in Order 2.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the valid official check required by Section V of these Orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the Respondent's activities at the Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Don Vanterpool

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: John Paulian

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

Date 5/21/10

AGREED:

Bridgestone, APM

Signature

Date Apr. 28. 2010

Tetsuo Shimizu.
Printed or Typed Name

OhioEPA
State of Ohio Environmental Protection Agency

STREET ADDRESS:
Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:
P.O. Box 1049
Columbus, OH 43216-1049

May, 28, 2010

CERTIFIED MAIL

Mr. James A. Haslam III
Chief Executive Officer
Pilot Travel Centers, LLC.
P.O. Box 10146
Knoxville, TN 37939

Re: Proposed Director's Final Findings and Orders for Pilot Travel Centers, LLC.'s Austinburg, Ohio Facility (Pilot #0002)

Dear Mr. Haslam:

My staff has informed me of the violations of the Permit-By-Rule, Ohio Administrative Code Rule 3745-21-09(DDD) and ORC § 3704.05(C) and (G) associated with Pilot Travel Centers, LLC.'s gasoline dispensing facility ("GDF") located at 2246 State Route 45, in Austinburg, Ohio. I would like to express my concern regarding the violations of the Stage II vapor control system requirements at the above-mentioned GDF located in an area that is in nonattainment of the National Ambient Air Quality Standard for ozone. Compliance with Stage II vapor control system requirements is an important element in our State Implementation Plan and in avoiding continued nonattainment of the ambient air quality standard. In addition, it is my understanding that all violations have been corrected.

In order to resolve this matter, I am proposing to issue the enclosed Findings and Orders prepared by my staff, which include a provision for civil penalties for the settlement of claims resulting from the violations of the State's air pollution control laws. Also, enclosed is an administrative enforcement process guide to facilitate your review of the proposed Findings and Orders. I am proposing the use of Findings and Orders because this is the most expeditious means of resolving the violations. Because this letter and the attached document summarize a proposed settlement, I consider them to be inadmissible for any purpose in any enforcement action the State may take if settlement cannot be reached.

Please note that the proposed Findings and Orders include a provision for 20 percent of the total civil penalty amount to go toward the funding of a supplemental environmentally beneficial project involving the retrofitting of school buses with control equipment to reduce diesel particulate emissions. This project has the primary benefits of reducing children's exposure to harmful diesel exhaust emissions and helping attain the National Ambient Air Quality Standards for fine particulates (i.e.,

particles less than 2.5 microns in diameter). Information concerning the school bus retrofit program is provided in an enclosed document.

Please review the attached documents carefully. If you have any questions concerning the proposed Findings and Orders, or if you would like to arrange a meeting or conference call to try to negotiate a settlement via the Findings and Orders, please contact Donald L. Vanterpool of the Ohio EPA Legal Office, at (614) 644-3037. If he does not hear from Pilot Travel Centers, LLC., within fourteen (14) days of receipt of this letter, concerning its willingness to accept the Findings and Orders as currently written, or with mutually agreed upon modifications, I will consider alternative enforcement mechanisms including referral of the matter to the Ohio Attorney General's Office for legal action.

I hope that Pilot Travel Centers, LLC. and Ohio EPA are able to resolve this matter via the enclosed proposal, and I thank you in advance for your cooperation.

Sincerely,

Chris Korleski
Director

xc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Jim Kavalec, DAPC
Donald L. Vanterpool, Legal Office
Tim Fischer, DAPC NEDO

Enclosures

CK:JK:jk

A guide to the. . .

Administrative Enforcement Process

Within the Division of Air Pollution Control

Introduction

This information sheet has been prepared to help you understand the administrative enforcement process within the Agency. With an understanding of the process and adequate preparation, you can facilitate a prompt resolution of this enforcement action. Included are answers to the questions most frequently asked by parties involved in the administrative enforcement process.

I have been working with the District Office or local air agency inspector to correct the violations. Why is an enforcement action necessary?

The Agency considers the following factors in deciding that an enforcement action is necessary: (1) Ohio EPA needs to obtain civil penalties for your violations; (2) your violations are serious; (3) you have taken too long to address the violations; (4) you need to be on a formal schedule to address the violations; (5) you have been recalcitrant in addressing the violations; and/or (6) you are a chronic violator.

