



## 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

June 16, 2010

### Certified Mail

Patrick Clemens

Clemens Oil Company

1630 S. Yellow Springs St.

Springfield, OH 45506

RE: Ohio EPA Facility ID 0812100492

Prime Fuel #3 - 1024 E. Home Road, Springfield, Ohio

Failure to perform annual stage II vapor recovery compliance testing

### WARNING LETTER

Dear Mr. Clemens:

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 Prime Fuel #3 gasoline dispensing facility (GDF), located at 1024 East Home 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 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 Prime Fuel #3 was on April 10, 2009. On April 29, 2010, the Regional Air Pollution Control Agency (RAPCA) issued an Official Order to Prime Fuel #3, 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. Prime Fuel #3 is currently operating in

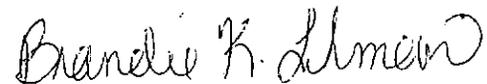
Prime Fuel #3  
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violation of OAC rule and CCCHDAPCR section 3745-21-09 (DDD)(2) and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

This letter serves as 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 Prime Fuel #3 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

... 1 and/or 2 for additional services.  
 ... 3, 4a, and 4b.  
 ... name and address on the reverse of this form so that we can return this  
 ... you.  
 ... on this form to the front of the mailpiece, or on the back if space does not  
 ... permit.  
 Write "Return Receipt Requested" on the mailpiece below the article number.  
 The Return Receipt will show to whom the article was delivered and the date  
 delivered.

I also wish to receive the  
 following services (for an  
 extra fee):  
 1.  Addressee's Address  
 2.  Restricted Delivery  
 Consult postmaster for fee.

**CONTROL AGENCY**  
 ... & Preble Counties  
 45422-1280  
 25-3486

3. Article Addressed to: 7002 2410 0007 8888 6456

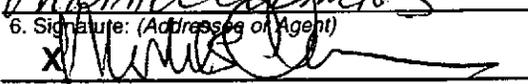
Patrick Clemens  
 Clemens Oil Co.  
 1630 S. Yellow Springs St.  
 Springfield, OH 45506

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
17 JUN 10

5. Received By: (Print Name)  
MARAPHEL CLEMENS

8. Addressee's Address (Only if requested  
 and fee is paid)

6. Signature: (Addressee or Agent)  


PS Form 3811, December 1994 Domestic Return Receipt

Thank you for using Return Receipt Service.

Springfield, OH 45506

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