

Cross

Air Pollution Control Division



APC Contractual Representative
Serving All of Stark County

Canton City Health Department

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

James M. Adams, MPH
Health Commissioner

CERTIFIED MAIL

January 25, 2011

Mr. John Ross
Mac's Convenience Stores LLC
4080 W. Jonathan Moore Pike
Columbus, IN 47201-8667

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

Dear Mr. Ross:

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 your 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.

Mr. John Ross
January 25, 2011
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Circle K # 5618, 1212 12th St. NW, Canton, OH 44703

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 place TMX 9603.

Violation #1 Circle K #5618 was in violation of Ohio Administrative Code Rule (OAC) 3745-21-09(R)(1)(b)(i). This regulation 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 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 Circle K #5618 was in violation of Ohio Administrative Code Rule (OAC) 3745-21-09(R)(2)(a). This regulation requires that the vapor balance system be kept in good working order and shall be used at all times during the transfer of gasoline. 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).

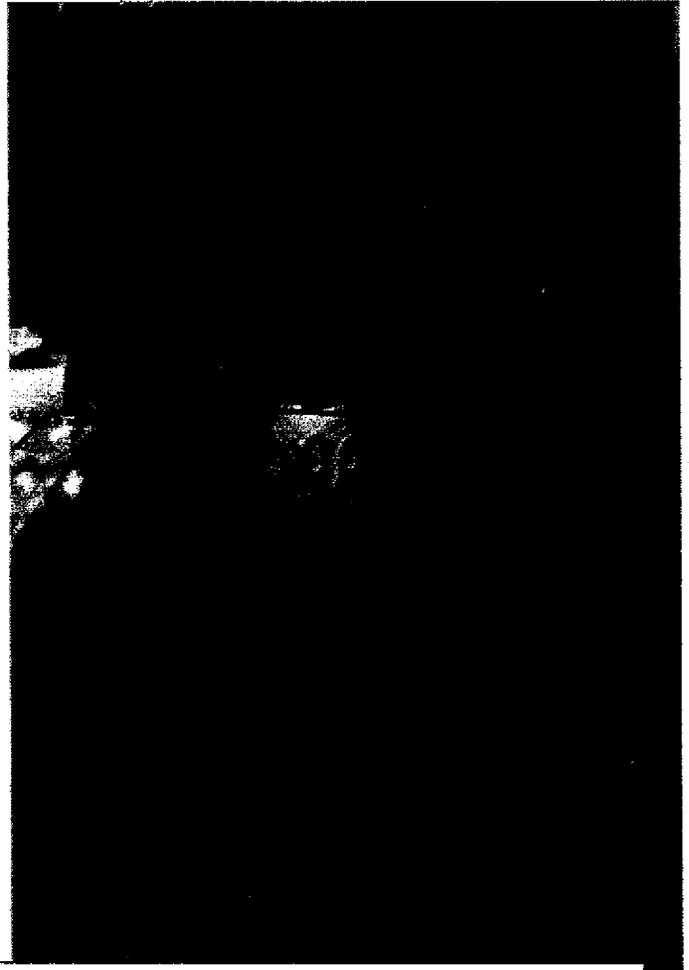
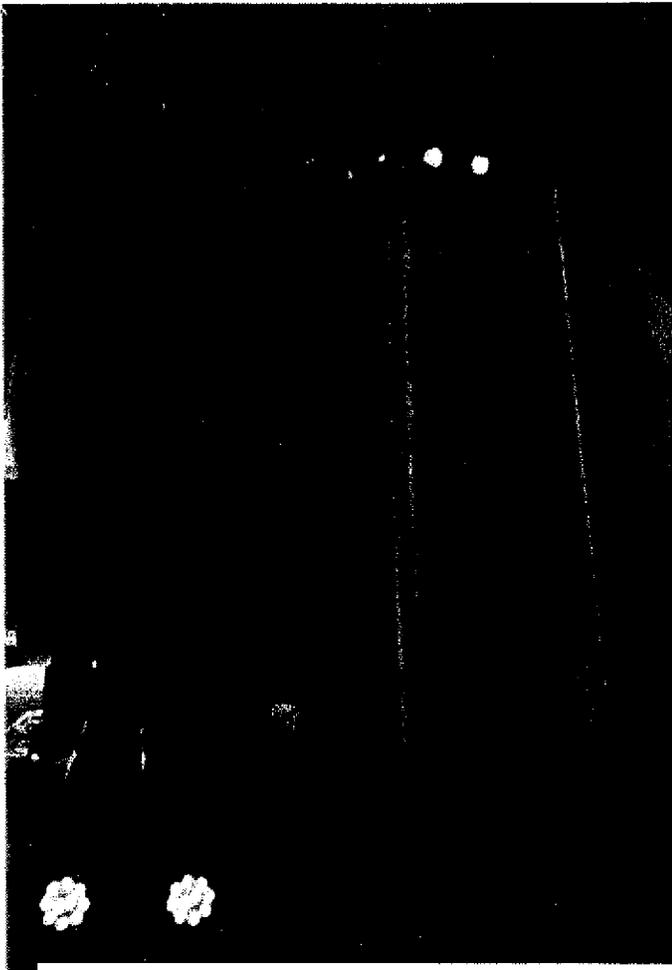
Sincerely,


