



REGIONAL AIR POLLUTION CONTROL AGENCY

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

117 South Main Street, Dayton, Ohio 45422-1280

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www.rapca.org

November 19, 2010

Certified Mail

Kimberly Kunkle

XCP, LLC dba Fairborn Marathon

6644 Smith Road

Bradford, OH 45308

**RE: Ohio EPA Facility ID 0829060365 - Fairborn Marathon, 10 W Dayton Dr, Fairborn, OH
Failure to perform annual stage II vapor recovery compliance testing**

WARNING LETTER

Dear Ms. Kunkle:

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 Gilbarco VaporVac stage II vapor recovery system at the Fairborn Marathon gasoline dispensing facility (GDF) located at 10 West Dayton Drive in Fairborn, Ohio, must perform and successfully pass the testing requirements contained in OAC rule 3745-21-10 and any applicable CARB certification. In accordance with the yearly static pressure decay testing requirements specified in CARB Executive Order G-70-150-AE, for Gilbarco VaporVac stage II vapor recovery systems, 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 successful annual stage II vapor recovery compliance test conducted at this GDF was on October 1, 2009. On October 7, 2010, the Regional Air Pollution Control Agency (RAPCA) issued an Official Order to Fairborn Marathon, requiring this GDF to schedule an annual stage II vapor recovery compliance test within thirty (30) days of the issuance of the Order. To date, no testing has been scheduled with RAPCA at this site. Fairborn Marathon is

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currently operating in violation of OAC rule and GCBHAPCR section 3745-21-09 (DDD)(2), CARB Executive Order G-70-150-AE and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

This letter serves as official notification from RAPCA to cease operation in violation of OAC rule and GCBHAPCR section 3745-21-09 (DDD)(2), CARB Executive Order G-70-150-AE and ORC section 3704.05. It is imperative that Fairborn Marathon schedule and show compliance with stage II testing requirements. **Please respond to this notice within fourteen (14) days after receipt. 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

Brandie K. Lehman
 Air Pollution Control Specialist

Cc: Jeff Canan RAPCA
 Tom Kalman OEPA
 William MacDowell USEPA

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