

Air Pollution Control Division



APC Contractual Representative
Serving All of Stark County

Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544
(330) 489-3385 • Fax: (330) 489-3335

Daniel J. Aleman, P.E., MBA
APCD Administrator

James M. Adams, R.S., MPH
Health Commissioner

CERTIFIED MAIL

January 24, 2011

Stuart M. Horwitz
Statutory Agent for the HOC Transport Company
55 Public Square, 19th Floor
Cleveland OH 44113-1906

**Re: NOV - OAC/ORC violations regarding gasoline delivery by HOC Transport at
Circle K #5618**

Dear Mr. Horwitz:

The Canton City Health Department, Air Pollution Control Division (APCD) is the contractual representative for Ohio EPA in air quality matters within Stark County. As such, APCD employees are charged with the responsibility to investigate and enforce Ohio EPA (OEPA) air pollution regulations.

On Friday, November 5, 2010 at approximately 2230 hours, Mr. Rick Miller, the Community Services Supervisor for the Canton City Health Department, observed and documented a tanker truck from the HOC Transportation Company filling an underground gasoline storage tank without using the Vapor Balance System (VBS).

The location was the Circle K Station at 1212 12th St NW in Canton. The truck was operated by H.O.C. Transport out of Akron, OH. The tank trailer was identified as "889 TK" and carried Ohio license plate TNX 9603. Photographs are attached.

At the time, Mr. Miller informed the acting station manager (Dee) of the violation and also discussed the issue with the truck driver. The driver told Mr. Miller that the VBS was "broken". The driver also questioned Mr. Miller's authority to respond to this incident. Please be aware that Mr. Miller has extensive air pollution control regulatory experience and is highly qualified to document and report any violations of Ohio EPA regulations that he observes.

H.O. C. Transport Company
1569 Industrial Parkway
Akron, OH 44310

Finding: On the evening of Friday, November 5, 2010 at approximately 2230 hours a HOC Transportation truck was observed delivering gasoline to an underground storage tank at this location. The driver was not using the Stage I Vapor Balance System. He admitted the same to the observer, a supervisor for the Canton City Health Department. The truck tractor was No. 9926. The trailer carried the identification "899 TK" and carried license plate TMX 9603.

Violation #1 H.O.C. Transport Company was in violation of Ohio Administrative Code Rule (OAC) 3745-21-09(R)(1)(b)(i). This rule requires the use of a vapor balance system when transferring gasoline from a delivery truck to a stationary storage tank at a gasoline dispensing facility. This violation also constitutes a violation of The Ohio Revised Code Statute 3704.03 (E). This statute defines the powers and duties of the Director of the Ohio Environmental Protection Agency.

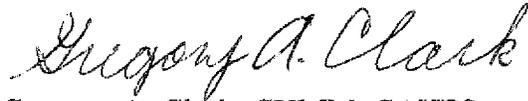
Violation #2 H.O.C. Transport Company was in violation of Ohio Administrative Code Rule (OAC) 3745-21-09(R)(2)(a). This rule requires that the vapor balance system be kept in good working order and used at all times during the transfer of gasoline. This violation also constitutes a violation of The Ohio Revised Code Statute 3704.03 (E).

Violation #3 H.O.C. Transport Company was in violation of Ohio Administrative Code Rule (OAC) 3745-21-09(V)(1)(i). This rule requires that the owner or operator of each gasoline tank truck that transfers gasoline at a gasoline dispensing facility with a vapor balance system use the vapor balance system in the proper manner. This violation also constitutes a violation of The Ohio Revised Code Statute 3704.03 (E).

Requested Action: This Agency requests, within twenty-one days of the receipt of this letter, a response from Mac's Convenience Stores LLC outlining their steps to ensure that future gasoline deliveries will be in compliance with all applicable Ohio EPA regulations, including Ohio Administrative Code Rule 3745-19-21 (R).

