



REGIONAL AIR POLLUTION CONTROL AGENCY

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

117 South Main Street, Dayton, Ohio 45422-1280

937-225-4435 — Fax: 937-225-3486

www.rapca.org

June 30, 2008

Certified Mail

Scott Heenan

Giant Oil

3904 Corporex Park Drive, #150

Tampa, FL 33619

**RE: Ohio EPA Premises No. 0855140475
BP #468 – 1590 West Main Street, Troy, OH 45373
Failure to Pass Annual Stage II Vapor Recovery Compliance Testing**

Dear Mr. Heenan:

WARNING LETTER

On April 24, 2008, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) at BP #468 located at 1590 West Main Street in Troy, Ohio. The purpose of this inspection and performance test was to determine the GDF's compliance status with applicable state and local air pollution control regulations. This inspection/test at BP #468 revealed violations of state and local air pollution control regulations.

Pursuant to Ohio Administrative Code (OAC) rule and Miami County Board of Health Local Air Pollution Control Regulations (MCBHLAPCR) section 3745-21-09 (DDD)(2), and in accordance with the testing requirements specified in CARB Executive Order G-70-150-AE, static leak testing contained in OAC rule 3745-21-10, Appendix A, and air to liquid ratio (A/L) testing shall be successfully conducted at least once in each consecutive twelve-month period. Dynamic pressure performance testing shall also be completed at intervals not to exceed five years, in accordance with OAC rule and MCBHLAPCR section 3745-21-09 (DDD)(2). BP #468 failed to show compliance with OAC rule and MCBHLAPCR section 3745-21-09 (DDD)(2), through the completion of a successful static leak test, A/L test, and dynamic pressure performance test on April 24, 2008. On this date, an Official Order was issued to BP #468 to make any needed repairs and reschedule testing within a thirty (30) day time period. To this date, no additional testing has been scheduled with RAPCA.

BP #468
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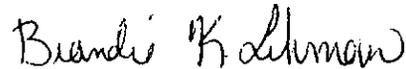
Failing to demonstrate compliance with the testing requirements is a violation of OAC rule and MCBHLAPCR section 3745-21-09 (DDD)(2), OAC rule and MCBHLAPCR section 3745-15-04, and Ohio Revised Code (ORC) section 3704.05.

Since the above noted GDF is currently operating in violation of OAC rules and MCBHLAPCR sections 3745-21-09 (DDD) and 3745-15-04, and CARB Executive Order G-70-150-AE, it is imperative that BP #468 ensure that repairs are made to this site to correct the deficiencies, and reschedule testing to demonstrate compliance.

BP #468 shall respond within fourteen (14) days after receipt of this letter. The response shall include the intended retest date for this GDF. 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 this facility 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
Lisa Holscher USEPA

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
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1. Article Addressed to:	B. Received by (Printed Name) <i>N. Grotay</i>	C. Date of Delivery <i>7/8/08</i>
GIAN904* 336193281 1308 26 07/05/08 NOTIFY SENDER OF NEW ADDRESS :GIANT OIL INC 1806 N FRANKLIN ST TAMPA FL 33602-2234 	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7007 1490 0004 7509 7992	
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540

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PS Form 3800, August 2006	See Reverse for Instructions

