



MEMORANDUM

DATE:

TO: Missouri Air Conservation Commission

THROUGH: Leanne Tippet Mosby, Director
Division of Environmental Quality

FROM: Kyra L. Moore, Director
Air Pollution Control Program

SUBJECT: Attorney General's Office Referral Request – Ishree Incorporated

Ishree Incorporated operates a gasoline dispensing facility at 1005 North 7 Highway in Blue Springs, Jackson County, Missouri. Missouri Air Conservation Regulation requires static leak decay testing of the Stage I vapor recovery system once every five years and bench testing of the pressure/vacuum vents once every two years. Static leak decay testing was last conducted at the above facility on June 30, 2003, and the pressure/vacuum vents were last tested on July 1, 2005.

On March 13, 2008, the Kansas City Regional Office (KCRO) sent a certified letter to the facility requesting that the required periodic Stage I testing be conducted within 45 days of receipt.

Numerous attempts to reach the owner/operator were made on July 22, 2008, September 5, 2008, January 6, 2009, and November 4, 2009. All were unsuccessful.

On November 4, 2009, the KCRO issued Notice of Violation (NOV) #KCR14155130 to document these violations of Missouri Air Conservation Regulation 10 CSR 10-2.260, "*Control of Petroleum Liquid - Storage, Loading, and Transfer.*"

On January 4, 2010, the Air Pollution Control Program (APCP) sent a letter via certified mail regarding these violations.

As proof of testing had not been received, the KCRO conducted a follow up inspection and documented the testing had not yet been performed. On April 27, 2012, the KCRO sent another letter via certified mail requesting the owner/operator contact them and complete the required testing.

On August 14, 2012, the KCRO issued NOV #2012081408473162 to document the continued violations of the Missouri Air Conservation Regulation 10 CSR 10-2.260.

The APCP received inspection results of a passed leak decay and pressure/vacuum valve bench tests completed on November 15, 2012.

On January 10, 2013, the APCP sent a settlement offer letter to the facility.

On January 15, 2013, the APCP spoke to "Bobby", by telephone, regarding this case. At that time, Bobby was informed that he needed to provide the APCP with a written compliance plan and the plan should include an acknowledgement of the violation, what was done to correct the violation, how the facility plans to stay compliant, and what can be done to avoid this type of violation in the future.

On January 17, 2013, an attorney for Ishree, Incorporated contacted the APCP to find out what needed to be done to work with the department. The following day an email was sent to the attorney with a link to the department's website and a link to a webpage that could answer most questions they might still have.

On February 4, 2013, a follow up email was sent to Bobby and the attorney regarding the need to provide the APCP with a compliance plan, since none had been received. This email spelled out in detail what they needed to provide. Later the same day the APCP received a fax, however it did not fully satisfy the required reply for a compliance plan.

On February 5, 2013, the APCP sent an email to Bobby and the attorney. This was to ascertain whether they planned to send any other documentation, if not an acceptance of the settlement offer sent in January in the email required the information be received by February 11, 2013.

On February 28, 2013, the APCP sent a follow up email. This email requested a response by March 6, 2013, to avoid a referral to the Attorney General's Office.

On March 6, 2013, the APCP received an email from the facility's attorney. The attorney requested a 10-day extension to get all the necessary documentation together. A 10-day extension was granted.

On March 8, 2013, the APCP sent a follow-up settlement offer. Included in the offer was a deadline of March 16, 2013. There has been no further correspondence received since this date.

In light of failure to resolve the violations with conference, conciliation, and persuasion, the Air Pollution Control Program is requesting authority to refer the case to the Attorney General's Office to institute a civil action in a court of competent jurisdiction on behalf of the Missouri Air Conservation Commission and Missouri Department of Natural Resources. I recommend approval of this action.

KLM:pvv

c: Mr. Michael Cunningham, Kansas City Regional Office