Why should I try to negotiate an administrative consent order with Ohio EPA?

- Negotiating administrative findings and orders ("Order") with the Ohio EPA avoids expensive and time-consuming litigation.
- Negotiation can be a swift resolution of the State's claims against you for the non-compliance.
- We can quickly identify any obstacle to agreement.
- Negotiation can minimize or prevent any intervention by the USEPA to address the violations.

Should I continue working with the District or local air agency inspector?

Yes, the District Office or local air agency inspector is the best person to work with you to resolve the technical aspects of the violations, and prepare an acceptable control plan and schedule for submission to the Agency. Central Office personnel will also be available to provide assistance.

What should I do now that I received the proposed administrative consent order?

You should review the enclosed Order and the summary of the penalty calculation. If you accept the enclosed Order as written, sign the Order and send it within two weeks to the staff attorney referenced in the Director's letter. If you cannot accept the Order as written, the Agency would like to meet with you to discuss your concerns. Please contact the designated staff attorney at (614) 644-3037 to arrange a meeting.

If I want to have a meeting, what should I do to prepare for it?

Generally, the most productive meetings occur when both parties come prepared to discuss all issues. The Order and correspondence from the District Office or local air agency inspector contain the Agency's position. Since you were not willing to agree to the Order as written, we need to know whether you: (1) disagree with the facts outlined in the Order; (2) are not able or willing to comply with the Order; or (3) have information you feel may mitigate the civil penalty settlement amount. Send the staff attorney a written summary of your issues within two weeks from the date of the Director's letter. Additionally, if you believe you are financially unable to pay the penalty, contact the staff attorney for a list of information we need to evaluate your ability to pay.

What will happen at the meeting?

During the meeting, we will respond to any information you have provided. We are willing to work with you to arrive at mutually agreed upon modifications to the Order. Except in the most complex cases, our goal is to complete all negotiations at the meeting. If we cannot agree at the meeting and we feel we are making adequate progress, we will hold our offer of settlement open. Thereafter, if resolution of the negotiations is not achieved within the time frame agreed to by the parties at the settlement meeting or if we feel we are not making adequate progress, the offer of settlement may be withdrawn, and we may consider other enforcement alternatives, including a referral to the Office of the Attorney General.

Why do I have to pay a civil penalty?

A civil penalty is necessary to deter future violations and to remove any economic advantage you may have realized from not complying with Ohio's regulations. Instead of a full cash payment, the Agency may be willing to accept a supplemental environmentally beneficial project ("SEP"), that meets certain guidelines.

How did the DAPC arrive at the civil penalty settlement amount?

Ohio EPA relied on U.S. EPA's Air Civil Penalty Policy to calculate the penalty. The DAPC uses this Policy to ensure that we calculate penalties fairly and consistently and that the penalty is appropriate for the gravity of the violations. Enclosed is a summary of the DAPC's civil penalty settlement calculation. If you want a copy of the U.S. EPA's Air Civil Penalty Policy, contact the designated staff attorney at (614) 644-3037.

Who from Ohio EPA will be at the meeting?

Everyone necessary to resolve the matter will be at the meeting or available during the meeting to provide settlement authority. This includes the staff attorney, the District Office or local air agency inspector, and Central Office technical personnel.

Who should I bring to the meeting?

Similarly, you should bring anyone familiar with the issues as well as anyone who has the authority to settle this matter. You are welcome to be represented at this meeting by your attorney and your consultant.

