



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

February 22, 2010

Certified Mail

Umar Dhadha

Troy Petroleum, LLC

1010 N. Broad Street

Fairborn, OH 45324

NOTICE OF VIOLATION (NON-HPV)

Summary

The gasoline dispensing facility (GDF) at Clark Gas Station, Ohio EPA Facility ID 0829060371, located at 1010 North Broad Street in Fairborn, Greene County, Ohio, is required to have successfully completed an Air-to-Liquid Ratio test at least once in each twelve month period on the Tokheim MaxVac stage II vapor control system. The last successful Air-to-Liquid Ratio test performed on the Tokheim MaxVac stage II vapor control system at the Clark Gas Station was completed on July 9, 2008. Pursuant to state and local air pollution control regulations, enforcement orders may be issued in the future to resolve these violations.

Dear Mr. Dhadha:

Pursuant to Ohio Administrative Code (OAC) rule and Greene County Board of Health Air Pollution Control Regulations (GCBHAPCR) 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 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 GCBHAPCR section 3745-21-09(DDD)(2) states that the owner or operator of a GDF shall perform 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-70-154-AA, for Tokheim MaxVac stage II vapor control systems, states that the owner or operator of a GDF shall conduct, and pass, an Air-to-Liquid Ratio test no later than sixty (60) days after startup and at least once in each twelve month period thereafter.

The last Air-to-Liquid Ratio test successfully completed on the Tokheim MaxVac stage II vapor control system at the GDF located at Clark Gas Station, Ohio EPA Facility ID 0829060371, 1010 North Broad Street in Fairborn, Greene County, Ohio, was on July 9, 2008. On August 12, 2009, the Regional Air Pollution Control Agency (RAPCA) performed an on-site inspection of the Clark Gas Station GDF and issued an Official Order on that date for failing to perform the required annual stage II vapor control system compliance tests and required that testing be scheduled within thirty (30) days after the issuance of that Order. On August 19, 2009, RAPCA was contacted to schedule Static Pressure Decay and Air-to-Liquid Ratio testing on the Tokheim MaxVac stage II vapor control system at this Clark Gas Station. This testing was scheduled to take place on October 15, 2009.

On October 15, 2009, Clark Gas Station did show compliance through the completion of a successful Static Pressure Decay test, but failed to show compliance with the requirements of CARB Executive Order G-70-154-AA, through the completion of a successful Air-to-Liquid Ratio test on pumps #1, #2, and #3 (pump #4 did pass Air-to-Liquid Ratio testing on October 15, 2009). An Official Order was issued to Clark Gas Station on October 15, 2009 to make any needed repairs and to reschedule Air-to-Liquid Ratio testing within thirty (30) days after the issuance of that Order. No testing was rescheduled with RAPCA at this site.

On November 19, 2009, RAPCA issued a warning letter to this Clark Gas Station requiring the Air-to-Liquid Ratio test be rescheduled within fourteen (14) days after receipt of that letter. To date, no Air-to-Liquid Ratio retest has been scheduled with RAPCA at this GDF. RAPCA performed an inspection of this Clark Gas Station on January 14, 2010 and documented that this GDF is transferring gasoline from stationary storage tanks into motor vehicle without successfully conducting the testing requirements contained in OAC rule and GCBHAPCR section 3745-21-09(DDD)(2) on pumps #1, #2, and #3.

Failure to perform a successful Air-to-Liquid Ratio test at least once within each twelve month period is a violation of OAC rule and GCBHAPCR section 3745-21-09(DDD)(2), CARB Executive Order G-70-154-AA, and Ohio Revised Code (ORC) 3704.05. Transferring of gasoline from stationary storage tanks at the Clark Gas Station into motor vehicles without successfully passing the testing requirements contained in OAC rule and GCBHAPCR section 3745-21-09(DDD)(2) is a violation of OAC rule and GCBHAPCR section 3745-21-09(DDD)(1) and ORC 3704.05.

In order to resolve the above mentioned violations, RAPCA requires that the owner/operator of the Clark Gas Station submit a compliance plan and schedule to bring this facility into compliance with all applicable air pollution control regulations. At a minimum, the owner/operator of the Clark Gas Station shall submit a plan that has been or will be implemented to ensure that all required stage II vapor control system compliance testing is

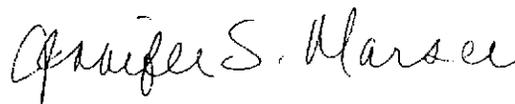
Clark Gas Station
February 22, 2010
Page 3

successfully completed at this GDF at the required intervals. In addition, RAPCA requires that the response include the intended Air-to-Liquid Ratio retest 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 thirty (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

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total		

7004 1160 0000 6165 2111

Sent Umar Dhadha
 Street Troy Petroleum, LLC
 or P.O. 1010 North Broad St.
 City, Fairborn, OH 45324

PS Form Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Umar Dhadha Troy Petroleum, LLC 1010 North Broad St. Fairborn, OH 45324</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p>7004 1160 0000 6165 2111</p>	