Mr. Stuart M. Horwitz
January 24, 2011
Page 3 of 3

Sincerely,

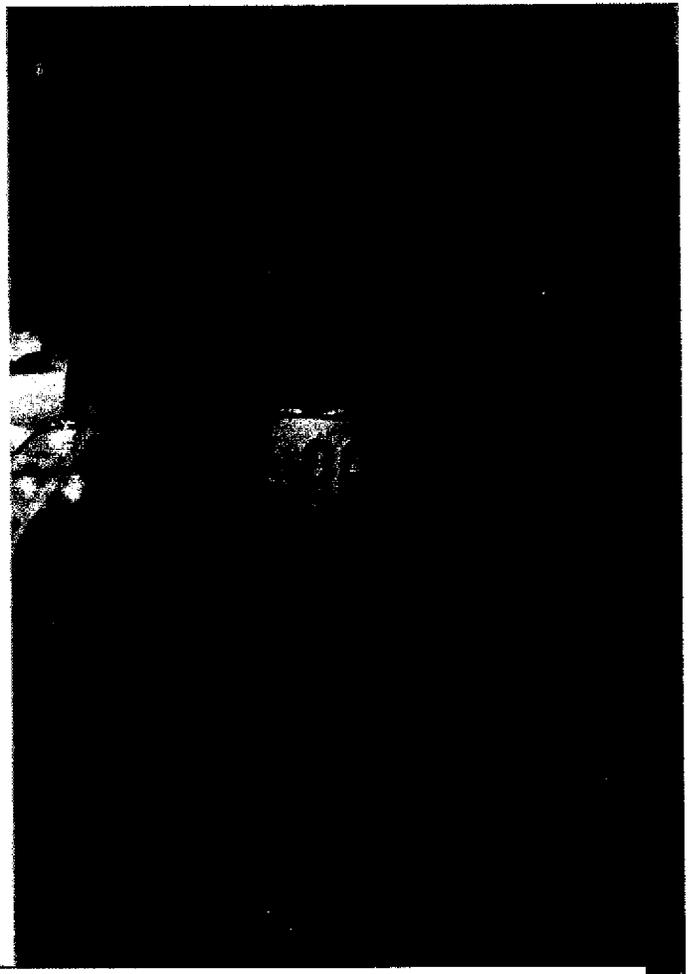


Gregory A. Clark, CHMM, CAHES
Air Pollution Control Engineer

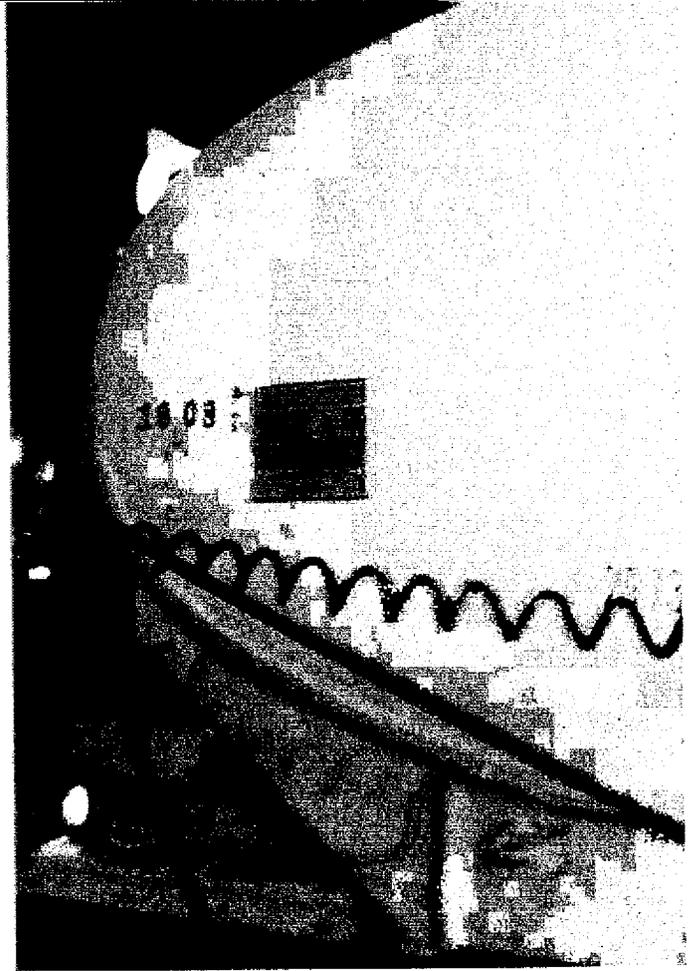
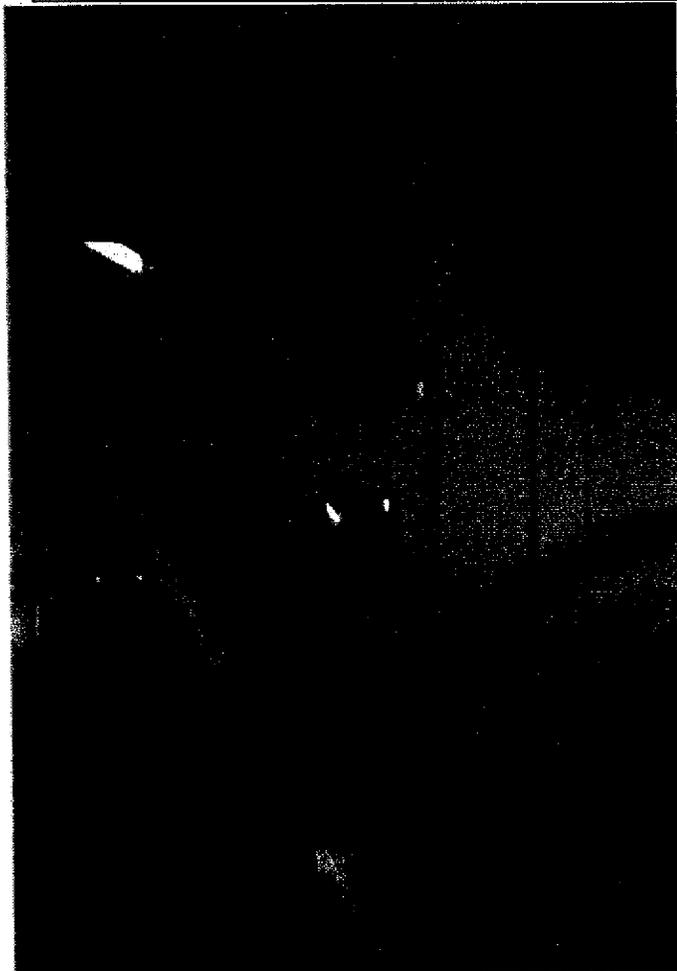
Enclosures: OAC Rule 3745-19-21(R);
OAC Rule 3745-21-09(V)
ORC Statute 3704.03 (E);
Photographs

cc: Addressee via First Class Mail

John Ross, Mac's Convenience Stores LLC, 4080 W Jonathan Moore Pike,
Columbus IN, 47201-8667
Manager, H.O.C. Transport Company, 1569 Industrial Pkwy Akron, OH 44310
Tom Kalman, Ohio EPA P.O. Box 1049, Columbus, OH 43216-1049
William MacDowell, USEPA Region 5, 77 W. Jackson Blvd. Chicago, IL 60604
Correspondence File
Misc. Complaints, McKinley Township
Rick Miller
GA Clark



Photos by Rick Miller 11/05/2010 ~ 2230 HRs Circle K, 1212 12th St NW, Canton





Prescribed by **J. Kenneth Blackwell**

Ohio Secretary of State
Central Ohio: (614) 466-3910
Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.state.oh.us/sos
e-mail: busserv@sos.state.oh.us

Expedite this Form: (Select One)	
Mail Form to one of the Following:	
<input type="radio"/> Yes	PO Box 1390 Columbus, OH 43216 *** Requires an additional fee of \$100 ***
<input checked="" type="radio"/> No	PO Box 788 Columbus, OH 43216

STATUTORY AGENT UPDATE

(For Domestic or Foreign, Profit or Non-Profit)
Filing Fee \$25.00

FEB 27 2 12 PM '02

THE UNDERSIGNED DESIRING TO FILE A:

(CHECK ONLY ONE (1) BOX)

(1) Subsequent Appointment of Agent <input checked="" type="checkbox"/> Corp <input type="checkbox"/> LP (185-AGS) <input type="checkbox"/> LLC (171-LSA)	(2) Change of Address of an Agent <input type="checkbox"/> Corp <input type="checkbox"/> LP (145-AGA) <input type="checkbox"/> LLC (144-LAD)	(3) Resignation of Agent <input type="checkbox"/> Corp <input type="checkbox"/> LP (155-AGR) <input type="checkbox"/> LLC (153-LAG)
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Complete the general information in this section for the box checked above.

