



REGIONAL AIR POLLUTION CONTROL AGENCY

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

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June 9, 2010

Certified Mail

Amarjit Singh

Lewisburg Petroleum, LLC

4365 Lisa Drive

Tipp City, OH 45371

NOTICE OF VIOLATION (NON-HPV)

Summary

The gasoline dispensing facility (GDF) at Piqua Marathon, Ohio EPA Facility ID 0855100385, located at 1130 Park Avenue in Piqua, Miami County, Ohio, is required to perform a Static Leak test and an Air-to-Liquid Ratio (A/L) test at least once in each twelve month period on the Gilbarco VaporVac stage II vapor control system. The last successful Static Leak test and A/L test performed on the Gilbarco VaporVac stage II vapor control system at Piqua Marathon was completed on July 28, 2006. Pursuant to state and local air pollution control regulations, enforcement orders may be issued in the future to resolve these violations.

Dear Mr. Singh:

Pursuant to Ohio Administrative Code (OAC) rule and City of Piqua, Ohio Board of Health Air Pollution Control Regulations (CPOBHAPCR) section 3745-21-09(DDD)(1), no owner or operator of a gasoline dispensing facility (GDF) may cause, allow or permit the transfer of gasoline from a stationary storage tank at a GDF into a motor vehicle unless the vapor control system has successfully passed the testing requirements contained in paragraph (DDD)(2) of this rule. OAC rule and CPOBHAPCR section 3745-21-09(DDD)(2) states that the owner or operator of a gasoline dispensing facility shall perform Static Leak testing in accordance with the testing procedures contained in OAC rule 3745-21-10, as well as, any vapor control system tests specified in the applicable CARB certification. The tests shall be performed at the frequency specified in such certification.

CARB Executive Order G-70-150-AE for Gilbarco VaporVac stage II vapor control systems, states that the owner or operator of a GDF shall conduct, and pass, a Static Leak test and an Air-to-Liquid Ratio (A/L) test no later than sixty (60) days after startup and at least once in each twelve month period thereafter.

The last successful Static Leak test and A/L test performed on the Gilbarco VaporVac stage II vapor control system at the GDF located at Piqua Marathon, Ohio EPA Facility ID 0855100385, 1130 Park Avenue, Piqua, Miami County, Ohio, was on July 28, 2006. According to the Regional Air Pollution Control Agency's (RAPCA's) records, Lewisburg Petroleum, LLC purchased this GDF on June 1, 2009. On July 13, 2009, RAPCA was contacted to schedule Static Leak testing, A/L testing and Dynamic Pressure Performance testing on the Gilbarco VaporVac stage II vapor control system at Piqua Marathon. This testing was scheduled to take place on September 3, 2009, but testing could not be performed on that date due to the fact that there was not enough fuel in the stationary storage tanks at Piqua Marathon to perform the required testing. On that date, RAPCA issued a Health District Order to Piqua Marathon to reschedule testing with RAPCA within thirty (30) days after the issuance of the Order. No testing was rescheduled with RAPCA at this GDF.

On November 19, 2009, a second Health District Order was issued to Lewisburg Petroleum, LLC, by certified mail, to ensure that Lewisburg Petroleum, LLC was informed of the need to reschedule stage II vapor control system compliance testing on the Gilbarco VaporVac vapor control system at Piqua Marathon GDF. This Order also requested that testing be rescheduled at Piqua Marathon with RAPCA within 30 days of issuance of the Order. Testing was not rescheduled at Piqua Marathon after the issuance of this Order.

On January 6, 2010, RAPCA issued a warning letter to Lewisburg Petroleum, LLC, by certified mail, requiring that stage II vapor control system compliance testing be scheduled at Piqua Marathon GDF within fourteen (14) days after receipt of that letter. To date, no Static Leak test or A/L test has been rescheduled with RAPCA at this GDF.

On June 4, 2010, RAPCA performed an inspection of Piqua Marathon and documented that this GDF is transferring gasoline from stationary storage tanks into motor vehicles without successfully conducting the testing requirements contained in OAC rule and CPOBHAPCR section 3745-21-09(DDD)(2).

Failure to perform a Static Leak test and A/L test at least once within each twelve month period is a violation of OAC rule and CPOBHAPCR section 3745-21-09(DDD)(2), CARB Executive Order G-70-150-AE, and Ohio Revised Code (ORC) 3704.05. Transferring of gasoline from stationary storage tanks at Piqua Marathon GDF into motor vehicles without successfully passing the testing requirements contained in OAC rule and CPOBHAPCR section 3745-21-09(DDD)(2) is a violation of OAC rule and CPOBHAPCR section 3745-21-09(DDD)(1) and ORC 3704.05.

In order to resolve the above mentioned violations, RAPCA requires that Piqua Marathon submit a compliance plan and schedule to bring this GDF into compliance with all applicable air

Piqua Marathon
June 9, 2010
Page 3

pollution control regulations. At a minimum, Piqua Marathon shall submit a plan that has been or will be implemented to ensure that all required stage II vapor control system testing is performed at this GDF at the required intervals. In addition, RAPCA requires that the response include the intended Static Leak and A/L test date for this GDF. Your testing company should contact Lynn Thompson at (937) 225-4437, to ensure a RAPCA representative is present at your scheduled testing.

The compliance plan and schedule shall be submitted expeditiously, but in no event later than 30 calendar days after receipt of this letter. Acceptance of the compliance plan and schedule by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to pursue civil penalties as provided in sections 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether or not to pursue such penalties will be made by Ohio EPA and RAPCA at a later date.

If you have any questions concerning this matter, please contact Brandie K. Lehman or me at (937) 225-4435.

Sincerely,



Jennifer S. Marsee
Supervisor, Abatement Unit
Regional Air Pollution Control Agency

cc:	John Paul	RAPCA
	Jefferis Canan	RAPCA
	Michael Matis	PHDMC
	Lisa Holscher	U.S. EPA
	Tom Kalman	Ohio EPA

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Amarjit Singh
 Lewisburg Petroleum, LLC
 4365 Lisa Drive
 Tipp City, OH 45371

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