



# Notice of Construction (NOC) Approval

Issued in accordance with:  
Chapter 70.15A RCW, SRCAA Regulation I,  
Article V, Chapter 173-400 WAC, and Chapter  
173-460 WAC

**1610 S. Technology Blvd., Suite 101, Spokane, WA 99224 (509) 477- 4727**

NOTICE OF  
CONSTRUCTION (NOC): #1926

DATE APPROVED: DRAFT

COMPANY NAME: CIRCLE K STORES INC.  
4080 W. JONATHAN MOORE PIKE  
COLOMBUS, IN 47201  
(812) 379-9227

FACILITY LOCATION: CIRCLE K  
2667 HAMILTON ST  
SPOKANE, WA 99207

DESCRIPTION OF EQUIPMENT  
BEING INSTALLED: NEW GASOLINE DISPENSING FACILITY:  
ONE 20,000 GALLON CAPACITY REGULAR GASOLINE UST;  
ONE 12,000 GALLON CAPACITY DIESEL UST;  
ONE 20,000 GALLON CAPACITY SPLIT COMPARTMENT UST  
(12,000 gallon premium gasoline compartment; 8,000 gallon ethanol-  
free gasoline compartment);  
WITH STAGE I VAPOR RECOVERY EQUIPMENT ON GASOLINE  
UST & GASOLINE COMPARTMENTS (certified under CARB Executive  
Order VR-105-K)

PREPARED BY: \_\_\_\_\_  
John Conklin

REVIEWED BY: \_\_\_\_\_  
April L. Westby, PE

APPROVED BY: \_\_\_\_\_  
Scott Windsor, Control Officer

## **PRELIMINARY DETERMINATION**

A preliminary determination has been made, based on review of the Notice of Construction (NOC #1926) application. The proposed project, if constructed and operated as described in the NOC application, will be in compliance with the applicable rules and regulations, as adopted pursuant to Chapter 70A.15 RCW, including Chapters 173-400 and 173-491 WAC, and SRCAA Regulation I, provided that the following conditions are met:

### **One-Time Requirements:**

1. SRCAA shall be notified at least seven days prior to the anticipated date that the new gasoline dispensing facility and associated underground gasoline storage tanks will be put into service.
2. The order of approval shall become invalid if any of the following occur:
  - a) Construction of the approved equipment is not commenced within eighteen months after the receipt of the approval, or
  - b) Construction of the approved equipment is discontinued for a period of eighteen months or more, or
  - c) Construction of the approved equipment is not completed within eighteen months of commencement.

SRCAA may extend any of the eighteen-month periods referenced above, provided the proponent demonstrates that an extension is justified and the criteria given in SRCAA Regulation I, Section 5.13.B are met.

3. An EMCO Wheaton (EW) Stage I Vapor Recovery system, certified under CARB Executive Order VR-105-K, shall be installed on each gasoline storage tank and each gasoline storage compartment. The EW Stage I Vapor Recovery System shall be installed in accordance with CARB Executive Order VR-105-K and associated CARB approved Installation, Operation, and Maintenance Manual (as adopted on 11/8/2023).
4. Within 60 days of installation of the EW Stage I Vapor Recovery system approved under NOC #1926, the proponent shall certify compliance with CARB Executive Order VR-105-K by conducting and passing the following equipment installation certification tests:
  - a) Static Torque of Rotatable Phase I Adaptors test, according to CARB test procedure TP-201.1B (as amended on 10/8/03); and
  - b) Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities test, according to CARB test procedure TP 201.3 (as amended on 7/26/12).

Alternate test procedures may be used if they yield comparable results and are requested in writing and approved by SRCAA prior to testing. The results of the equipment installation certification test shall be documented on Form 1 of each CARB test procedure referenced in Conditions 4.a – 4.b above, and submitted to SRCAA within 60 days of completing the test.

## **Operation and Maintenance**

5. The EW Stage I Vapor Recovery system must be maintained in good working condition. This includes, but is not limited to, the following:
  - a) Operating and maintaining the equipment in accordance with the CARB approved Installation, Operation, and Maintenance Manual, approved under CARB Executive Order VR-105-K;
  - b) Keeping product and vapor adaptor caps tight and locked down between loading or unloading operations;
  - c) Maintaining all product and vapor adaptor sealing gaskets in good condition. This includes replacing and/or repairing lost or damaged gaskets;
  - d) Keeping the vapor adaptor poppet valves in good operating condition. This includes ensuring the poppet valve returns to the closed position when vapor return lines are disconnected and that the poppet valves do not leak when closed;
  - e) Annually inspecting pressure/vacuum vent valves; and
  - f) Annually inspecting spill containers to ensure there is no standing liquid in the container and the drain plugs do not leak.

Records shall be kept of all maintenance activities performed on system components. Records shall be kept in accordance with Condition 17 below.

