



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

March 19, 2008

Certified Mail

George Van Harlingen
Hustead Marathon
6430 Springfield Xenia Rd
Springfield, OH 45502

**RE: Ohio EPA Premises No. 0812750563
Failure to perform annual stage II vapor recovery compliance testing**

WARNING LETTER

Dear Mr. Van Harlingen:

Pursuant to Ohio Administrative Code (OAC) rule and Clark County Combined Health District Air Pollution Control Regulations (CCCHDAPCR) section 3745-21-09 (DDD)(2), the stage II vapor control system at the Hustead Marathon gasoline dispensing facility (GDF) located at 6430 Springfield Xenia Road in Springfield, Ohio, must perform and successfully pass the testing requirements contained in OAC rule 3745-21-10. In accordance with the yearly static pressure drop 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 CCCHDAPCR 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 Hustead Marathon was on November 17, 2006. Hustead Marathon GDF is currently operating in violation of OAC rule and CCCHDAPCR section 3745-21-09 (DDD)(2) and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

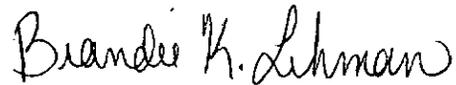
This letter serves as a warning from the Regional Air Pollution Control Agency (RAPCA) to

Hustead Marathon
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cease operation in violation of OAC rule and CCCHDAPCR section 3745-21-09 (DDD)(2) and ORC section 3704.05. It is imperative that Hustead Marathon 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



REGIONAL

Serving

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:

GEORGE VAN HARLINGEN
 HUSTEAD MARATHON
 6430 SPRINGFIELD XENIA RD
 SPRINGFIELD, OH 45502

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Amber Maxwell* Agent Addressee

B. Received by (Printed Name) *Amber Maxwell* C. Date of Delivery *3/27/08*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
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4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service) **7004 1160 0000 6165 4658**

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154

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 Springfield, OH 45502

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