



REGIONAL AIR POLLUTION CONTROL AGENCY

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www.rapca.org

June 9, 2010

Certified Mail

Amarjit Singh

PAP Oil Company, LLC

4365 Lisa Drive

Tipp City, OH 45371

NOTICE OF VIOLATION (NON-HPV)

Summary

The gasoline dispensing facility (GDF) at Valley Valero, Ohio EPA Facility ID 0857771463, located at 2531 Valley Street in Dayton, Montgomery County, Ohio, is required to have successfully completed a Static Leak test, Air-to-Liquid Ratio test and Dynamic Pressure Performance test within sixty (60) days after the installation or modification of a stage II vapor control system. A modification of the Gilbarco VaporVac stage II vapor control system at Valley Valero was completed between July and September of 2009 and, to date, Valley Valero has not successfully performed Static Leak testing, Air-to-Liquid Ratio testing or Dynamic Pressure Performance testing required since this modification.

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) state that within sixty (60) days after the installation or modification of a vapor control system required pursuant to paragraph (DDD)(1) of this rule, the owner or operator of the GDF shall perform Static Leak testing and Dynamic Pressure Performance 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 Leak test

and Air-to-Liquid Ratio (A/L) test no later than 60 days after startup and at least once in each twelve month period thereafter.

On July 24, 2009, the Regional Air Pollution Control Agency (RAPCA) performed an on-site inspection of Valley Valero and noted that this GDF was not operating at that time. New concrete had been poured and all pumps were roped off. On September 1, 2009, RAPCA was contacted to schedule a Static Leak test, A/L test, and Dynamic Pressure Performance test on the Gilbarco VaporVac stage II vapor control system at Valley Valero. This testing was scheduled to take place on September 16, 2009 but was canceled due to construction issues at this GDF. No testing was rescheduled with RAPCA at Valley Valero.

On November 19, 2009, RAPCA issued a Health District Order to Valley Valero to make any needed repairs and reschedule testing with RAPCA within thirty (30) days of issuance of the Order. RAPCA was not contacted to schedule any further stage II vapor control system compliance testing at Valley Valero. On January 6, 2010, RAPCA issued a warning letter to Valley Valero requiring that Static Leak, A/L, and Dynamic Pressure Performance testing be scheduled within fourteen (14) days after receipt of that letter. To date, no stage II vapor control system compliance testing has been rescheduled with RAPCA at Valley Valero since the modification to the Gilbarco VaporVac stage II vapor control system in 2009.

On June 4, 2010, RAPCA performed an inspection of Valley Valero and documented that this GDF is transferring gasoline from stationary storage tanks into motor vehicles without successfully conducting the testing requirements contained in OAC rule and MCGHDAPCR section 3745-21-09(DDD)(2).

Failure to perform a successful Static Leak test, A/L test and Dynamic Pressure Performance test within 60 days after the modification of the Gilbarco VaporVac stage II vapor control system at Valley Valero is a violation of OAC rule and MCGHDAPCR section 3745-21-09(DDD)(2), CARB Executive Order G-70-150-AE, and Ohio Revised Code (ORC) 3704.05. Transferring of gasoline from stationary storage tanks at Valley Valero into motor vehicles without successfully passing the testing requirements contained in OAC rule and MCGHDAPCR section 3745-21-09(DDD)(2) is a violation of OAC rule and MCGHDAPCR section 3745-21-09(DDD)(1) and ORC 3704.05.

In order to resolve the above mentioned violations, RAPCA requires that the owner/operator of Valley Valero submit a compliance plan and schedule to bring this GDF into compliance with all applicable air pollution control regulations. At a minimum, the owner/operator of Valley Valero 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 within the required time limitations. In addition, RAPCA requires that the response include the date that the modification of the Gilbarco VaporVac stage II vapor control system at Valley Valero was

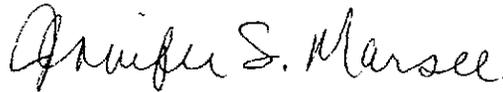
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completed and the date that gasoline began being transferred from the stationary storage tanks at Valley Valero into motor vehicles after the modification was complete. The response shall also include the intended Static Leak test, A/L test and Dynamic Pressure Performance 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.

- ^ The compliance plan and schedule shall be submitted expeditiously, but in no event later than 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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PS Form 3811, August 2008 See Reverse for Instructions

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 4365 Lisa Dr.
 Tipp City, OH 45371

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