



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

November 19, 2009

Certified Mail

Nishan Singh
Marathon #419
419 North Main Street
New Carlisle, OH 45344

**RE: Ohio EPA Facility ID 0812060493
Failure to pass stage II vapor recovery compliance testing**

WARNING LETTER

Dear Mr. Singh:

On August 11, 2009, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the Marathon #419 gasoline dispensing facility (GDF) located at 419 North Main Street in New Carlisle, 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 Marathon #419 revealed violations of these regulations.

Pursuant to Ohio Administrative Code (OAC) rule and Clark County Combined Health District Air Pollution Control Regulations (CCCHDAPCR) section 3745-21-09 (DDD)(2), and in accordance with the testing requirements specified in CARB Executive Order G-70-150-AE, static leak testing contained in OAC rule 3745-21-10, Appendix A, and air to liquid ratio (A/L) testing shall be successfully conducted at least once in each consecutive twelve-month period. In addition, dynamic pressure performance testing is required to be completed once every five years.

Marathon #419 did show compliance through the completion of a successful A/L test on August 11, 2009, but failed to show compliance with OAC rule and CCCHDAPCR section 3745-21-09 (DDD)(2), through the completion of a successful static leak test and dynamic pressure test on this date. An Official Order was issued to Marathon #419, on August 11, 2009, to make any needed repairs and reschedule testing within a thirty (30) day time period. To date, no additional testing has been scheduled with RAPCA at this GDF.

Marathon #419
November 19, 2009
Page 2

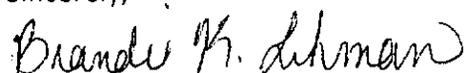
Failing to demonstrate compliance with the testing requirements is a violation of OAC rule and CCCHDAPCR section 3745-21-09 (DDD)(2), OAC rule and CCCHDAPCR section 3745-15-04, CARB Executive Order G-70-150-AE, and Ohio Revised Code (ORC) section 3704.05.

Since the above noted GDF is currently operating in violation of OAC rules and CCCHDAPCR sections 3745-21-09 (DDD) and 3745-15-04, and CARB Executive Order G-70-150-AE, it is imperative that Marathon #419 ensure that repairs are made to this site to correct the deficiencies, and reschedule testing to demonstrate compliance.

Marathon #419 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

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 North Main Street
New Carlisle, OH 45344

2. Article Number

(Transfer from service label)

7008 1830 0003 0181 0026

PS Form 3811, February 2004

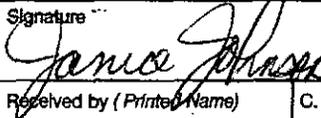
Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X


 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

8/25

- 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

CONTROL AGENCY

Clark County & Preble Counties

45422-1280

25-3486

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