



REGIONAL AIR POLLUTION CONTROL AGENCY

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

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www.rapca.org

January 11, 2010

Certified Mail

Robert R. Myers
Kocolene Marketing, LLC
P.O. Box 448
Seymour, IN 47274

NOTICE OF VIOLATION (NON-HPV)

Summary

On December 1, 2009, the Regional Air Pollution Control Agency (RAPCA) performed an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) at Union Market One, Ohio EPA Facility ID 0857161966, located in Union, Montgomery County, Ohio. As a result of this inspection/test, RAPCA documented violations of state and local air pollution control regulations. Specifically, Union Market One transferred gasoline from stationary storage tanks into motor vehicles from August 9, 2009 to December 1, 2009 while the Hasstech stage II vapor control system was not operating. Union Market One also failed to conduct, and pass, Air-to-Liquid Ratio (A/L) testing at least once in a twelve month time period. Pursuant to state and local air pollution control regulations, enforcement orders may be issued in the future to resolve these violations.

Dear Mr. Myers:

On December 1, 2009, the Regional Air Pollution Control Agency (RAPCA) performed an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) at Union Market One, Ohio EPA Facility ID 0857161966, located at 110 South Main Street in Union, Montgomery County, Ohio. The purpose of this inspection and performance test was to determine the GDF's compliance status with applicable state and local air pollution control regulations. This inspection/test at Union Market One revealed violations of these regulations.

Specifically, Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) 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: . . . (b) The vapor control system is installed, operated and

maintained in accordance with the manufacturer's specifications and the applicable CARB certification, and is free from the following defects: . . . (vii) A vapor processing unit is inoperative or malfunctioning." During the inspection conducted by RAPCA on December 1, 2009, RAPCA determined that the Hasstech stage II vapor control system installed at Union Market One was inoperative from August 9, 2009 to December 1, 2009. Union Market One continued to transfer gasoline from stationary storage tanks at this GDF into motor vehicles during the time that the Hasstech stage II vapor control system was not operating. On December 1, 2009, repairs were made to the Hasstech stage II vapor control system that returned it to proper operation.

Failure to operate the Hasstech stage II vapor control system from August 9, 2009 to December 1, 2009, while continuing to dispense gasoline into motor vehicles, is a violation of OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(1), CARB Executive Order G-70-164-AA and Ohio Revised Code (ORC) 3704.05.

In addition, per OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(2)(f), Union Market One is required to "perform and comply with 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-70-164-AA states: "The owner or operator of the installation shall conduct, and pass, an Air-to-Liquid Ratio (A/L) test as specified in TP-201.5, at least once in each twelve month period."

The last successful A/L test conducted at Union Market One was on November 20, 2008. On December 1, 2009, Static Pressure Decay testing was completed and passed, but A/L testing was not performed due to the testing company's equipment being out of calibration. To date, no A/L retest has been scheduled with RAPCA at this site.

Failure to conduct, and pass, an A/L test at least once in a twelve month period is a violation of OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(2), CARB Executive Order G-70-164-AA and ORC 3704.05.

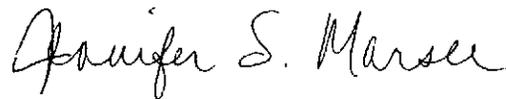
In order to resolve the above mentioned violations, RAPCA requires that Union Market One submit a compliance plan and schedule to bring this facility into compliance with all applicable air pollution control regulations. At a minimum, Union Market One shall submit a plan that has been or will be implemented to ensure that the Hasstech stage II vapor control system is properly operating at all times when gasoline is being transferred from the stationary storage tanks into motor vehicles. In addition, RAPCA requires that the response include the intended 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.

Union Market One
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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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1. Article Addressed to:

Robert R. Myers
Kocolene Marketing, LCC
PO BOX 448
Seymour, IN 47274

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