



## 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

February 18, 2010

### Certified Mail

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

RE: Ohio EPA Facility ID 0857041438 - Brown St. Sunoco #39, 1927 Brown St., Dayton, OH  
Failure to perform stage II vapor recovery compliance testing

### WARNING LETTER

Dear Mr. Martinelli:

Pursuant to Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) section 3745-21-09 (DDD)(2), the stage II vapor control system at the Brown St. Sunoco #39 gasoline dispensing facility (GDF) located at 1927 Brown Street in Dayton, 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. Per OAC rule and MCCGHDAPCR section 3745-21-(DDD)(2), Dynamic Pressure Performance testing is also required to be successfully completed at intervals not to exceed five (5) years from the date of the most recent Dynamic Pressure Performance test.

OAC rule and 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: . . . (c) The vapor control system has successfully passed the testing requirements contained in paragraph (DDD)(2) of this rule." The last successful Static Leak and A/L tests conducted at Brown St. Sunoco #39 were performed on December 3, 2008 (except A/L testing on pump #4, which was successfully completed on January 12, 2009) and the last successful Dynamic Pressure Performance test on record with the Regional Air Pollution Control Agency (RAPCA) was completed on July 20, 2003. On December 16, 2009, a full stage II vapor recovery

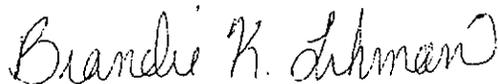
Brown St. Sunoco #39  
February 18, 2010  
Page 2

compliance test was scheduled to take place at Brown St. Sunoco #39, but was canceled because there was not enough fuel to complete testing. RAPCA issued a Health District Order to Brown St. Sunoco #39 on that date, requesting that testing be rescheduled within thirty (30) days of the issuance of the Order. To date, no additional testing has been scheduled with RAPCA at this site. Brown St. Sunoco #39 is currently operating in violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD) and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

This letter serves as official notification from RAPCA to cease operation in violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD) and ORC section 3704.05. It is imperative that Brown St. Sunoco #39 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.

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

**COMPLETE THIS SECTION**  
 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.

1. Article Addressed to:  
  
 Mike Martinelli  
 Triumph Energy  
 9171 Dry Fork Road  
 Harrison, OH 45030

2. Article Number  
 (Transfer from service label) 7004 1160 0000 6165 2142

S Form 3811, February 2004 Domestic Return Receipt  
 Harrison, OH 45030

**COMPLETE THIS SECTION ON DELIVERY**  
 A. Signature  
 x *Connie Mitchell*  Agent  Addressee  
 B. Received by (Printed Name) *Connie Mitchell* C. Date of Delivery 02-25-3486  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**CONTROL AGENCY**  
 Montgomery & Preble Counties  
 45422-1280  
 25-3486

RE: Ohio EPA Facility ID 0857041438 - Brown St. Sunoco #39, 1927 Brown St., Dayton, OH  
 Failure to perform stage II vapor recovery compliance testing

**WARNING LETTER**

Dear Mr. Martinelli:

Pursuant to Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) section 3745-21-09 (DDD)(2), the stage II vapor control system at the Brown St. Sunoco #39 gasoline dispensing facility (GDF) located at 1927 Brown Street in Dayton, 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. Per OAC rule and MCCGHDAPCR section 3745-21-(DDD)(2), Dynamic Pressure Performance testing is also required to be successfully completed at intervals not to exceed five (5) years from the date of the most recent Dynamic Pressure Performance test.

OAC rule and 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: . . . (c) The vapor control system has successfully passed the testing requirements contained in paragraph (DDD)(2) of this rule." The last successful Static Leak and A/L tests conducted at Brown St. Sunoco #39 were performed on December 3, 2008 (except A/L testing on pump #4, which was successfully completed on January 12, 2009) and the last successful Dynamic Pressure Performance test on record with the Regional Air Pollution Control Agency (RAPCA) was completed on July 20, 2003. On December 16, 2009, a full stage II vapor recovery