



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

May 16, 2008

Certified Mail

Kevin Merritt
Mac's Convenience Stores LLC
315 Commons Mall
Columbus, IN 47201

**RE: Ohio EPA Facility ID 0829710594
Circle K #5281 – 600 Orchard Lane, Beavercreek, OH 45434
Failure to Pass Air to Liquid Ratio Test**

Dear Mr. Merritt:

WARNING LETTER

On February 14, 2008, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) located at Circle K #5281, 600 Orchard Lane, Beavercreek, 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 Circle K #5281 revealed violations of state and local air pollution control regulations.

Circle K #5281 did show compliance through the completion of a successful static pressure decay test on February 14, 2008, however, this site failed to show compliance with the Air to Liquid ratio (A/L) testing requirements of CARB Executive Order G-70-150-AE on pumps #7 and #8. Failing to demonstrate compliance with the A/L performance test requirements is a violation of Ohio Administrative Code (OAC) rule and Greene County Board of Health Air Pollution Control Regulations (GCBHAPCR) section 3745-21-09 (DDD), OAC rule and GCBHAPCR section 3745-15-04, and Ohio Revised Code (ORC) section 3704.05. On February 14, 2008, an Official Order was issued to Circle K #5281 to make any needed repairs and reschedule testing within a thirty (30) day time period. To this date, no A/L retest has been scheduled with RAPCA.

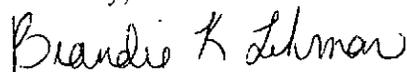
Since the above noted GDF is currently operating in violation of OAC rules and GCBHAPCR sections 3745-21-09 (DDD) and 3745-15-04, and CARB Executive Order G-70-150-AE, it is imperative that Circle K #5281 ensure that repairs are made to this site to correct the deficiencies, and reschedule A/L testing to demonstrate compliance.

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Circle K #5281 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

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1. Article Addressed to:

Kevin Merritt
 Mac's Convenience Stores LLC
 PO Box 347
 Columbus, IN 47202-0347

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To: Kevin Merritt
 Mac's Convenience Stores LLC
 PO Box 347
 Columbus, IN 47202-0347

PS Form 3800, August 2006 See Reverse for Instructions

Not a letter

