



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

December 23, 2009

Certified Mail

Barbara Whittaker

Giant Oil, Inc.

1806 N. Franklin St.

Tampa, FL 33602-2234

**RE: Ohio EPA Facility ID 0829060600
Giant Oil/BP #565 - 1040 E. Dayton Yellow Springs Rd., Fairborn, OH 45324
Failure to Pass Air to Liquid Ratio Test**

Dear Ms. Whittaker:

WARNING LETTER

On November 10, 2009, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) located at Giant Oil/BP #565, 1040 E. Dayton Yellow Springs Road in Fairborn, 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 Giant Oil/BP #565 revealed violations of these regulations.

Giant Oil/BP #565 did show compliance through the completion of a successful static leak test on November 10, 2009, however, this site failed to show compliance with the Air to Liquid ratio (A/L) testing requirements of CARB Executive Order G-70-153-AD on pumps #2 & #19. 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. An Official Order was issued by RAPCA to Giant Oil/BP #565 on November 10, 2009 to make any needed repairs and reschedule testing within a thirty (30) day time period. To date, no A/L retest has been scheduled with RAPCA at Giant Oil/BP #565.

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-

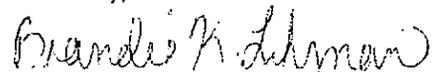
Giant Oil Inc./BP #565
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153-AD, it is imperative that Giant Oil/BP #565 ensure that repairs are made to this site to correct the deficiencies, and reschedule A/L testing to demonstrate compliance.

Giant Oil/BP #565 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



REGIONAL
Service

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.
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1. Article Addressed to:
 Barbara Whittaker
 Giant Oil Company
 1806 N Franklin Street
 Tampa, FL 33602-2234

2. Article Number
 (Transfer from service label)

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B. Received by (Printed Name) *Caldwell* C. Date of Delivery *12/20/09*

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Domestic Return Receipt

102595-02-M-154

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CETA
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