



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): #1918

DATE APPROVED: DRAFT

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

FACILITY LOCATION: CIRCLE K
18723 E. CATALDO
SPOKANE VALLEY, WA 99016

DESCRIPTION OF EQUIPMENT
BEING INSTALLED: NEW GASOLINE DISPENSING FACILITY:
ONE 20,000 GALLON CAPACITY REGULAR GASOLINE UST;
ONE 20,000 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);
ONE 8,000 GALLON CAPACITY DIESEL EXHAUST FLUID UST;
WITH STAGE I VAPOR RECOVERY EQUIPMENT ON GASOLINE
UST & GASOLINE COMPARTMENTS (certified under CARB Executive
Order VR-105-J)

PREPARED BY: _____
Joe Southwell

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 #1918) 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 gasoline dispensing facility and associated underground storage tanks will be put into service.
2. The gasoline dispensing facility and associated diesel and gasoline fuel canopys shall be installed as described in the described in the NOC #1918 application documents.
3. 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.

4. An EMCO Wheaton Stage I Vapor Recovery system, certified under CARB Executive Order VR-105-J, shall be installed on the gasoline storage tank and on the gasoline storage compartments. The EMCO Wheaton Stage I Vapor Recovery System shall be installed in accordance with CARB Executive Order VR-105-J and associated CARB approved Installation, Operation, and Maintenance Manual (as adopted on 5/31/21).
5. Within 60 days of installation of the EMCO Wheaton Stage I Vapor Recovery system, the proponent shall certify compliance with CARB Executive Order VR-105-J 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);
 - b) Either:
 - i) Leak Rate of Drop Tube/Drain Valve Assembly test, according to CARB test procedure TP-201.1C (as amended 7/12/21), 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 7/12/21).

- c) 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 5.a – 5.c above and submitted to SRCAA within 60 days of completing the test.

On-Going Requirements:

Operation and Maintenance

6. The stage I vapor recovery system on each gasoline storage tank and gasoline storage tank compartment shall meet the certification and installation, requirements of CARB Executive Order VR-105-J and CARB approved Installation, Operation, and Maintenance Manual (as adopted on 5/31/21).
 7. The 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-J or the most recent version of CARB Executive Order VR-105.
 - 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.
- Records shall be kept of all maintenance activities performed on system components. Records shall be kept in accordance with Condition 19 below.
8. All of stage I vapor recovery system equipment, including any replacements of the equipment listed in Condition 14 below, shall meet the following system component performance standards:
 - 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 spill container drain valve shall be configured to drain liquid directly into the drop tube and shall be isolated from the tank storage space. The spill container drain valve leak rate shall not exceed 0.17 CFH at 2.00 inches water column, as determined by either CARB test procedure TP-201.1C (as amended on 10/8/03) or CARB test procedure TP-201.1D (as amended on 10/8/03).
- c) 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.

9. 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.
10. Each gasoline storage tank or gasoline 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.
11. 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.
12. Only diesel product shall be stored and dispensed from fueling systems labeled "DIESEL." Prior to storing gasoline in any tank or tank compartment originally containing diesel, a new Notice of Construction must be filed and approved by SRCAA.
13. Records (both totalizer readings and bulk drop records) must be kept of total annual gasoline throughput. Records shall be kept in accordance with Condition 19 below.

Equipment Replacement

14. 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.

15. All replaced equipment (listed in Condition 14 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.
16. Within 60 days of replacement of any equipment listed in Condition 14, 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:
 - i) Leak Rate of Drop Tube/Drain Valve Assembly test, according to CARB test procedure TP-201.1C (as amended on 7/12/21), 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 7/12/21); 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 16.a – 16.c above and submitted to SRCAA within 60 days of completing the test.

Testing

17. At least once in every three calendar years after performing the initial certification testing described in Condition 5, the proponent shall certify compliance with CARB Executive Order VR-105-J 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);
 - b) Either:

- i) Leak Rate of Drop Tube/Drain Valve Assembly test, according to CARB test procedure TP-201.1C (as amended on 7/12/21), 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 7/12/21); and
- c) 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 17.a – 17.c 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 OPW Stage I Vapor Recovery system.

Recordkeeping

- 18. A copy of the NOC #1918 application and conditions of approval shall be kept on site and made available to SRCAA personnel upon request.
- 19. 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 7); and
 - b) Annual gasoline throughput records (described in Condition 13).

Administrative/Right of Entry

- 20. 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.
- 21. 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.
- 22. 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.

23. 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. In accordance with SRCAA Regulation I, Section 4.05, 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 may require a new Notice of Construction application and receipt of an Order of Approval prior to resumption of operation.

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 (18723 E. Cataldo, Spokane Valley, 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 30th 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/. 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@luho.wa.gov.