News releases

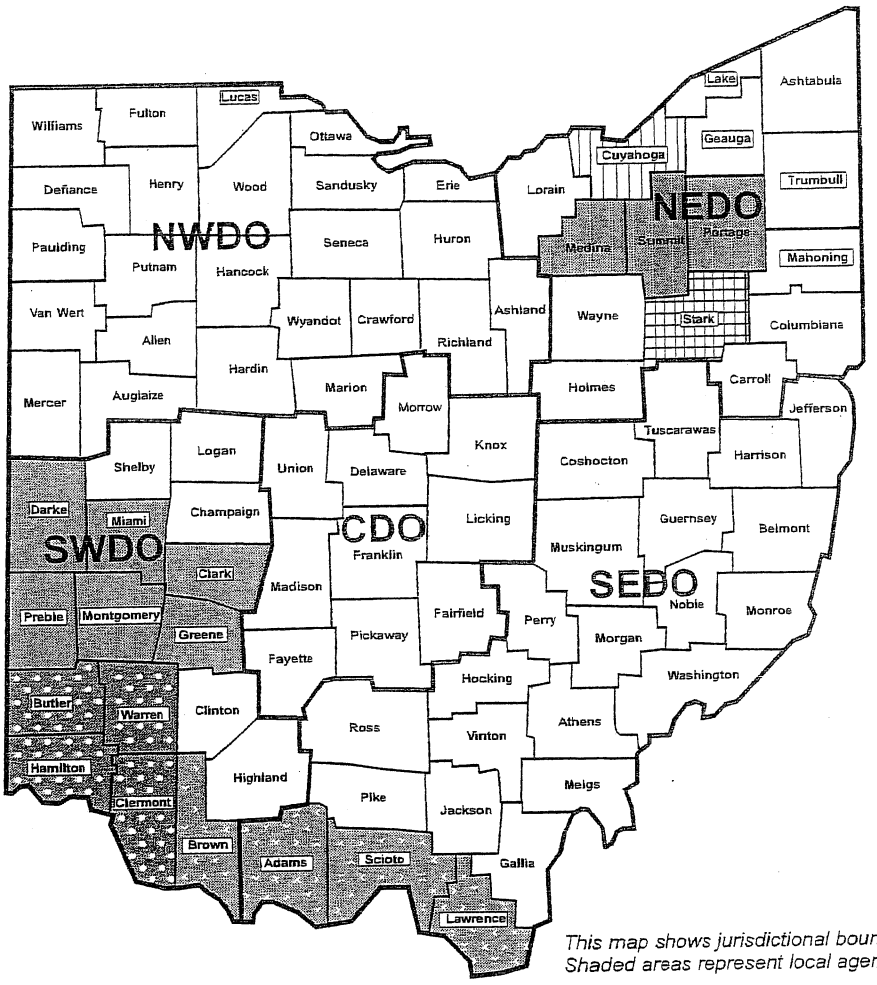
Please be aware that Ohio EPA may issue a news release to the media to inform the community about the settlement of this case, after all parties have signed it. As a public agency whose primary mission is to promote compliance with environmental laws, we believe it is important to inform citizens about our enforcement efforts. Ohio EPA's news release represents our position, and so we do not negotiate the language in the news release with you. If we prepare a news release, you will receive a courtesy copy shortly before it is released to the media and posted on our web site. You can read all of our news releases at: http://www.epa.state.oh.us/pic/current.html.

District Office and Local Air Agency Addresses and Phone Numbers

See the following pages.

Air Permit Review Agencies

Division of Air Pollution Control
Ohio EPA, Central Office
(614) 644-2270
www.epa.state.oh.us/dapc/general/dolaa.html



This map shows jurisdictional boundaries.
Shaded areas represent local agencies within Ohio EPA districts.

OhioEPA

District Offices

CDO 01 **Adam Ward, APC Manager**
Central District Office
50 West Town Street, Suite 700
Columbus, OH 43215
(614) 728-3778 FAX (614) 728-3898
e-mail: adam.ward@epa.state.oh.us

SEDO 06 **Bruce Weinberg, APC Manager**
Southeast District Office
2195 Front St.
Logan, OH 43138
(740) 385-8501 FAX (740) 385-6490
e-mail: bruce.weinberg@epa.state.oh.us

NEDO 02 **Dennis Bush, APC Manager**
Northeast District Office
2110 E. Aurora Rd.
Twinsburg, OH 44087
(330) 425-9171 FAX (330) 487-0769
e-mail: dennis.bush@epa.state.oh.us

NWDO 03 **Mark Budge, APC Manager**
Northwest District Office
347 North Dunbridge Rd.
Bowling Green, OH 43402
(419) 352-8461 FAX (419) 352-8468
e-mail: mark.budge@epa.state.oh.us