6. The EW Stage I Vapor Recovery system shall meet the following system component performance standards, as given in CARB Executive Order VR-105-K:
  - a) The rotatable product and vapor adaptors shall be capable of a minimum 360-degree rotation and have an average static torque not to exceed 108 inch-pounds (9 foot-pounds), as determined by CARB test procedure TP-201.1B (as amended on 10/8/03).
  - b) Each fill tube shall be an EW A1000EVR-056CF fill tube (fill tube with overfill protection).
  - c) Each product spill container shall be equipped with drain plugs, instead of drain valves. Each drain plug shall be vapor-tight and shall not leak. The absence of vapor leaks is verified with the use of commercial liquid leak detection solution (LDS) when the vapor space of the fill pipe is subjected to a positive gauge pressure.

SRCAA may require testing of the drain plugs at any time, including, but not limited to, occasions when there is evidence of operational problems associated with the spill buckets and drain plugs.
  - d) Each pressure/vacuum vent valve shall not exceed the following leak rates, as determined per CARB Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves (as adopted on 10/8/03):
    - 0.05 cubic feet per hour (CFH) at 2.00 inches water column of positive pressure
    - 0.21 CFH at 4.00 inches water column of negative pressure

Each pressure vacuum vent valve shall have the following pressure settings, as

determined per CARB Test Procedure TP-201.1E, Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves (as adopted on 10/8/03):

- positive pressure setting of 2.5 inches to 6.0 inches water column
- negative pressure setting of -6.0 to -10.0 inches water column

SRCAA may require testing of each pressure/vacuum vent at any time, including, but not limited to, occasions when there is evidence of operational problems associated with the pressure/vacuum vents.

7. Stage I vapor control lines shall be fitted to the delivery transport tank whenever gasoline is unloaded into each tank or tank compartment. The proponent shall not allow the connection to, or permit the loading or unloading of gasoline to or from, a storage tank or tank compartment unless the vapor balance system is properly attached to the transport tank and operating satisfactorily.
8. Each gasoline storage tank or tank compartment shall be filled using submerged fill lines and sealed fittings to balance vapors with the delivery transport tank. Each tank or tank compartment's drop (or fill) tube shall extend to within six inches of the bottom of the tank or tank compartment. The six inches is to be measured from the high cut of the beveled end of the tube to the bottom of the storage tank or tank compartment.
9. Reasonable measures shall be taken to prevent gasoline spills. Before the fill lines are disconnected, the fuel in the lines shall be emptied by gravity to the storage tank.
10. Only diesel product shall be stored and dispensed from fueling systems labeled "DIESEL." Prior to storing gasoline in any tank compartment originally containing diesel, a new Notice of Construction must be filed and approved by SRCAA.
11. Records (both totalizer readings and bulk drop records) must be kept of total annual gasoline throughput. Records shall be kept in accordance with Condition 17 below.

### **Testing**

12. At least once in every three calendar years, the proponent shall certify compliance with CARB Executive Order VR-105-K, by conducting and passing the following equipment installation certification tests:
  - a) Static Torque of Rotatable Phase I Adaptors test, according to CARB test procedure TP-201.1B (as amended on 10/8/03); and
  - b) Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities test, according to CARB test procedure TP 201.3 (as amended on 7/26/12).

Alternate test procedures may be used if they yield comparable results and are requested in writing and approved by SRCAA prior to testing. The results of the equipment certification tests shall be documented on Form 1 of each CARB test procedure referenced in Conditions 12.a – 12.b above and submitted to SRCAA within 60 days of completing the test. SRCAA may also require testing at any time, including, but not limited to, occasions when there is evidence of operational problems associated

with the EW Stage I Vapor Recovery system.

### **Equipment Replacement**

13. SRCAA shall be notified in writing at least seven days prior to the anticipated date replacement of any of following vapor recovery equipment will commence:

- Fill tubes (aka drop tubes)
- Spill buckets
- Fill and/or vapor adaptors
- Fill and/or vapor caps
- P/V vents

Fax or e-mail notifications are acceptable forms of written notification.

14. All replaced equipment (listed in Condition 13 above) shall meet the certification requirements given in the most recent version of CARB Executive Order VR-105. The replaced equipment shall be installed in accordance with the most recent version of CARB Executive Order VR-105 and associated CARB approved Installation, Operation, and Maintenance Manual.

15. Within 60 days of replacement of any equipment listed in Condition 13 and at least once every 3 calendar years thereafter, the proponent shall certify compliance with the most recent version of CARB Executive Order VR-105 by conducting and passing the following equipment installation certification tests, as applicable:

- a) For fill and/or vapor adaptor replacements: Static Torque of Rotatable Phase I Adaptors test, according to CARB test procedure TP-201.1B (as amended on 10/8/03);
- b) For spill bucket and/or fill tube replacements, if a spill bucket with a drain valve or fill tube with a overfill prevention device is installed:
  - i) Leak Rate of Drop Tube/Drain Valve Assembly test, according to CARB test procedure TP-201.1C (as amended on 10/8/03), or
  - ii) Leak Rate of Drop Tube Overfill Prevention Device and Spill Container Drain Valves test, according to CARB test procedure TP-201.1D (as amended on 10/8/03); and
- c) For any spill bucket, fill tube, fill and/or vapor adaptor, and/or P/V event replacement: Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities test, according to CARB test procedure TP 201.3 (as amended on 7/26/12).