Name of Entity HOC Transport Company

Charter or
Registration No. 1274310

Name of Current Agent Stuart M. Horwitz

Complete the information in this section if box (1) is checked.

Name and Address of
New Agent Michael J. Toth
(Name)

954 Eaton Avenue
(Street) NOTE: P.O. Box Addresses are NOT acceptable.

Akron Summit Ohio 44303
(City) (County) (State) (Zip Code)

ACCEPTANCE OF APPOINTMENT

The Undersigned, Michael J. Toth, named herein as
the Statutory agent for, HOC Transport Company, hereby acknowledges and
accepts the appointment of statutory agent for said entity.

Signature:
(Statutory Agent) Michael J. Toth

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: STUART M. HORWITZ STATUTORY AGENT FOR HOC TRANSPORT 55 PUBLIC SQUARE, 19TH FLOOR CLEVELAND, OH 44113-1906	B. Received by (Printed Name) C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
	7009 0080 0002 0413 2633

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7009 0080 0002 0413 2633

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$.44
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.54

NEW YORK, NY
 JAN 15 2011
 OFFICIAL USE

Sent to **STUART M. HORWITZ**
STATUTORY AGENT FOR HOC TRANSPORT
 Street, Apt. No.,
 or PO Box No. **55 PUBLIC SQUARE, 19TH FLOOR**
 City, State, ZIP+4 **CLEVELAND, OH 44113-1906**

PS Form 3800, August 2006 See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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or emission limitation that is the basis for the director's alternative limitation determination for the coating line, as described in paragraph (U)(2)(f)(ii) of this rule.

- (iv) USEPA has approved the alternative limitation as a revision to the Ohio state implementation plan.
 - (g) The application of a coating which is subject to paragraph (C), (D), (E), (I), (J), (K), (S), (FF) or (OO) of this rule;
 - (h) Any facility which always emits less than fifteen pounds of VOC per day (before add-on controls) from all miscellaneous metal parts or products coating lines within the facility (pounds of VOC attributed to metal parts or products coating lines in which non-metal parts or products were being coated shall not count towards this daily limit);
 - (i) The application of a coating to motorcycles at the "Honda of America Mfg., Inc." motorcycle assembly plant located at 24000 U.S. route 33, Marysville, Ohio;
 - (j) The application of a coating to bicycles in any coating line for which construction commenced prior to March 27, 1981 at the "Huffy Corporation" bicycle assembly plant located at 410 Grand Lake road, Celina, Ohio, unless a modification for any such coating line has commenced on or after March 27, 1981;
 - (k) The application of a coating subject to rule 3745-21-19 of the Administrative Code (pertaining to aerospace manufacturing and rework facilities); and
 - (l) The application of a coating subject to rule 3745-21-20 of the Administrative Code (pertaining to shipbuilding and ship repair operations).
- (3) At automobile and light-duty truck assembly plants, the requirements of paragraph (U)(1) of this rule also shall apply to the application of underbody antichip materials (e.g., underbody plastisol) and to metal surface coating operations other than prime, prime surfacer, topcoat, and final repair operations.

(V) Gasoline tank trucks.

- (1) Except where exempted under paragraph (V)(3) of this rule, each owner or operator of a gasoline tank truck shall comply with the following requirements by the date specified in paragraph (C)(29) of rule 3745-21-04 of the Administrative Code:
 - (a) No gasoline tank truck is to be used for the transfer of gasoline, unless within the previous twelve months it was tested for leaks in accordance with the

applicable method specified in paragraph (G) of rule 3745-21-10 of the Administrative Code.