SWDO 05 **Tom Schneider, APC Manager**
Southwest District Office
401 E. Fifth St.
Dayton, OH 45402-2911
(937) 285-6357 FAX (937) 285-6249
e-mail: tom.schneider@epa.state.oh.us

16 **Lynn Malcolm, Administrator**
Akron Regional Air Quality
Management District
146 South High St, Room 904
Akron, Ohio 44308
(330) 375-2480 FAX (330) 375-2402
e-mail: Malcoly@ci.akron.oh.us

15 **Dan Aleman, Administrator**
Air Pollution Control Division
Canton City Health Dept.
420 Market Ave. North
Canton, Ohio 44702-1544
(330) 489-3385 FAX (330) 489-3335
e-mail: daleman@cantonhealth.org

14 **Cory R. Chadwick, Director**
Dept. of Environmental Services
Air Quality Programs
250 William Howard Taft Road
Cincinnati, Ohio 45219-2660
(513) 946-7777 FAX (513) 946-7778
e-mail: cory.chadwick@hamilton-co.org

13 **Richard L. Nemeth, Commissioner**
Cleveland Dept. of Public Health
Division of Air Quality
Penton Media Building, 4th Floor
1300 East 9th St.
Cleveland, Ohio 44114
(216) 664-2297 FAX (216) 420-8047
e-mail: Rnemeth@city.cleveland.oh.us

08 **John Paul, Administrator**
Regional Air Pollution Control Agency
Montgomery County Health Dept.
117 South Main St.
Dayton, Ohio 45422-1280
(937) 225-4435 FAX (937) 225-3486
e-mail: paulja@rapca.org

07 **Cindy Charles, Director**
Portsmouth Local Air Agency
605 Washington St., Third Floor
Portsmouth, Ohio 45662
(740) 353-5156 FAX (740) 353-3638
e-mail: cindy.charles@epa.state.oh.us

04 **Karen Granata, Administrator**
City of Toledo
Division of Environmental Services
348 South Erie Street
Toledo, Ohio 43604
(419) 936-3015 FAX (419) 936-3959
e-mail: karen.granata@toledo.oh.gov

General Guidelines for Ohio EPA's Program for the Retrofitting of School Buses with Control Equipment to Reduce Diesel Particulate Emissions

The following questions and answers explain the Ohio EPA's program for the retrofitting of school buses with emission control equipment and provide the general guidelines that must be followed by any school system that participates in the program.

1. **Why is there a need to reduce diesel particulate emissions from school buses?**

   The exhaust gases from diesel, school bus engines contain significant amounts of organic compounds, carbon monoxide, nitrogen oxides (NOx) and fine particulates. If inhaled, the fine particulates are so small that they are able to penetrate deep into the lungs and pose serious health risks such as aggravated asthma and lung damage. In addition, USEPA has identified diesel exhaust as a likely human carcinogen. These fine particulate emissions contribute to the poor ambient air quality in 27 counties in Ohio, which currently are not meeting the national health-based ambient air quality standards for fine particulates (i.e., PM 2.5, particles less than 2.5 microns in diameter). Reducing the particulate emissions from diesel school bus engines will have two primary benefits:

   a. For the children who ride buses, it will reduce their exposure to the harmful diesel exhaust emissions. Children are more susceptible to air pollution than healthy adults because their respiratory systems are still developing and they have a faster breathing rate.

   b. It will help in attaining the National Ambient Air Quality Standards for PM 2.5 in Ohio's nonattainment counties.

