



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

May 28, 2010

Certified Mail

Ali Hemani

Site Food Mart

2260 Heller Drive

Beavercreek, OH 45434

NOTICE OF VIOLATION (NON-HPV)

Summary

The gasoline dispensing facility (GDF) at Site Food Mart, Ohio EPA Facility ID 0829010297, located at 2260 Heller Drive in Beavercreek, Greene County, Ohio, is required to have successfully completed a Static Leak test, Air-to-Liquid Ratio test and Dynamic Pressure Performance test within sixty (60) days after the installation or modification of a stage II vapor control system. The Dresser/Wayne WayneVac stage II vapor control system at Site Food Mart was installed sometime prior to July 31, 2009 and, to date, has not successfully performed Air-to-Liquid Ratio testing or Dynamic Pressure Performance testing on pumps #5/6 and #9/10 at this GDF. Pursuant to state and local air pollution control regulations, enforcement orders may be issued in the future to resolve these violations.

Dear Mr. Hemani:

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) state that within sixty (60) days after the installation or modification of a vapor control system required pursuant to paragraph (DDD)(1) of this rule, the owner or operator of the GDF shall perform Static Leak testing and Dynamic Pressure Performance 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-70-153-AD, for Dresser/Wayne WayneVac stage II vapor control systems, states that the owner or operator of a GDF shall conduct, and pass, a Static Leak test and Air-to-Liquid Ratio

(A/L) test no later than 60 days after startup and at least once in each twelve month period thereafter.

On July 31, 2009, the Regional Air Pollution Control Agency (RAPCA) performed an on-site inspection of the Site Food Mart GDF and noted that a Dresser/Wayne WayneVac stage II vapor control system had been installed at this site. This site previously had a Vapor Balance stage II vapor control system. A Health District Order was issued to Site Food Mart on July 31, 2009 to schedule an initial stage II vapor control system compliance test within thirty (30) days of the issuance of the Order.

On August 10, 2009, RAPCA was contacted to schedule a Static Leak test, A/L test, and Dynamic Pressure Performance test at Site Food Mart. This testing was scheduled to take place on September 1, 2009, but was canceled due to the fact that there was not enough fuel to perform the required testing. This testing was rescheduled for September 18, 2009, but was canceled prior to testing and rescheduled for November 17, 2009.

Site Food Mart did show compliance through the completion of a successful Static Leak test on November 17, 2009, but failed to show compliance with OAC rule and GCBHAPCR section 3745-21-09(DDD)(2), through the completion of a successful A/L test and Dynamic Pressure Performance test on pumps #5/6 and #9/10 on this date. A Health District Order was issued to Site Food Mart on November 17, 2009 to make any needed repairs and reschedule testing with RAPCA within 30 days of issuance of the Order. No testing was rescheduled with RAPCA at this site.

On December 23, 2009, RAPCA issued a warning letter to Site Food Mart requiring the A/L test and Dynamic Pressure Performance test be rescheduled within fourteen (14) days after receipt of that letter. To date, no A/L or Dynamic Pressure Performance retest has been scheduled with RAPCA at this GDF. On May 20, 2010, RAPCA performed an inspection of Site Food Mart 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 GCBHAPCR section 3745-21-09(DDD)(2) on pumps #5/6 and #9/10.

Failure to perform a successful A/L test and Dynamic Pressure Performance test on pumps #5/6 and #9/10 within 60 days after the installation of the Dresser/Wayne WayneVac stage II vapor control system at Site Food Mart is a violation of OAC rule and GCBHAPCR section 3745-21-09(DDD)(2), CARB Executive Order G-70-153-AD, and Ohio Revised Code (ORC) 3704.05. Transferring of gasoline from stationary storage tanks at Site Food Mart 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.

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In order to resolve the above mentioned violations, RAPCA requires that the owner/operator of Site Food Mart submit a compliance plan and schedule to bring this GDF into compliance with all applicable air pollution control regulations. At a minimum, the owner/operator of Site Food Mart shall submit a plan that has been or will be implemented to ensure that all required stage II vapor control system compliance testing is successfully completed at this GDF within the required time limitations. In addition, RAPCA requires that the response include the installation date of the Dresser/Wayne WayneVac stage II vapor control system at Site Food Mart and the intended A/L and Dynamic Pressure Performance 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

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 City, Sta Beaver Creek, OH 45434

PS Form 3811, August 2004 See reverse for instructions

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Ali Hemani
 Site Food Mart
 2260 Heller Drive
 Beaver Creek, OH 45434

2. Article Number
 (Transfer from service label)

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