



COLORADO

Department of Public Health & Environment

AIR POLLUTION CONTROL DIVISION

COMPLIANCE ADVISORY

CASE NO. 2019- [REDACTED]
AIRS NO. [REDACTED]
INSPECTION DATE: [REDACTED] 2019

U.S. CERTIFIED MAIL NO. [REDACTED]
MAILING DATE: [REDACTED] 2019
SOURCE CONTACT: [REDACTED]

IN THE MATTER OF [REDACTED]

This Compliance Advisory provides formal notice, pursuant to § 25-7-115(2), C.R.S., of alleged violations or noncompliance discovered during the Air Pollution Control Division's ("Division") inspection and/or review of records related to [REDACTED] fuel dispensing station identified below. The Division is commencing this action because it has cause to believe that the compliance issues identified below may constitute violations of the Colorado Air Pollution Prevention and Control Act ("the Act") and its implementing regulations.

Please be aware that you are responsible for complying with applicable State air pollution requirements and that **there are substantial penalties** for failing to do so. Pursuant to the enforcement authority provided the Division by § 25-7-115, C.R.S., any person who violates the Act, its implementing regulations or any permit issued thereunder **may be issued an order for compliance that can include permit revocation and assessment of penalties of up to \$15,000 per day of such violation** in accordance with § 25-7-122, C.R.S. The issuance of this Compliance Advisory **does not in any way limit or preclude the Division from pursuing additional enforcement options** concerning this inspection/review. Also, this Compliance Advisory does not constitute a bar to enforcement action for violations not specifically addressed in this Compliance Advisory.



Failure to respond to this Compliance Advisory by the date indicated at the end of this Compliance Advisory may be considered by the Division in the subsequent enforcement action and the assessment of penalties. Furthermore, the Division's enforcement process contemplates a full and final resolution of the compliance issues herein addressed, and those that may result from further review, in a timely manner. If at any time throughout the process of reaching such a resolution the Division determines that the Parties cannot agree to the dispositive facts, compliance requirements and/or penalty assessments (if any) associated with this Compliance Advisory, or a resultant enforcement action, the Division may exercise its full enforcement authority allowed under the law.

owns and operates the fuel dispensing station at [REDACTED], Colorado ("Facility"). The Facility is subject to the terms and conditions of the Colorado Construction Permit Number [REDACTED], issued to [REDACTED] on [REDACTED] ("Permit Number [REDACTED]"), Colorado Air Quality Control Statutes, and Colorado Air Quality Control Commission ("AQCC") Regulations.

I. ALLEGED VIOLATIONS AND FACTS

On [REDACTED] 2019, Mr. Ben Cappa, of the Division, conducted an inspection of the Facility that included an observation of fuel unloading activities. Based on Mr. Cappa's inspection, and a review of records related to the Facility, the Division has identified the following compliance issues:

- A. Pursuant to AQCC Regulation 7, § VI.B.3.b, and Permit Number [REDACTED], Condition 4, [REDACTED] shall not allow the transfer of petroleum liquid from any delivery vessel into any tank unless the vapors displaced from the storage tank during filling are processed by a vapor control system. During the inspection on [REDACTED], 2019, vapor recovery lines were appropriately connected, but the Division observed vapor emissions venting from the gasoline tanks' manifolded standpipe. Therefore, [REDACTED] is in violation of AQCC Regulation 7, § VI.B.3.b, and Permit Number [REDACTED], Condition 4.
- B. Pursuant to AQCC Regulation 3, Part B, § III.D.2, and Permit Number [REDACTED], Condition 5, [REDACTED] is subject to Reasonably Available Control Technology ("RACT") requirements, which has been determined to be a Stage I Vapor Recovery System ("VRS"). During the inspection on [REDACTED], 2019, vapor recovery lines were appropriately connected, but the Division observed vapor emissions venting from the gasoline tanks' manifolded standpipe, demonstrating the Stage I VRS was not functioning properly. Therefore, [REDACTED] is in violation of



AQCC Regulation 3, Part B, § III.D.2, and Permit Number [REDACTED], Condition 5.

On [REDACTED] 2019, [REDACTED] corrected the manifold design responsible for excess emissions during fuel unloading. The standpipes were un-manifolded, a swivel vapor recovery adaptor was installed on the premium tank (previously capped), and new pressure/vacuum vent caps (“PVVCs”) were installed on the un-manifolded standpipes. On [REDACTED], 2019, [REDACTED] conducted a follow-up infrared camera inspection during regular and premium fuel delivery and confirmed the system and vapor recovery components are functioning properly. [REDACTED] also provided test results demonstrating the previous standpipe PVVC was functioning properly at the time of the Division’s inspection, further verifying the emissions issue was the result of the incorrect manifold and not also related to a failing PVVC.

It is important to resolve the above-referenced issues as soon as possible. Therefore, the Division encourages [REDACTED] to immediately identify those compliance issues that are not in dispute and to rectify those issues before the upcoming Compliance Advisory meeting. In accordance with § 25-7-115(3)(a), C.R.S., the Compliance Advisory meeting will be held within thirty (30) days of the Division’s issuance of the Compliance Advisory in this matter. The Division also requests that [REDACTED] provide the Division with a brief written response to the alleged violations (“Source Response”). The Source Response should identify the undisputed compliance issues and, if an alleged violation is disputed, the basis for the dispute. The Division requests that [REDACTED] provide the Source Response, to the attention of Jen Schoennagel, no later than ten business days before the Compliance Advisory meeting. **At the upcoming meeting, the Division will confirm the actions taken to rectify the undisputed compliance issues and proceed with unresolved matters as outlined below.**

If you have any questions regarding this Compliance Advisory, the Division’s enforcement processes, or any related issues, please refer to the APCD Enforcement Guide located at <https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement> and/or contact the Division personnel identified below.

II. COMPLIANCE ADVISORY MEETING

[REDACTED] is requested to contact the Division and schedule a meeting to:

- Discuss the disputed Compliance Advisory issues and answer any remaining questions you may have;



- Submit information necessary to successfully show that the deficiencies and noncompliance issues (or any portion of them) are not violations of Colorado’s air pollution laws; and
- Establish a mutually acceptable schedule and guidelines for the full and final resolution of any remaining deficiencies and noncompliance issues in a timely manner.

Please contact the compliance officer identified below by no later than [REDACTED], 2019 to schedule a meeting with the Division to discuss the Compliance Advisory. The Division currently anticipates that the meeting will take place during the week of [REDACTED], 2019.

Jen Schoennagel, Enforcement Advisor (303-692-3233)

To ensure meaningful communication with all Coloradans, the Division offers free language services. Please let us know if we can provide an interpreter for anyone attending the Compliance Advisory meeting.

cc: Shannon McMillan, APCD
Paul Carr, APCD
Heather Wuollet, APCD
Michael Stovern, EPA (Region VIII)
File

Ben Cappa, APCD
Beth Pilson, APCD
Tom Lovell, APCD
Tom Roan, Attorney General’s Office

