



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

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January 13, 2011

Certified Mail

Jhirmal Singh
6355 Beckton Ct
Dayton, OH 45424

RE: Ohio EPA Facility ID 0857731763 - Dixie Sunoco, 6004 N. Dixie Hwy, Dayton, OH
Ohio EPA Facility ID 0829060365 - Fairborn Marathon, 10 W. Dayton Dr, Fairborn, OH
Failure to perform annual stage II vapor recovery compliance testing

WARNING LETTER

Dear Mr. Singh:

Dixie Sunoco, 6004 North Dixie Highway, Dayton, Ohio - Ohio EPA Facility ID 0857731763

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 Gilbarco VaporVac stage II vapor recovery system at the Dixie Sunoco gasoline dispensing facility (GDF) located at 6004 North Dixie Highway in Dayton, Ohio, must perform and successfully pass the testing requirements contained in OAC rule 3745-21-10 and any applicable CARB certification. In accordance with the yearly static pressure decay testing requirements specified in CARB Executive Order G-70-150-AE, for Gilbarco VaporVac stage II vapor recovery systems, 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.

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." This GDF is required to demonstrate compliance on an annual basis. The last successful annual stage II vapor recovery compliance test conducted at this GDF was on October 13, 2009, under previous ownership. On October 28, 2010, the Regional Air Pollution Control Agency (RAPCA) issued an Official Order by certified mail, to your attention, requiring this GDF to schedule an annual stage II vapor recovery compliance test within thirty

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(30) days of the issuance of the Order. That Order was returned to RAPCA, unclaimed, on November 29, 2010. RAPCA issued a follow-up letter to you on November 29, 2010, along with the October 28, 2010 Order enclosed, requesting that annual stage II vapor recovery compliance testing be scheduled. To date, no testing has been scheduled with RAPCA at this site. Dixie Sunoco is currently operating in violation of OAC rules and MCGHDAPCR sections 3745-21-09 (DDD)(1) and (2), CARB Executive Order G-70-150-AE and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

Fairborn Marathon, 10 West Dayton Drive, Fairborn, Ohio - Ohio EPA Facility ID 0829060365

Pursuant to OAC rule and Greene County Board of Health Air Pollution Control Regulations (GCBHAPCR) section 3745-21-09 (DDD)(2), the Gilbarco VaporVac stage II vapor recovery system at the Fairborn Marathon GDF located at 10 West Dayton Drive in Fairborn, Ohio, must perform and successfully pass the testing requirements contained in OAC rule 3745-21-10 and any applicable CARB certification. In accordance with the yearly static pressure decay testing requirements specified in CARB Executive Order G-70-150-AE, for Gilbarco VaporVac stage II vapor recovery systems, and the Static Leak test contained in OAC rule 3745-21-10, Appendix A, Static Leak testing and 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.

OAC rule and GCBHAPCR 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." This GDF is required to demonstrate compliance on an annual basis. The last successful annual stage II vapor recovery compliance test conducted at this GDF was on October 1, 2009, under previous management. On October 7, 2010, RAPCA issued an Official Order, to the previous manager of Fairborn Marathon, requiring this GDF to schedule an annual stage II vapor recovery compliance test within 30 days of the issuance of the Order. No testing was scheduled with RAPCA at Fairborn Marathon within the 30 day timeframe provided. On November 19, 2010, RAPCA issued a warning letter to the previous manager of Fairborn Marathon, requesting that the required testing be scheduled within fourteen (14) days after receipt of that letter. On November 24, 2010, RAPCA received a telephone call from the previous manager of Fairborn Marathon stating that you had taken over management of this GDF, as of October 2010. On November 24, 2010, RAPCA issued an Official Order, to your attention, requiring this GDF to schedule an annual stage II vapor recovery compliance test within 30 days of the issuance of the Order. To date, no testing has been scheduled with RAPCA at this site. Fairborn Marathon is currently operating in violation of OAC rules and GCBHAPCR sections 3745-21-09 (DDD)(1) and (2), CARB Executive Order G-70-150-AE and the prohibitions in ORC section 3704.05.

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This letter serves as official notification from RAPCA to cease operation in violation of OAC rules 3745-21-09 (DDD)(1) and (2), MCCGHAPCR and GCBHAPCR sections 3745-21-09 (DDD)(1) and (2), CARB Executive Order G-70-150-AE, and ORC section 3704.05. It is imperative that Dixie Sunoco and Fairborn Marathon schedule and show compliance with stage II testing requirements. **Please respond to this notice within 14 days after receipt. The response will specify the intended test dates.** 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 these facilities 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
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