



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

September 3, 2009

Certified Mail

David M. Closey

Park Layne Sunoco

2131 South Dayton-Lakeview Road

New Carlisle, OH 45344-2314

RE: Ohio EPA Facility ID 0812060552
Failure to perform annual stage II vapor recovery compliance testing

WARNING LETTER

Dear Mr. Closey:

Pursuant to Ohio Administrative Code (OAC) rule and Clark County Combined Health District Air Pollution Control Regulations (CCCHDAPCR) section 3745-21-09 (DDD)(2), the stage II vapor control system at the Park Layne Sunoco gasoline dispensing facility (GDF) located at 2131 South Dayton-Lakeview Road in New Carlisle, 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-70-153-AD 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 CCCHDAPCR 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. The last annual stage II vapor recovery compliance test conducted at Park Layne Sunoco was on July 10, 2008. On July 21, 2009, an Official Order was issued to Park Layne Sunoco for failing to perform an annual stage II vapor recovery compliance test. On July 31, 2009, a representative of Park Layne Sunoco telephoned the Regional Air Pollution Control Agency (RAPCA) to state that Park Layne Sunoco had tried to contact their testing firm two separate times, but had not heard back from them. RAPCA also left a voicemail message for the testing firm on July 31, 2009, but to date, no testing has been scheduled with the RAPCA at this site. Park Layne Sunoco is currently operating in violation of OAC rule and CCCHDAPCR section 3745-21-09 (DDD)(2) and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

Park Layne Sunoco
September 3, 2009
Page 2

This letter serves as official notification from RAPCA to cease operation in violation of OAC rule and CCCHDAPCR section 3745-21-09 (DDD)(2) and ORC section 3704.05. It is imperative that Park Layne Sunoco schedule and show compliance with stage II testing requirements. **Please respond, in writing, to this notice within fourteen (14) days after receipt of this letter. 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. Enclosed with this letter is a list of firms that perform stage II vapor recovery compliance testing in your area.

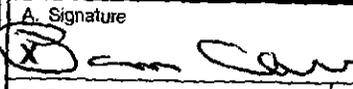
Failure to perform the required testing will subject this facility to further enforcement actions, which may include penalties. If you have any questions or comments concerning this matter, please feel free to contact me at (937) 225-5923.

Sincerely,



Brandie K. Lehman
Air Pollution Control Specialist

Cc: Jeff Canan RAPCA
Tom Kalman OEPA
Lisa Holscher USEPA

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		POLLUTION CONTROL AGENCY Clark County, Ohio & Preble Counties 45422-1280 225-3486
<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. 	A. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: David M. Closey Park Layne Sunoco 2131 South Dayton-Lakeview Road New Carlisle, OH 45344-2314	B. Received by (Printed Name)	C. Date of Delivery	
	D. Is delivery address different from item 1? If YES, enter delivery address below:		<input type="checkbox"/> Yes <input type="checkbox"/> No
	3. Service Type		
	<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.		
	4. Restricted Delivery? (Extra Fee)		<input type="checkbox"/> Yes
Article Number (Transfer from service label)	7008 1830 0003 0181 0682		
Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540	

RE: Ohio EPA Facility ID 0812060552
Failure to perform annual stage II vapor recovery compliance testing

WARNING LETTER

Dear Mr. Closey:

Pursuant to Ohio Administrative Code (OAC) rule and Clark County Combined Health District Air Pollution Control Regulations (CCCHDAPCR) section 3745-21-09 (DDD)(2), the stage II vapor control system at the Park Layne Sunoco gasoline dispensing facility (GDF) located at 2131 South Dayton-Lakeview Road in New Carlisle, 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-70-153-AD 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 CCCHDAPCR 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. The last annual stage II vapor recovery compliance test conducted at Park Layne Sunoco was on July 10, 2008. On July 21, 2009, an Official Order was issued to Park Layne Sunoco for failing to perform an annual stage II vapor recovery compliance test. On July 31, 2009, a representative of Park Layne Sunoco telephoned the Regional Air Pollution Control Agency (RAPCA) to state that Park Layne Sunoco had tried to contact their testing firm two separate times, but had not heard back from them. RAPCA also left a voicemail message for the testing firm on July 31, 2009, but to date, no testing has been scheduled with the RAPCA at this site. Park Layne Sunoco is currently operating in violation of OAC rule and CCCHDAPCR section 3745-21-09 (DDD)(2) and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

9/22