2. **What retrofit options are available to reduce particulate emissions from school buses?**

   There are three primary ways to retrofit a school bus for particulate emission control:

   a. **Diesel particulate filters** are ceramic devices that collect particulate matter in the exhaust stream. The high temperature of the exhaust heats the ceramic structure and allows the particles inside to break down into less harmful components. These filters must be used in conjunction with ultra-low sulfur diesel ("ULSD") fuel, which is a fuel with a sulfur content of less than 15 parts per million. The combination of particulate filters and ULSD fuel can reduce emissions of particulates, organic compounds, and carbon monoxide in the exhaust gases by 60 to 90 percent. Particulate filters work best on engines built after 1994 and cost $6,500 to $7,500.

b. **Crankcase filtration systems** allow a diesel engine's crankcase to be closed and use an air filter to trap blow-by aerosols consisting mainly of oil droplets, with some carbon and traces of wear debris and PM10. Blow-by gas emissions can be as much as 25% of the total emissions from a diesel engine. The filtration efficiency of crankcase filters averages between 80% and 97%. The crankcase filter must be changed at every lube oil change (as recommended by the diesel engine manufacturer) or every 500 hours of operation, whichever comes first. Crankcase filters are inexpensive (a replacement element typically costs less than $50.00) and are best used in conjunction with some type of filtration system in the exhaust stream.

c. **Diesel oxidation catalysts** are devices that use a chemical process to break down pollutants in the exhaust stream into less harmful components. Diesel oxidation catalysts can reduce emissions of particulates by 20 percent, hydrocarbons by 50 percent, and carbon monoxide by 40 percent. Oxidation catalysts cost $600 to $2,000 and can be used with regular diesel fuel.

Only control equipment found on USEPA's "Verified Technology List" may be purchased and installed (see (4) below for further details).

3. **Which types of school buses will be eligible to be retrofitted with particulate emission controls?**

Only school buses that meet the following criteria will be retrofitted with particulate emission controls:

a. The school bus must be equipped with a diesel engine.

b. The school bus must have a gross vehicle rating of 19,500 pounds or more (Types C & D).

c. The school bus must be driven not less than 5,000 miles per year.

d. The school bus model year must be 1994 or newer.

4. **Which types of control equipment would be acceptable for installation?**

The USEPA publishes a "Verified Technology List." Only control equipment found on this list may be purchased and installed. As additional technologies are found to be acceptable by the USEPA, they will be added to the list. A copy of this list can be accessed at the following web site:
http://www.epa.gov/otaq/retrofit/retroverifiedlist.htm.

This table summarizes all the diesel retrofit technologies that the USEPA has approved for use in engine retrofit programs. The table shows the percent reduction (from verified or tested levels) that USEPA will recognize for emission reductions for each technology.

5. **Is there a special type of fuel that must be used with the control equipment?**

In some cases, yes. Each bus equipped with a particulate filter must use ultra low sulfur diesel (ULSD) fuel. Because of the high sulfur content of regular diesel fuel, the use of regular diesel fuel would cause the particulate filter to clog. This, in turn, could cause exhaust back-pressure increases and engine damage. The ULSD fuel contains less than 10% of the sulfur content of regular diesel fuel. Regular diesel fuel may contain 150 to 500 ppm of sulfur, compared to the maximum of 15 ppm for the ULSD fuel. As a result of recent changes in the U.S. federal fuel standards, ULSD fuel will become the standard diesel fuel throughout the U.S. beginning in June of 2006. Many parts of the country, including certain parts of Ohio, are already being supplied with ULSD fuel. The price differential between ULSD fuel and regular diesel fuel currently ranges between eight and 25 cents per gallon. In 2006, when ULSD fuel is available nationwide, the cost differential should be much less.

Diesel oxidation catalysts and crankcase filtration systems do not require special fuel.

6. **What costs are associated with the installation and operation of the emission controls?**

The estimated cost to retrofit each bus with a diesel particulate filter ranges from $6,500 to $7,500. On an annual basis, or about every 100,000 miles, these filters must be disassembled and cleaned either with compressed air or by heating the filter in a filter cleaning device. (The cost of such a device ranges from $300 to $350.) The cost for the annual maintenance for each filter, which normally takes less than 3 hours to complete, will depend upon whether the work is performed by school district personnel, the engine dealer, or the filter vendor. Also, until ULSD fuel becomes available nationwide in June of 2006, there will be an increased cost for the diesel fuel burned in each retrofitted bus. The current price differential between ULSD fuel and regular diesel fuel varies between 8 and 25 cents per gallon.

Crankcase filters are fairly inexpensive (a replacement element typically costs less than $50.00). Crankcase filters must be changed at every lube oil change (as recommended by the diesel engine manufacturer) or every 500 hours of operation, whichever comes first.