- (b) Any gasoline tank truck which, when last tested for leaks, failed to meet all requirements of the applicable method specified in paragraph (G) of rule 3745-21-10 of the Administrative Code is not to be used for the transfer of gasoline.
- (c) A record is to be maintained of all gasoline tank trucks which are tested in accordance with paragraph (G) of rule 3745-21-10 of the Administrative Code, and such record is to contain, at a minimum, the following data:
 - (i) The tank identification number (manufacturer's serial number and/or owner's identification number);
 - (ii) The calendar year during which the tank was manufactured;
 - (iii) The date and location of the test;
 - (iv) The name, title and telephone number of the person who conducted the test, and the name and address of the company where the person is employed;
 - (v) The following information from the test:
 - (a) The tank pressure for the start of the pressure test;
 - (b) The tank pressure for the end of the pressure test;
 - (c) The tank pressure for the start of the vacuum test;
 - (d) The tank pressure for the end of the vacuum test; and
 - (e) The resultant pressure changes for the pressure test and the vacuum test; and
 - (vi) A list of all repairs which were made to the gasoline tank truck to enable it to pass all applicable requirements of the test.
- (d) A copy of the test record required in paragraph (V)(1)(c) of this rule is to be retained by the owner or operator of the tank truck for a minimum of two years after the date on which the test was conducted.
- (e) A copy of the test record required in paragraph (V)(1)(c) of this rule is to immediately be made available to the director, or an authorized

representative of the director, upon verbal or written request, at any reasonable time.

- (f) No gasoline tank truck is to be used for the transfer of gasoline, unless the requirements of paragraphs (V)(1)(a) and (V)(1)(b) of this rule can be readily verified by means of the following:
 - (i) A copy of the test record required in paragraph (V)(1)(c) of this rule is kept in the gasoline tank truck; or
 - (ii) A sticker, which contains the tank identification number, the calendar year during which the tank was manufactured, the date the tank last passed the requirements of the applicable test method specified in paragraph (G) of rule 3745-21-10 of the Administrative Code and the name and location of the testing company or department, is prominently displayed on the right side of the front of the tank.
- (g) Any gasoline tank truck which has a leak which is equal to or greater than one hundred per cent of the lower explosive limit as propane, as determined under paragraph (K) of rule 3745-21-10 of the Administrative Code, is not to be used for the transfer of gasoline after fifteen days from the detection of such leak unless the leak is repaired.
- (h) Whenever any gasoline tank truck is removed from service for routine maintenance and repairs, the gasoline tank truck shall also be inspected/repaired in accordance with the following procedures:
 - (i) Inspect all dome cover gaskets to ensure they will properly seal against vapor releases. Any dome cover gasket must be replaced if its integrity is in doubt.
 - (ii) Open and close all dome covers to ensure that the latch tension is such that the cover will be held securely closed to prevent vapor releases. Any dome covers with inadequate latch tension must be repaired or replaced.
 - (iii) Inspect the fusible plugs in each dome cover assembly to ensure proper tightness. Any fusible plugs which are found to be loose or defective must be tightened and/or replaced.
 - (iv) Inspect each vapor vent hood and sealing band for defects. If any defects are found, the defective vapor vent hood and/or sealing band shall be replaced with new components.

- (v) Inspect all vapor return hoses and any associated fittings and adaptors for defects that could allow vapor releases. If defects are found, the defective equipment shall be repaired or replaced.
 - (vi) Inspect any pressure and vacuum relief vents located on the vapor recovery line to ensure that they are clean and in proper working order. If a relief vent is found to be defective, it shall be repaired or replaced.
 - (i) No gasoline tank truck is to be used for the transfer of gasoline at a bulk gasoline terminal, bulk gasoline plant or gasoline dispensing facility that employs a vapor balance system or vapor control system unless the transfer is done in a manner that ensures the proper operation of the vapor balance system or vapor control system.
- (2) The director may require any gasoline tank truck to be tested in accordance with the applicable method specified in paragraph (G) of rule 3745-21-10 of the Administrative Code within a reasonable period of time. Any such test shall be required by means of an order issued by the director to the owner or operator of the gasoline tank truck pursuant to division (R) of section 3704.03 of the Revised Code.
- (3) Exempted from the requirements of paragraphs (V)(1) and (V)(2) of this rule is any gasoline tank truck which has a capacity of less than five thousand gallons, unless it either:
- (a) Receives gasoline from any loading rack which is equipped with a vapor balance system or vapor control system; or
 - (b) Delivers gasoline to any stationary storage tank which is equipped with a vapor balance system.

