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## 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

January 5, 2009

Certified Mail

Mike Martinelli  
Triumph Energy  
9171 Dry Fork Rd  
Harrison, OH 45030

RE: Ohio EPA Facility ID 0857041438, Brown St Sunoco #39, 1927 Brown St, Dayton, OH  
Ohio EPA Facility ID 0857131667, Phillipsburg BP #15, 15 S State St, Phillipsburg, OH  
Ohio EPA Facility ID 0857823089, Center Point BP #8, 8007 St Rt 235, Huber Heights, OH  
Failure to pass air to liquid ratio testing

WARNING LETTER

Dear Mr. Martinelli:

The Regional Air Pollution Control Agency (RAPCA) conducted inspections and witnessed performance tests of the gasoline dispensing facilities (GDF) located at Brown St. Sunoco #39, 1927 Brown Street, Dayton, Ohio on December 3, 2008, Phillipsburg BP #15, 15 South State Street, Phillipsburg, Ohio on December 1, 2008, and Center Point BP #8, 8007 State Route 235 in Huber Heights, Ohio on December 3, 2008. The purpose of these inspections and performance tests was to determine the GDFs' compliance status with applicable state and local air pollution control regulations. These inspections/tests revealed violations of state and local air pollution control regulations.

Brown Street Sunoco #39

Brown Street Sunoco #39 did show compliance through the completion of a successful static leak test on December 3, 2008, however, failed to show compliance with the Air to Liquid ratio (A/L) testing requirements of CARB Executive Order G-70-153-AD on pump #4. Failing to demonstrate compliance with the A/L performance test requirements is a violation of Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) section 3745-21-09 (DDD), OAC rule and MCCGHDAPCR section 3745-15-04, and Ohio Revised Code (ORC) section 3704.05. On December 3, 2008, an Official Order was issued to Brown Street Sunoco #39 to make any needed repairs and reschedule testing within a thirty (30) day time period. To this date, no A/L retest has been scheduled with RAPCA.

Phillipsburg BP #15

Phillipsburg BP #15 showed compliance through the completion of a successful static leak test on December 1, 2008, however, failed to show compliance with the Air to Liquid ratio (A/L) testing requirements of CARB Executive Order G-70-165, due to a Healy line test failure. Failing to demonstrate

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compliance with the A/L performance test requirements is a violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD), OAC rule and MCCGHDAPCR section 3745-15-04, and Ohio Revised Code (ORC) section 3704.05. On December 1, 2008, an Official Order was issued to Phillipsburg BP #15 to make any needed repairs and reschedule testing within a thirty (30) day time period. To date, no A/L retest has been scheduled with RAPCA at this site.

**Center Point BP #8**

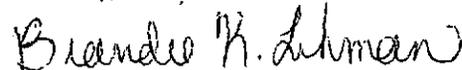
Center Point BP #8 also showed compliance through the completion of a successful static leak test on December 3, 2008, however, failed to show compliance with the Air to Liquid ratio (A/L) testing requirements of CARB Executive Order G-70-150-AE, on pump #3. Failing to demonstrate compliance with the A/L performance test requirements is a violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD), OAC rule and MCCGHDAPCR section 3745-15-04, and Ohio Revised Code (ORC) section 3704.05. On December 3, 2008, an Official Order was issued to Center Point BP #8 to make any needed repairs and reschedule testing within a thirty (30) day time period. To this date, no A/L retest has been scheduled with RAPCA at this site.

Since the above noted GDFs are currently operating in violation of OAC rules and MCCGHDAPCR sections 3745-21-09 (DDD) and 3745-15-04, and CARB Executive Orders G-70-153-AD, G-70-165, and G-70-150-AE, it is imperative that Triumph Energy ensure that repairs are made to these sites to correct the deficiencies, and reschedule A/L testing to demonstrate compliance.

**Triumph Energy shall respond within fourteen (14) days after receipt of this letter.** The response shall include the intended retest dates for these GDFs. 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 these facilities 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

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MIKE MARTINELLI  
 TRIUMPH ENERGY  
 9171 DRY FORK RD  
 HARRISON, OH 45030

2. Article Number  
 (Transfer from service label)

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**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
*Mike Martinelli*  Agent  Addressee

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C. Date of Delivery  
 1-7-09

D. Is delivery address different from item 1?  Yes  
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MIKE MARTINELLI  
 TRIUMPH ENERGY  
 9171 DRY FORK RD  
 HARRISON, OH 45030

PS Form 3800, August 2006 See Reverse for Instructions