The estimated cost to retrofit each bus with a diesel oxidation catalyst ranges from $600 to $2,000. Installation takes approximately one to three hours to complete. Diesel oxidation catalysts do not require annual maintenance and will operate with regular diesel fuel.

7. **How will the control devices be funded by the Ohio EPA?**

Ohio EPA enforcement case settlements will be the source of the funding for the diesel retrofit installations. Each enforcement case resolved either through administrative Findings and Orders or a Consent Order, that contains a significant civil penalty (a total civil penalty assessment of $5,000 or greater), will also include a Supplemental Environmental Project (SEP) that is equal in value to 20 percent of the total assessed civil penalty. The entity that is the subject of the enforcement case will be required to pay the SEP monies directly to a specific fund that Ohio EPA has established for the retrofitting of school buses.

8. **How will the school systems receive the SEP monies for the diesel retrofit installations?**

A school system that desires to participate in the retrofit program must apply to Ohio EPA to receive funding to purchase and install USEPA approved control equipment. Once or twice per year, the Ohio EPA will solicit applications from the eligible school systems. In the application, an eligible school system must describe the proposed project, providing details such as the number and ages of the buses to be retrofitted, the type of equipment that will be purchased and installed (must be on the USEPA-published list of "Verified Retrofit Technologies"), a schedule for installation of the equipment, and a detailed cost breakdown. Ohio EPA will evaluate each application and provide funding to applicant school systems that meet the criteria specified by Ohio EPA's regulations. Priority will be given to those applicants that are located in a nonattainment county for PM 2.5 and/or that include a commitment to implement an anti-idling program.

9. **What oversight will be provided by the Ohio EPA to ensure that the diesel retrofit control equipment is installed and maintained properly?**

Ohio EPA will closely track the amount of enforcement monies directed to each public school system. Each participating school system must submit regular progress reports providing information regarding the equipment purchased and installed to date, as well as a final report summarizing the project results. Periodic inspections also may be conducted by District Office or local air agency staff to confirm that the control equipment has been correctly installed, that the diesel particulate filters are being maintained properly, and that the monies are being spent appropriately.

\school bus SEP guidelines [October 11, 2005]

BEFORE THE

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Pilot Travel Centers, LLC. **P.O. Box 10146** **Knoxville, TN 37939**	: : :	Director's Final Findings and Orders

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Pilot Travel Centers, LLC. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or the Respondent's facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a gasoline dispensing facility ("GDF") located 2246 State Route 45, in Austinburg (Ashtabula County), Ohio (Pilot #0002). This GDF is subject to the requirements of Ohio Administrative Code ("OAC") Rule 3745-21-09(DDD) concerning Stage II vapor control systems.

2. On December 12, 2006, Respondent was issued a permit-by-rule ("PBR") by Ohio EPA, in accordance with OAC Rule 3745-31-03. The PBR required Respondent to comply with the requirements for Stage II vapor control systems as specified in OAC Rule 3745-21-09(DDD).

3. ORC § 3704.05(C) and (G) state, in part, that no person who is the holder of a permit shall violate any of its terms and conditions and no person shall violate any order, rule, or determination of the Director issued, adopted, or made under ORC Chapter 3704. OAC Rule 3745-21-09(DDD) was adopted by the Director pursuant to ORC Chapter 3704.

4. OAC Rule 3745-21-09(DDD)(1)(b) states, in part, that no owner or operator of a subject GDF may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless a vapor control system is installed, operated, and maintained in accordance with the manufacturer's specifications and the applicable California Air Resources Board ("CARB") certification, and is free from defect.

5. OAC Rule 3745-21-09(DDD)(1)(c) states, in part, that no owner or operator of a subject GDF may cause, allow, or permit the transfer of gasoline from a stationary tank at a GDF into a motor vehicle unless the vapor control system successfully passes the testing requirements contained in OAC Rule 3745-21-09(DDD)(2).

6. OAC Rule 3745-21-09(DDD)(2)(d) requires, in part, the owner or operator of a subject GDF to perform and demonstrate compliance with the dynamic pressure performance test at intervals not to exceed five years.

