



## REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-1280

937-225-4435 — Fax: 937-225-3486

www.rapca.org

November 25, 2008

**Certified Mail**

Mike Peacock

Duncan Oil Co.

849 Factory Road

Beavercreek, OH 45434

**RE: Ohio EPA Facility ID 0855130515**

**Tipp City Valero – 1200 West Main Street, Tipp City, OH 45371**

**Failure to perform annual stage II vapor recovery compliance testing**

**WARNING LETTER**

Dear Mr. Peacock:

Pursuant to Ohio Administrative Code (OAC) rule and Miami County Board of Health Local Air Pollution Control Regulations (MCBHLAPCR) section 3745-21-09 (DDD)(2), the stage II vapor control system at the Tipp City Valero gasoline dispensing facility (GDF) located at 1200 West Main Street in Tipp City, Ohio, must perform and successfully pass the testing requirements contained in OAC rule 3745-21-10. In accordance with the yearly static pressure decay testing requirements specified in CARB Executive Order G-70-150-AE and the Static Leak Test contained in OAC rule 3745-21-10, Appendix A, Static Leak testing and Air to Liquid Ratio (A/L) testing shall be successfully conducted at least once in each twelve consecutive month period after the date of successful completion of the startup or most recent Static Leak Test.

OAC rule and MCBHLAPCR section 3745-21-09(DDD)(1) state: " no owner or operator of a gasoline dispensing facility may cause, allow or permit the transfer of gasoline from a stationary storage tank at a GDF into a motor vehicle . . . unless the following requirements are met: . . . (c) The vapor control system has successfully passed the testing requirements contained in paragraph (DDD)(2) of this rule." This GDF is required to demonstrate compliance on an annual basis. According to our records, the last annual stage II vapor recovery compliance test conducted at Tipp City Valero was on September 23, 2004.

On August 28, 2008, the Regional Air Pollution Control Agency (RAPCA) performed an on-site inspection of this GDF and issued an Official Order, requiring this GDF to replace the hoses on pumps #7 & #8 and schedule an annual stage II vapor recovery compliance test within thirty

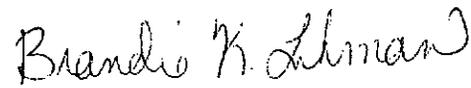
Tipp City Valero  
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(30) days of the issuance of the Order. To date, no testing has been scheduled with RAPCA at this site. Tipp City Valero is currently operating in violation of OAC rule and MCBHLAPCR section 3745-21-09 (DDD)(2) and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

This letter serves as official notification from RAPCA to cease operation in violation of OAC rule and MCBHLAPCR section 3745-21-09 (DDD)(2) and ORC section 3704.05. **It is imperative that Tipp City Valero schedule and show compliance with stage II testing requirements. Please respond, in writing, to this notice within fourteen (14) days after receipt. The response will specify the intended test date.** Your tester should contact Lynn Thompson, at (937) 225-4437, to ensure a RAPCA representative is present at your scheduled testing.

Failure to perform the required testing will subject this facility to further enforcement actions, which may include penalties. If you have any questions or comments concerning this matter, please feel free to contact me at (937) 225-5923.

Sincerely,



Brandie K. Lehman  
Air Pollution Control Specialist  
Abatement Unit

cc: Jeff Canan                      RAPCA  
Tom Kalman                        OEPA  
Lisa Holscher                      USEPA

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:  
 Mike Peacock  
 Duncan Oil Co.  
 49 Factory Road  
 Beaver Creek, OH 45434

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
*Josh Bowling*

B. Received by (Printed Name)  Agent  Addressee  
*Josh Bowling*

C. Date of Delivery  
 225-3486

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**POLLUTION CONTROL AGENCY**  
 Miami & Preble Counties  
 645-422-1280  
 645-225-3486

Article Number  
 Transfer # from service label) 7007 1490 0004 7510 2160  
 Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Beaver Creek, OH 45434

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