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

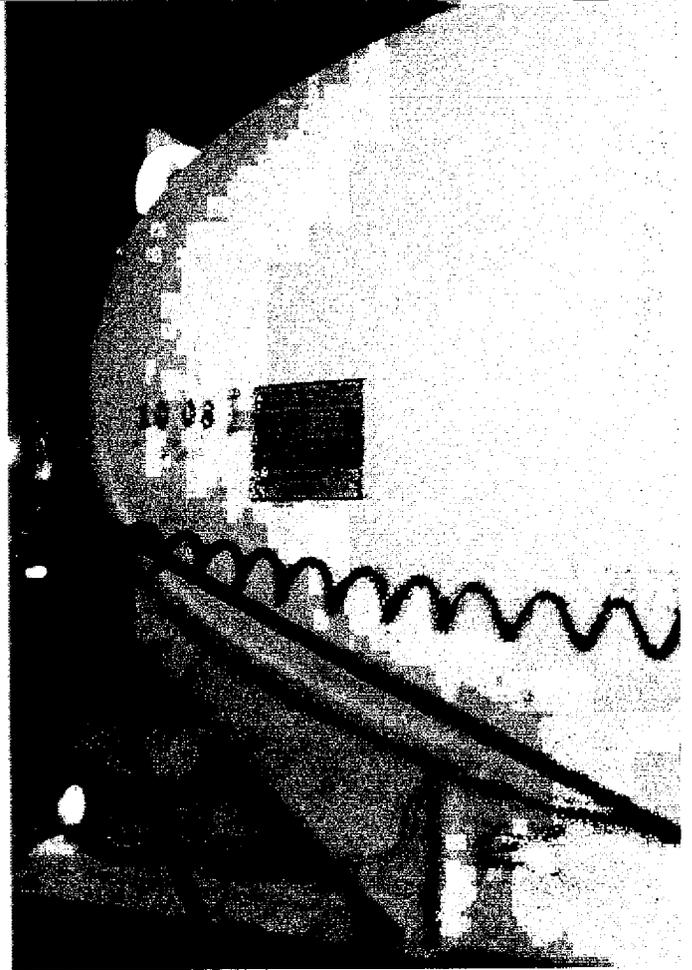
Enclosures: OAC Rule 3745-19-21(R); ORC Statute 3704.03 (E); Photographs

cc: Addressee via First Class Mail

Stuart M. Horowitz, 55 Public Square, 19th Floor, Cleveland OH 44113-1906
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



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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>Terry Salje</i></p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <i>1/25/11</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>MR. JOHN ROSS MAC'S CONVIENCE STORES LLC 4080 W. JONATHAN MOORE PIKE COLUMBUS, IN 47201-8667</p>	<p>3. Service Type</p> <p><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.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7009 0080 0002 0413 2640

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1640

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	\$	0.44
Certified Fee		2.80
Return Receipt Fee (Endorsement Required)		2.30
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	3.54

Postage Paid

Sent To **MR. JOHN ROSS, MAC'S CONVIENCE**
 Street, Apt. No., or PO Box No. **4080 W. JONATHAN MOORE PIKE**
 City, State, ZIP+4 **COLUMBUS, IN 47201-8667**

PS Form 3800, August 2006 See Reverse for Instructions

7009 0080 0002 0413 2640

- (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

3704.03 Director of environmental protection - powers and duties.

The director of environmental protection may do any of the following:

- (A) Develop programs for the prevention, control, and abatement of air pollution;
- (B) Advise, consult, contract, and cooperate with any governmental or private agency in the furtherance of the purposes of this chapter;
- (C) Encourage, participate in, or conduct studies, investigations, and research relating to air pollution, collect and disseminate information, and conduct education and training programs relating to the causes, prevention, control, and abatement of air pollution;
- (D) Adopt, modify, and rescind rules prescribing ambient air quality standards for the state as a whole or for various areas of the state that are consistent with and no more stringent than the national ambient air quality standards in effect under the federal Clean Air Act;
- (E) Adopt, modify, suspend, and rescind rules for the prevention, control, and abatement of air pollution, including rules prescribing for the state as a whole or for various areas of the state emission standards for air contaminants, and other necessary rules for the purpose of achieving and maintaining compliance with ambient air quality standards in all areas within the state as expeditiously as practicable, but not later than any deadlines applicable under the federal Clean Air Act; rules for the prevention or control of the emission of hazardous or toxic air contaminants; rules prescribing fugitive dust limitations and standards that are related, on an areawide basis, to attainment and maintenance of ambient air quality standards; rules prescribing shade, density, or opacity limitations and standards for emissions, provided that with regard to air contaminant sources for which there are particulate matter emission standards in addition to a shade, density, or opacity rule, upon demonstration by such a source of compliance with those other standards, the shade, density, or opacity rule shall provide for establishment of a shade, density, or opacity limitation for that source that does not require the source to reduce emissions below the level specified by those other standards; rules for the prevention or control of odors and air pollution nuisances; rules that prevent significant deterioration of air quality to the extent required by the federal Clean Air Act; rules for the protection of visibility as required by the federal Clean Air Act; and rules prescribing open burning limitations and standards. In adopting, modifying, suspending, or rescinding any such rules, the director, to the extent consistent with the federal Clean Air Act, shall hear and give consideration to evidence relating to all of the following:
 - (1) Conditions calculated to result from compliance with the rules, the overall cost within this state of compliance with the rules, and their relation to benefits to the people of the state to be derived from that compliance;
 - (2) The quantity and characteristics of air contaminants, the frequency and duration of their presence in the ambient air, and the dispersion and dilution of those contaminants;
 - (3) Topography, prevailing wind directions and velocities, physical conditions, and other factors that may or may combine to affect air pollution.

Consistent with division (K) of section 3704.036 of the Revised Code, the director shall consider alternative emission limits proposed by the owner or operator of an air contaminant source that is subject to an emission limit established in rules adopted under this division and shall accept those alternative emission limits that the director determines to be equivalent to emission limits established in rules adopted under this division.

- (F)(1) Adopt, modify, suspend, and rescind rules consistent with the purposes of this chapter prohibiting the location, installation, construction, or modification of any air contaminant source or any machine, equipment, device,