7. OAC Rule 3745-21-09(DDD)(2)(f) requires the owner or operator of a subject GDF to perform and comply with any vapor control system tests specified in the applicable CARB certification. As part of the required CARB testing for the above-mentioned GDF, an air-to-liquid ("A/L") ratio test and a static leak test are required to be performed annually and any fueling point not capable of demonstrating compliance with the performance standards of the A/L ratio test is deemed to be defective and is required to be removed from service.

8. Respondent failed to conduct the 2008 annual Stage II compliance tests at this GDF, in violation of the PBR, ORC § 3704.05(C) and (G), and OAC Rule 3745-21-09(DDD)(1)(c) and (2)(f).

9. On January 12, 2009, Respondent attempted to conduct the annual Stage II compliance tests and the five-year dynamic pressure performance test at this GDF. The A/L ratio test passed but the static leak and dynamic pressure performance tests failed. Respondent was dispensing gasoline prior to and after the failed static leak and dynamic pressure performance tests. The failure to properly operate and maintain the vapor control system and the failure to successfully pass the testing requirements

contained in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of the PBR, ORC § 3704.05(C) and (G), and OAC Rule 3745-21-09(DDD)(1)(b) and (c). On January 27, 2009, Respondent passed the static leak and dynamic pressure performance tests.

10. On December 10, 2009, Respondent attempted to conduct the 2010 annual Stage II compliance tests at this GDF. The 2010 annual Stage II compliance tests were to be conducted no later than January 27, 2010. The static leak test failed as well as the A/L ratio test for dispensers 3, 4 and 7. On February 12, 2010, Respondent conducted a retest at this GDF. The A/L ratio test passed for dispensers 3, 4 and 7 but the static leak test failed. Respondent was dispensing gasoline prior to and after the failed static leak and A/L ratio tests. The failure to properly operate and maintain the vapor control system and the failure to successfully pass the testing requirements contained in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of the PBR, ORC § 3704.05(C) and (G), and OAC Rule 3745-21-09(DDD)(1)(b) and (c). On March 12, 2010, Respondent passed the static leak test.

11. By letter dated March 22, 2010, Ohio EPA notified Respondent of the violations referenced in Finding Nos. 8, 9 and 10 of these Orders.

12. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. For the next two ozone seasons (April 1, 2011 – October 31, 2011 and April 1, 2012 – October 31, 2012), starting two weeks prior to the start of the ozone season, i.e., by March 15, 2011 and March 15, 2012, and continuing until October 31, 2011 and October 31, 2012, respectively, Respondent shall conduct weekly inspections of the Stage II vapor control system, checking for leaks, malfunctions or other damage to the system and shall keep records of these inspections and any repairs made. The inspections shall be recorded in an inspection log or checklist. Copies of the inspection logs or checklists shall be submitted to Ohio EPA during the middle and at the end of each ozone season. Specifically, copies of the weekly inspection records for the period from March 15 through July 31 shall be submitted by August 14 of that year. Copies of the weekly inspection records for August 1 through October 31 shall be submitted by November 14 of that year.

2. For the next two ozone-producing seasons (i.e., April 1, 2011 – October 31, 2011 and April 1, 2012 – October 31, 2012), Respondent shall perform static leak and A/L ratio tests prior to the beginning (during March) of each ozone season and during August of each ozone season. Respondent shall notify Ohio EPA of such testing at least fourteen (14) days prior to any test. The results of these tests shall be submitted to Ohio EPA within fourteen (14) days after completion of the tests.

3. Respondent shall pay the amount of twenty-three thousand dollars ($23,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for eighteen thousand four hundred dollars ($18,400) of the total amount. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

4. In lieu of paying the remaining four thousand six hundred dollars ($4,600) of the civil penalty, Respondent shall fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of $4,600 to Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall make payment on or within thirty (30) days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for $4,600. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

5. A copy of each of the above checks shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

6. Should Respondent fail to fund the SEP within the required time frame set forth in Order 4, Respondent shall immediately pay to Ohio EPA $4,600 of the civil penalty in accordance with the procedures in Order 3.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For the purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president or his duly authorized representative.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA, Northeast District Office
2110 East Aurora Rd.
Twinsburg, Ohio 44087
Attn: Tim Fischer

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
50 West Town Street, Suite 700
Columbus, Ohio 43216-1049
Attn: Thomas Kalman

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges, and causes of action except as specifically waived in Section XII of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation, or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

XIII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

ORDERED AND AGREED:

Ohio Environmental Protection Agency

_____ _____

Chris Korleski
Director

Date

AGREED:

Pilot Travel Centers, LLC.

