



**REGIONAL AIR POLLUTION CONTROL AGENCY**

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

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www.rapca.org

February 11, 2010

**Certified Mail**

Randy Singh

7030 Poe Ave

Building A

Dayton, OH 45414

**NOTICE OF VIOLATION (NON-HPV)**

**Summary**

The gasoline dispensing facility (GDF) at Marathon, Ohio EPA Facility ID 0857821381, located at 8001 Brandt Pike in Dayton, Montgomery County, Ohio, is required to successfully complete a Static Pressure Decay test and an Air-to-Liquid Ratio test at least once in each twelve month period on the Gilbarco VaporVac stage II vapor control system. The last successful Static Pressure Decay test and Air-to-Liquid Ratio test performed on the Gilbarco VaporVac stage II vapor control system at Marathon was completed on September 10, 2007. Pursuant to state and local air pollution control regulations, enforcement orders may be issued in the future to resolve these violations.

Dear Mr. Singh:

Pursuant to Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) 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 MCCGHDAPCR 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-70-150-AE, for Gilbarco VaporVac stage II vapor control systems, states that the owner or operator of a GDF shall conduct, and pass, a Static Pressure Decay test and an Air-to-Liquid Ratio test no later than sixty (60) days after startup and at least once in each twelve month period thereafter.

Marathon (0857821381)

February 11, 2010

Page 2

The last Static Pressure Decay and Air-to-Liquid Ratio tests successfully completed on the Gilbarco VaporVac stage II vapor control system at the GDF located at Marathon, Ohio EPA Facility ID 0857821381, 8001 Brandt Pike, Dayton, Montgomery County, Ohio, were on September 10, 2007. On March 2, 2009, a Health District Order was issued to Marathon, by the Regional Air Pollution Control Agency (RAPCA), 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 March 18, 2009, RAPCA was contacted to schedule Static Pressure Decay and Air-to-Liquid Ratio tests on the Gilbarco VaporVac stage II vapor control system at Marathon. This testing was scheduled to take place on May 13, 2009, but was later canceled due to the fact that diesel fuel was added to this site and was improperly vented into the stage II vapor control system. This needed to be repaired before the stage II vapor control system compliance testing could take place.

RAPCA contacted Marathon on July 13, 2009 to check the status of the repairs that needed to be made in order to complete the annual stage II vapor control system compliance tests. RAPCA was informed that the repairs had been made and that Marathon would contact a testing firm to get the required testing rescheduled. On August 19, 2009, RAPCA was contacted to schedule Static Pressure Decay, Air-to-Liquid Ratio and Dynamic Pressure Performance tests on the Gilbarco VaporVac stage II vapor control system at Marathon. This testing was scheduled to take place on October 13, 2009.

On October 13, 2009, Marathon failed to show compliance through the completion of a successful Static Pressure Decay test. In addition, no Air-to-Liquid Ratio test or Dynamic Pressure Performance test were able to be conducted on that date. A Health District Order was issued to Marathon on October 13, 2009 to make any needed repairs and reschedule testing within thirty (30) days after the issuance of that Order. No testing was ever rescheduled with RAPCA at this site.

On November 19, 2009, RAPCA issued a warning letter to Marathon requiring that the annual stage II vapor control system compliance testing be rescheduled within fourteen (14) days after receipt of that letter. On January 26, 2010, RAPCA was contacted to schedule a Static Pressure Decay and Air-to-Liquid Ratio retest at Marathon. This testing was successfully completed on February 3, 2010, however, Marathon had been transferring gasoline from stationary storage tanks into motor vehicle without having successfully conducted the testing requirements contained in OAC rule and MCGHDAPCR section 3745-21-09(DDD)(2) from September 10, 2008 through February 3, 2010.

Transferring of gasoline from stationary storage tanks at the Marathon GDF into motor vehicles without successfully passing the testing requirements contained in OAC rule and MCGHDAPCR section 3745-21-09(DDD)(2) and CARB Executive Order G-70-150-AE from

Marathon (0857821381)  
February 11, 2010  
Page 3

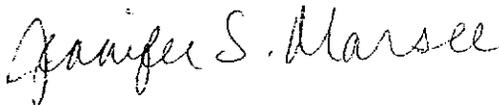
September 10, 2008 through February 3, 2010 are violations of OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(1) and ORC 3704.05.

In order to resolve the above mentioned violations, RAPCA requires that Marathon submit a compliance plan and schedule to bring this facility into compliance with all applicable air pollution control regulations. At a minimum, Marathon 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 at the required intervals. In addition, the owner/operator must provide documentation to RAPCA proving attendance and completion of training required by the Ohio EPA for the operator or local manager of the gasoline dispensing facility, as required by OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(3)(vi).

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: Dayton, OH 45414

PS Form 3811, June 2002

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