



## REGIONAL AIR POLLUTION CONTROL AGENCY

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February 11, 2011

### Certified Mail

Amarjit Singh

4365 Lisa Drive

Tipp City, OH 45371

### NOTICE OF VIOLATION (NON-HPV)

#### Summary

The gasoline dispensing facilities (GDFs) located at Troy Valley Petroleum Marathon (Troy Valley), Ohio EPA Facility ID 0857041488, 201 Valley Street, Dayton, Ohio, and Hometown Valero, Ohio EPA Facility ID 0829100326, 296 Home Avenue, Xenia, Ohio, are required to operate stage II vapor control equipment at all times when gasoline is being transferred from stationary storage tanks into motor vehicles, perform initial stage II vapor recovery compliance testing within sixty (60) days of installation or modification of a stage II vapor control system, and perform annual stage II vapor control system compliance testing at least once in each twelve month period. The last successful annual compliance testing performed at Troy Valley was on April 28, 2009. On October 1, 2010, the Hasstech stage II vapor control system at Troy Valley was found to be inoperative. The Hasstech stage II vapor control system was replaced with a Gilbarco VaporVac stage II vapor control system, and an initial stage II vapor control system compliance test has not been successfully completed within 60 days after the installation of the Gilbarco VaporVac stage II vapor control system. The last successful annual compliance testing performed at Hometown Valero was on September 9, 2009. Pursuant to state and local air pollution control regulations, enforcement orders may be issued in the future to resolve these violations.

Dear Mr. Singh:

#### Troy Valley Petroleum Marathon, Ohio EPA Facility ID 0857041488, 201 Valley Street, Dayton, Ohio

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 at a GDF into a motor vehicle unless: ...**(b)** a vapor control system is installed, operated, and maintained in accordance with the manufacturer's specifications and the applicable California Air Resources Board (CARB) certification, and is free from defects, including a vapor processing unit that is inoperative or malfunctioning; and **(c)** 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)(a)** 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 a GDF shall perform static leak testing and dynamic pressure performance testing in accordance with the testing procedures contained in OAC rule 3745-21-10. OAC rule and MCCGHDAPCR section 3745-21-09**(DDD)(2)(f)** state that the owner or operator of a GDF shall 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 for Hasstech stage II vapor control systems and CARB Executive Order G-70-150-AE for Gilbarco VaporVac stage II vapor control systems, state 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.

Static leak testing and A/L testing was successfully performed on the Hasstech stage II vapor control system at the Troy Valley Petroleum Marathon (Troy Valley) GDF, Ohio EPA Facility ID 0857041488, 201 Valley Street, Dayton, Montgomery County, Ohio on April 28, 2009. Annual stage II vapor control system compliance testing was therefore required to be completed again by April 28, 2010. On April 29, 2010, the Regional Air Pollution Control Agency (RAPCA) issued a Health District Order to your attention, requiring that Troy Valley schedule testing with RAPCA within thirty (30) of the issuance of that Order. Testing was not scheduled with RAPCA at this GDF within the 30 day timeframe given.

On June 15, 2010, RAPCA issued a warning letter to your attention, requiring that annual stage II vapor control system compliance testing be scheduled at Troy Valley, among other GDFs that you own, within fourteen (14) days after receipt of that letter. No stage II vapor control system compliance testing was scheduled at Troy Valley within the 14 day timeframe provided in the June 15, 2010 warning letter.

On August 24, 2010, a representative of RAPCA spoke with you regarding the need to schedule the required stage II vapor control system compliance testing at Troy Valley and on August 31, 2010, testing was scheduled to take place at Troy Valley for November 9, 2010.

On October 1, 2010, a representative of RAPCA performed an on-site inspection of Troy Valley and found that the Hasstech stage II vapor control system installed at this GDF was not operating, but gasoline was being transferred from stationary storage tanks at Troy Valley into motor vehicles. RAPCA was informed that new dispensers were being installed within the next two weeks. On October 13, 2010, a RAPCA representative spoke with you regarding the fact that the Hasstech stage II vapor control system was found to be inoperative on October 1, 2010. You stated that you did recently become aware that the Hasstech stage II vapor control system was not operating and that the system was being replaced with a Gilbarco VaporVac stage II vapor control system within the next couple of weekends, prior to the testing scheduled for November 9, 2010 at Troy Valley.

On November 8, 2010, however, RAPCA was contacted to cancel the stage II vapor control system compliance testing that was scheduled to take place on November 9, 2010 at Troy Valley. On November 23, 2010, RAPCA was contacted to reschedule an initial stage II vapor control system compliance test on the Gilbarco VaporVac stage II vapor control system installed at Troy Valley for January 25, 2011, but on January 24, 2011, RAPCA was contacted to cancel the January 25, 2011 test due to the fact that repairs still needed to be made to the system. On January 26, 2011 a representative of RAPCA contacted you about the canceled test. You stated that a contractor is supposed to be making the needed repairs at Troy Valley and that we would be contacted to reschedule the required testing. To date, no testing has been rescheduled with RAPCA at this GDF.