_____ _____

Signature

Date

_____

Printed or Typed Name

_____

Title

GDF PENALTY WORK SHEET
Pilot Travel Centers, LLC.
2246 State Route 25, Austinburg, Ohio
(for settlement purposes only)

A. Benefit Component:		$0	Economic benefit is negligible (i.e., less than $5,000).
B. Gravity Component:			
1. Testing violations: Failure to test	$5,000		Respondent failed to conduct the 2008 Stage II compliance tests, in violation of the PBR, ORC § 3704.05(C) and (G) and OAC Rule 3745-21-09(DDD)(1)(c) and 2(f). Respondent conducted and passed a Stage II compliance test on 1/27/09. Per the GDF penalty policy, when a facility fails to conduct annual Stage II compliance tests the penalty is $5,000 for each year the GDF fails to conduct the test.
1. Testing violations: Consecutive test failures:	$5,000		On 1/12/09, Respondent failed the 2009 annual static leak test and the five- year dynamic pressure performance test. On 1/27/09, a retest was conducted and the static leak and dynamic pressure performance tests both passed. On 12/10/09, Respondent conducted the 2010 annual Stage II compliance tests. The static leak test failed as well as the A/L ratio test for dispensers 3, 4 and 7. On 2/12/10, Respondent conducted a retest at this GDF. The A/L ratio test passed for dispensers 3, 4 and 7 but the static leak test failed. On 3/12/10, Respondent passed the static leak test. Respondent was operating the dispensers prior to and after each failed test. Operating the vapor control system with malfunctions and the failure to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle were violations of the PBR, ORC § 3704.05(C) and (G) and OAC Rule 3745-21-09(DDD)(1)(b) and (c). Per the GDF penalty policy, when a facility fails any test in two consecutive years or fails two consecutive tests the penalty is $5,000.

2. Length of violation:	$1,500		From 12/10/09 until 3/12/10, Respondent operated the vapor control system while it was malfunctioning and failed to successfully pass the testing requirements in OAC Rule 3745-21-09(DDD)(2) while causing, allowing, or permitting the transfer of gasoline from a stationary storage tank into a motor vehicle, in violation of the PBR, ORC § 3704.05(C) and (G) and OAC Rule 3745-21-09(DDD)(1)(b) and(c). Per GDF penalty policy, 30 days is given to fix the problems and retest. Any additional days beyond the initial 30 days are penalized $25 per day. So 1/11/10 until 3/12/10 (60 days). 60 days x $25 per day = $1,500.
4. Size of violator:	$11,500		Net worth (about $1,440,000,000) is estimated at 20% of annual sales (annual sales are over $7,200,000,000 from Reference USA database). Penalty associated with this amount would be $1,195,000. The size of violator penalty is set at 50% of the preliminary deterrence amount because the size of violator penalty is over 50% of the preliminary deterrence amount ($11,500).
Preliminary Deterrence Amount:		$23,000	
Initial Gravity Component:		$23,000	
C. Adjustment Factors: 1. Degree of willfulness or negligence: (total gravity component times any augmentation percentage)	$0		Not applicable
2. Degree of cooperation: (total gravity component times any mitigation percentage)	$0		Not applicable
3. History of noncompliance: (total gravity component times any augmentation percentage)	$0		Not applicable
4. Ability to pay: (any mitigation amount)	$0		Not known
5. Other unique factors: (total gravity component times any mitigation or augmentation percentage)	$0		Not applicable

D. Adjusted Gravity Component:		$23,000	
E. Administrative Component:		$0	Not applicable
F. Initial Settlement Amount:		$23,000	