Alternate test procedures may be used if they yield comparable results and are requested in writing and approved by SRCAA prior to testing. The results of the equipment installation certification test shall be documented on Form 1 of each CARB test procedure referenced in Conditions 15.a – 15.c above and submitted to SRCAA within 60 days of completing the test.

### **Recordkeeping/ Throughput Limits**

16. A copy of the NOC #1926 application and conditions of approval shall be kept on site and made available to SRCAA personnel upon request.
17. The following records shall be retained on site for the most recent 24 months of operation and made available to SRCAA personnel upon request:
  - a) Vapor recovery system maintenance records (described in Condition 5); and
  - b) Annual gasoline throughput records (described in Condition 11).
18. Annual gasoline throughput at the facility shall not exceed **6,000,000 gallons** per calendar year, without prior SRCAA approval. Prior to exceeding 6,000,000 gallons annual gasoline throughput, a new or revised Notice of Construction must be approved by SRCAA; stage II vapor recovery may be required for the new or revised NOC.

### **Administrative/Right of Entry**

19. If SRCAA determines that Spokane County is not meeting National Ambient Air Quality Standards for ozone, SRCAA may require installation and operation of a complete Stage II vapor recovery system at the facility. Prior to the installation of the Stage II vapor recovery system at the facility, a new Notice of Construction must be filed and approved by SRCAA.
20. The Control Officer, or duly authorized representative, shall be allowed to enter the facility premises at reasonable times to inspect equipment and/or records specific to the control, recovery, or release of contaminants into the atmosphere, in accordance with SRCAA Regulation I, Article II and RCW 70A.15.2500. For the purposes of this Notice of Construction approval, reasonable times include, but are not limited to, any of the following: normal business and/or equipment operating hours, periods of equipment breakdown or malfunction, and times when the Control Officer, or duly authorized representative are investigating air quality complaints filed with agency and/or have reason to believe that air quality violations have occurred or may be occurring. No person shall obstruct, hamper or interfere with any such inspection.
21. It is an ongoing condition of this NOC approval that the source be registered with the agency. Registration includes the following:
  - a) Submittal of updated registration information at least annually as required by SRCAA, using forms provided by SRCAA. The forms provided by the Authority shall be completed and returned to the Authority within 45 days of issuance.
  - b) Timely payment of annual registration fees to SRCAA in the amount required by SRCAA Regulations, as periodically amended. Failure to pay registration fees and other related fees within 120 days of the annual registration billing due date will result in an administrative closure of the facility. Re-opening will be governed by SRCAA Regulation I, Section 4.05, and may include resubmission of a Notice of Construction and Application for Approval.

This condition is in addition to any other remedies available to the agency for non-compliance with agency regulations, state law or federal law.

## **General Information**

This Notice of Construction approval is specific to the present location (2667 Hamilton St, Spokane, WA) and is not transferable to a new location. If the gasoline dispensing operation and associated equipment is moved from this site to a new operating site within Spokane County, a new Notice of Construction may be required.

It should be noted that the approval of this Notice of Construction does not relieve the proponent of the obligation to comply with all other applicable federal, state and local regulations and requirements.

This order of approval may be modified, suspended or revoked in whole or in part for just cause including, but not limited to, the following:

1. Violation of any terms or conditions of this order of approval.
2. Obtaining this order of approval by misrepresentation or failure to disclose fully all relevant facts.

This order of approval may be appealed as described below:

Pursuant to the Revised Code of Washington (RCW) 43.21B, you have the right to appeal this Order by filing a notice of appeal with both the Pollution Control Hearings Board (PCHB) and the Spokane Regional Clean Air Agency (SRCAA) on or before the 30<sup>th</sup> day of receipt of SRCAA's order, permit, license, Notice and Order of Assessment of Civil Penalty, or Notice of Disposition.

Required procedures are detailed in state law (Chapter 43.21B RCW and Chapter 70A.15 RCW) and the PCHB's own regulations (Chapter 371.08 Washington Administrative Code) which may be found in many public libraries, county and municipal law libraries or on the Internet at [www.access.wa.gov/](http://www.access.wa.gov/). Since others publish these documents, copies are not available from SRCAA.

If you are filing an appeal, mail, deliver, or fax it to SRCAA and the PCHB at:

SRCAA Address

SRCAA  
1610 S. Technology Blvd., Suite 101  
Spokane, WA 99224

PCHB Mailing Address

PCHB  
Environmental & Land Use Hearings Office  
P.O. Box 40903  
Olympia, WA 98504-0903

SRCAA Fax Number

(509) 477-6828

PCHB Fax Number

(360) 586-2253

PCHB Physical Address

PCHB  
1111 Israel Rd. SW. Ste 301  
Tumwater, WA 98501

The PCHB also accepts appeals via email at: [PCHB-SHBappeals@elaho.wa.gov](mailto:PCHB-SHBappeals@elaho.wa.gov).