



## 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 24, 2009

**Certified Mail**

Nishan Singh

Marathon # 419

419 N Main St

New Carlisle, OH 45344

**RE: Ohio EPA Facility ID 0812060493**

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

**WARNING LETTER**

Dear Mr. Singh:

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 Marathon # 419 gasoline dispensing facility (GDF) located at 419 North Main Street in New Carlisle, 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 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: . . .

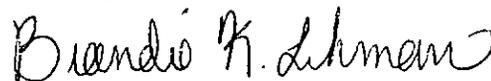
(c) The vapor control system has successfully passed the testing requirements contained in paragraph (DDD)(2) of this rule." This GDF is required to demonstrate compliance on an annual basis. The last successful stage II vapor recovery compliance test conducted at this GDF, on file with the Regional Air Pollution Control Agency (RAPCA), was on October 17, 2007. On February 5, 2009, RAPCA issued an Official Order to Marathon # 419, 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. Marathon # 419 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.

Marathon # 419  
March 24, 2009  
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This letter serves as official notification from RAPCA to cease operation in violation of OAC rule and CCCHDAPCR section 3745-21-09 (DDD)(2) and ORC section 3704.05. It is imperative that Marathon # 419 schedule and show compliance with stage II testing requirements. **Please respond, in writing, 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

Air Pollution Control Specialist

|     |               |       |
|-----|---------------|-------|
| 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:

NISHAN SINGH  
MARATHON #419  
419 N MAIN ST  
NEW CARLISLE, OH 45344

2. Article Number  
(Transfer from service label)

7002 0510 0000 7312 1250

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature  Agent  Addressee  
*Janice Johnson*
- B. Received by (Printed Name) *JJ* C. Date of Delivery *3/25/09*
- D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

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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 successful stage II vapor recovery compliance test conducted at this GDF, on file with the Regional Air Pollution Control Agency (RAPCA), was on October 17, 2007. On February 5, 2009, RAPCA issued an Official Order to Marathon # 419, 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. Marathon # 419 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.

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