Failure to perform a static leak test and A/L test of the Hasstech stage II vapor control system at Troy Valley at least once within each twelve month period is a violation of OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(2)(f), CARB Executive Order G-70-164-AA, and Ohio Revised Code (ORC) 3704.05. Failure to operate the Hasstech stage II vapor control system while continuing to dispense gasoline into motor vehicles is a violation of OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(1)(b), CARB Executive Order G-70-164-AA, and ORC 3704.05. Failure to perform a static leak test, dynamic pressure performance test, and A/L test of the Gilbarco VaporVac stage II vapor control system (installed to replace the existing Hasstech stage II vapor control system) within 60 days after installation at Troy Valley is a violation of OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(2)(a)and(f), CARB Executive Order G-70-150-AE, and ORC 3704.05. Transferring of gasoline from stationary storage tanks at Troy Valley into motor vehicles without successfully passing the testing requirements contained in OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(2) is a violation of OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(1)(c) and ORC 3704.05.

**Hometown Valero, Ohio EPA Facility ID 0829100326, 296 Home Avenue, Xenia, Ohio**

Pursuant to OAC rule and Greene County Board of Health Air Pollution Control Regulations (GCBHAPCR) section 3745-21-09 (DDD)(1)(c), no owner or operator of a GDF may cause, allow or permit the transfer of gasoline from a stationary storage tank at a GDF 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 GCBHAPCR section 3745-21-09(DDD)(2)(f) state that the owner or operator of a GDF shall 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-70-150-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 an A/L test no later than 60 days after startup and at least once in each twelve month period thereafter.

Static leak testing and A/L testing was successfully performed on the Gilbarco VaporVac stage II vapor control system at the Hometown Valero GDF, Ohio EPA Facility ID 0829100326, 296 Home Avenue, Xenia, Greene County, Ohio, on September 9, 2009, under previous ownership. Annual stage II vapor control system compliance testing was therefore required to be completed again by September 9, 2010. On October 6, 2010, RAPCA issued a Health District Order, to the previous owner, requiring testing be scheduled within 30 days of the issuance of that Order. No testing was scheduled with RAPCA at Hometown Valero within the 30 day timeframe given. RAPCA sent a follow-up email to the previous owner of Hometown Valero on November 19, 2010, requesting that the annual stage II vapor control system compliance testing be scheduled. RAPCA was informed by the previous owner of Hometown Valero, on November 22, 2010, that this GDF was sold to you on October 14, 2010. On November 23, 2010, RAPCA issued a Health District Order, to your attention, requiring annual testing be scheduled at Hometown Valero within 30 days of the issuance of that Order. No testing was scheduled with RAPCA at this GDF within the 30 day timeframe given.

On January 13, 2011, RAPCA issued a warning letter to your attention, requiring that annual stage II vapor control system compliance testing be scheduled at Hometown Valero within 14 days after receipt of that letter. A representative of RAPCA also contacted you on January 26, 2011 to remind you that testing was past due for this GDF. You stated that you would get testing scheduled. To date, no stage II vapor control system compliance testing has been scheduled at Hometown Valero.

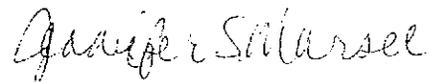
Failure to perform a static leak test and A/L test of the Gilbarco VaporVac stage II vapor control system at least once within each twelve month period is a violation of OAC rule and GCBHAPCR section 3745-21-09(DDD)(2)(f), CARB Executive Order G-70-150-AE, and ORC 3704.05. Transferring of gasoline from stationary storage tanks at the Hometown Valero GDF into motor vehicles without successfully passing the testing requirements contained in OAC rule and GCBHAPCR section 3745-21-09(DDD)(2) is a violation of OAC rule and GCBHAPCR section 3745-21-09(DDD)(1)(c) and ORC 3704.05.

In order to resolve the above mentioned violations at Troy Valley and Hometown Valero, RAPCA requires that a compliance plan and schedule be submitted to bring these facilities into compliance with all applicable air pollution control regulations. At a minimum, you shall submit a plan that has been or will be implemented to ensure that all required stage II vapor control system testing is performed at Troy Valley and Hometown Valero at the required intervals. RAPCA requires that the response include the intended static leak, dynamic pressure performance and A/L tests date for Troy Valley and the intended static leak and A/L tests date for Hometown Valero. Your testing company should contact Lynn Thompson at (937) 225-4437, to ensure a RAPCA representative is present at your scheduled testing. Also, for Troy Valley, RAPCA requires that you submit all records/log sheets available for the past year regarding the Hasstech stage II vapor control system; the last known date of operation of the Hasstech stage II vapor control system before it became inoperative; the date that the Gilbarco stage II vapor control system installation was begun; and, the date that the installation was completed and normal operations were resumed. In addition, please provide documentation to RAPCA proving attendance and completion of training required by Ohio EPA for the operator or local manager of the Troy Valley and Hometown Valero GDFs, per OAC rule, MCCGHDACPR section, and GCBHAPCR section 3745-21-09(DDD)(3)(vi).

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 ORC sections 3704.06 and 3707.49. 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  
      William MacDowell      U.S. EPA, Region V  
      Tom Kalman              Ohio EPA

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