



## 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

July 3, 2008

### Certified Mail

Steve Simpson

Flagway, Inc.

907 Columbus Ave, P.O. Box 490

Washington Courthouse, OH 43160

**RE: Ohio EPA Facility ID 0829070290**

**Flagway, Inc. #9 – 113 W. Washington Street, Jamestown, OH 45335**

**Failure to perform annual stage II vapor recovery compliance testing**

### WARNING LETTER

Dear Mr. Simpson:

Pursuant to Ohio Administrative Code (OAC) rule and Greene County Board of Health Air Pollution Control Regulations (GCBHAPCR) section 3745-21-09 (DDD)(2), the stage II vapor control system at the Flagway, Inc. #9 gasoline dispensing facility (GDF) located at 113 West Washington Street in Jamestown, Ohio, must perform and successfully pass the testing requirements contained in OAC rule 3745-21-10. In accordance with the yearly static pressure decay testing requirements specified in CARB Executive Order G-70-150-AE and the Static Leak Test contained in OAC rule 3745-21-10, Appendix A, Static Leak testing and Air to Liquid Ratio (A/L) testing shall be successfully conducted at least once in each twelve consecutive month period after the date of successful completion of the startup or most recent Static Leak Test.

OAC rule and GCBHAPCR section 3745-21-09(DDD)(1) state: "no owner or operator of a gasoline dispensing facility may cause, allow or permit the transfer of gasoline from a stationary storage tank at a GDF into a motor vehicle . . . unless the following requirements are met: . . . (c) The vapor control system has successfully passed the testing requirements contained in paragraph (DDD)(2) of this rule." This GDF is required to demonstrate compliance on an annual basis. The last annual stage II vapor recovery compliance test conducted at Flagway, Inc. #9 was on January 20, 2005. On May 28, 2008, an Official Order was issued to Flagway, Inc. #9 for failing to perform an annual stage II vapor recovery compliance test. To date, no testing has been scheduled with the Regional Air Pollution Control Agency (RAPCA) at this site. Flagway, Inc. #9 is currently operating in violation of OAC rule and GCBHAPCR section 3745-21-09 (DDD)(2) and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

Flagway, Inc. #9  
July 3, 2008  
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This letter serves as official notification from RAPCA to cease operation in violation of OAC rule and GCBHAPCR section 3745-21-09 (DDD)(2) and ORC section 3704.05. It is imperative that Flagway, Inc. #9 schedule and show compliance with stage II testing requirements. **Please respond, in writing, to this notice within fourteen (14) days after receipt of this letter. The response will specify the intended test date.** 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  
Abatement Unit

cc:	Jeff Canan	RAPCA
	Tom Kalman	OEPA
	Lisa Holscher	USEPA

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STEVE SIMPSON  
 FLAGWAY INC  
 907 COLUMBUS AVE  
 PO BOX 490  
 WASHINGTON COURTHOUSE, OH 43160

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Steve Simpson* Agent Addressee

B. Received by (Printed Name)

*Steve Simpson*

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Domestic Return Receipt

102595-02-M-1540

Washington Courthouse, OH 43160

RE: Ohio EPA Facility ID 0829070290  
 Flagway, Inc. #9 - 113 W. Washington Street, Jamestown, OH 45335  
 Failure to perform annual stage II vapor recovery compliance testing

**WARNING LETTER**

Dear Mr. Simpson:

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**CONTROL AGENCY**

Jamestown &amp; Preble Counties

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