~~(W) Synthesized pharmaceutical manufacturing facility.~~

- ~~(1) Except where exempted under paragraph (W)(2) of this rule, each owner or operator of a synthesized pharmaceutical manufacturing facility shall comply with the following requirements no later than the date specified in paragraph (C)(30) of rule 3745-21-04 of the Administrative Code:~~
 - ~~(a) Except for any VOC emissions which are collected by a production equipment exhaust system, the discharge of VOC emissions into the ambient air from any reactor, distillation operation, crystallizer, centrifuge or vacuum dryer is to be controlled by one of the following devices:~~
 - ~~(i) A surface condenser which has an outlet gas concentration of VOC not exceeding fifty thousand parts per million by volume; or~~

Effective: 04/02/2009

R.C. 119.032 review dates: 08/25/2013

CERTIFIED ELECTRONICALLY

Certification

03/23/2009

Date

Promulgated Under: 119.03

Statutory Authority: 3704.03(E)

Rule Amplifies: 3704.03(A), 3734.03(E)

Prior Effective Dates: 10/19/79, 3/27/81, 6/21/82, 1/24/83, 5/9/86, 5/25/88,
8/22/90, 6/14/91, 3/31/93, 1/17/95, 6/15/99, 11/5/02,
3/12/06, 8/25/08

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- (ii) The mass emissions of VOC from the vapor control system do not exceed 0.67 pound of VOC per thousand gallons (eighty milligrams of VOC per liter) of gasoline loaded into the delivery vessel; and
 - (iii) Any liquid gasoline returned to a stationary storage tank from the vapor control system is free of entrained air to the extent possible with good engineering design;
- (c) A means is provided to prevent drainage of gasoline from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected; and
- (d) All gasoline loading lines and vapor lines are equipped with fittings which are vapor tight.
- (2) No owner or operator of a bulk gasoline terminal may permit gasoline to be spilled, discarded in sewers, stored in open containers or handled in any other manner that would result in evaporation.
- (3) Any owner or operator of a bulk gasoline terminal shall repair within fifteen days any leak from the vapor collection system and vapor control system which are employed to meet the requirements of paragraph (Q)(1) of this rule when such leak is equal to or greater than one hundred per cent of the lower explosive limit as propane, as determined under paragraph (K) of rule 3745-21-10 of the Administrative Code.
- (4) Paragraph (Q)(1) of this rule shall not apply to a bulk gasoline terminal which has a maximum daily throughput equal to or less than twenty thousand gallons of gasoline, provided either:
- (a) The gasoline is supplied to the loading rack only from stationary storage tanks, each of which is equipped with an internal floating roof or external floating roof; or
 - (b) The loading rack is equipped with a vapor balance system that meets the requirements of paragraphs (P)(1)(d)(i), (P)(2) and (P)(4) of this rule.

(R) Gasoline dispensing facilities (stage I vapor control systems).

- (1) No owner or operator of a gasoline dispensing facility may cause, allow or permit the transfer of gasoline at a gasoline dispensing facility after the date specified in paragraph (C)(19) of rule 3745-21-04 of the Administrative Code unless the following requirements are met, except where exempted under paragraph (R)(4) of this rule:

- (a) Any stationary storage tank which stores gasoline at the gasoline dispensing facility is equipped with a submerged fill pipe; and
 - (b) For any transfer of gasoline from a delivery vessel to a stationary storage tank located at the gasoline dispensing facility, the vapors displaced from the stationary storage tank are processed by one of the following systems:
 - (i) A vapor balance system which is designed and operated to route at least ninety per cent by weight of the VOC in the displaced vapors to the delivery vessel and which is equipped with a means to prevent the discharge of displaced vapors from an unconnected vapor line; or
 - (ii) A vapor control system which is designed and operated to recover at least ninety per cent by weight of the VOC in the displaced vapors.
- (2) When a vapor balance system is employed to meet the requirements of paragraph (R)(1)(b) of this rule, the following operating practices shall be followed:
- (a) The vapor balance system shall be kept in good working order and shall be used at all times during the transfer of gasoline;
 - (b) There shall be no leaks in the delivery vessel pressure/vacuum relief valves and hatch covers; and
 - (c) There shall be no leaks in the vapor and liquid lines during the transfer of gasoline.
- (3) Any owner or operator of a gasoline dispensing facility shall repair within fifteen days any leak from the vapor balance system or vapor control system which is employed to meet the requirements of paragraph (R)(1) of this rule when such leak is equal to or greater than one hundred per cent of the lower explosive limit as propane, as determined under paragraph (K) of rule 3745-21-10 of the Administrative Code.
- (4) Paragraphs (R)(1) to (R)(3) of this rule shall not apply to the following:
- (a) Any gasoline dispensing facility which has an annual throughput of less than one hundred twenty thousand gallons of gasoline; or
 - (b) Transfers made to a stationary storage tank which is equipped with an internal floating roof or external floating roof.
- (5) Any owner or operator of a gasoline dispensing facility that is exempted from the requirements of paragraphs (R)(1) to (R)(3) of this rule pursuant to paragraph (R)(4)(a) of this rule shall maintain records of the quantity of gasoline delivered to the facility during each calendar month. The records shall be maintained at

the facility for a period of three years. The owner or operator shall notify the director if the annual gasoline throughput for any rolling twelve-month period is equal to or greater than one hundred twenty thousand gallons. The director shall be notified within forty-five days after the exceedance occurs.

(S) ~~"Alside, Inc." or any subsequent owner or operator of the "Alside, Inc." facility located at 3773 Akron-Cleveland road, North Hampton township, Summit county, Ohio shall not cause, allow or permit the discharge into the ambient air of any VOCs after the date specified in paragraph (C)(20)(b) of rule 3745-21-04 of the Administrative Code in excess of the following:~~

- ~~(1) 3.5 pounds of VOC per gallon of coating, excluding water and exempt solvents, from a siding (spray) coating line.~~
- ~~(2) 3.5 pounds of VOC per gallon of coating, excluding water and exempt solvents, from a corner coating line.~~

(T) ~~Leaks from petroleum refinery equipment.~~

~~(1) Except as otherwise provided in paragraphs (T)(1)(b) and (T)(1)(c) of this rule, each owner or operator of a petroleum refinery shall comply with the following monitoring, recordkeeping and reporting requirements no later than the date specified in paragraph (C)(27) of rule 3745-21-04 of the Administrative Code:~~

~~(a) Except as otherwise indicated in paragraph (T)(1)(b) of this rule, a monitoring program shall be developed and implemented which incorporates the following provisions:~~

~~(i) Yearly monitoring of all pump seals, pipeline valves in liquid service and process drains in accordance with the method specified in paragraph (F) of rule 3745-21-10 of the Administrative Code;~~

~~(ii) Quarterly monitoring of all compressor seals, pipeline valves in gas service and pressure relief valves in gas service in accordance with the method specified in paragraph (F) of rule 3745-21-10 of the Administrative Code;~~

~~(iii) Monthly monitoring of all pump seals by visual methods;~~

~~(iv) Monitoring of any pump seal in accordance with the method specified in paragraph (F) of rule 3745-21-10 of the Administrative Code within five working days after any liquids are observed dripping from the seal;~~

~~(v) Monitoring of any relief valve in accordance with the method specified in paragraph (F) of rule 3745-21-10 of the Administrative Code within five working days after the valve has vented to the atmosphere; and~~

Effective: 04/02/2009

R.C. 119.032 review dates: 08/25/2013

CERTIFIED ELECTRONICALLY
Certification

03/23/2009
Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3734.03(E)
Prior Effective Dates: 10/19/79, 3/27/81, 6/21/82, 1/24/83, 5/9/86, 5/25/88,
8/22/90, 6/14/91, 3/31/93, 1/17/95, 6/15/99, 11/5/02,
3/12/06, 8/25/08