



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

April 16, 2007

Certified Mail

Wayne Patrick

United Dairy Farmers #224

2515 Leslie Ave.

Cincinnati, OH 45212

**RE: Ohio EPA Premises No. 0857043117
United Dairy Farmers Location #224 - 1217 Brown St., Dayton, OH
Failure to Pass Air to Liquid Ratio Test**

Dear Mr. Patrick:

WARNING LETTER

On December 13, 2006, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) at United Dairy Farmers (UDF) #224, located at 1217 Brown St., in Dayton, 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 UDF #224 revealed violations of state and local air pollution control regulations.

UDF #224 did show compliance through the completion of a successful static leak test on December 13, 2006, however, this site failed to show compliance with the Air to Liquid ratio (A/L) testing requirements of CARB Executive Order G-70-150-AE for dispenser #8. Failing to demonstrate compliance with the A/L performance test requirements is a violation of Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) section 3745-21-09 (DDD), OAC rule and MCCGHDAPCR section 3745-15-04, and Ohio Revised Code (ORC) section 3704.05. On December 13, 2006, a Board of Health Order was issued to UDF #224 to make any needed repairs and retest within a thirty (30) day time period.

Since the above noted GDF is currently operating in violation of OAC rules and MCCGHDAPCR sections 3745-21-09 (DDD) and 3745-15-04, and CARB Executive Order G-70-150-AE, it is imperative that UDF #224 ensure that repairs are made to this site to correct the deficiencies, and reschedule A/L testing to demonstrate compliance.

UDF #224 shall respond within fourteen (14) days after receipt of this letter. The response

UDF #224
April 16, 2007
Page 2

shall include a compliance plan which describes any attempt made to repair the failing dispenser located at this GDF, and the intended A/L retest date for this GDF. Acceptance of the compliance plan by RAPCA does not constitute a waiver of the Ohio EPA's or RAPCA's authority to seek civil penalties as provided in sections 3704.06 and 3707.49 of the Ohio Revised Code. The determination to pursue or not to pursue such penalties will be made by the Ohio EPA and RAPCA at a later date.

If you have any questions regarding this matter, 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

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:

Wayne Patrick
 United Dairy Farmers #224
 2515 Leslie Avenue
 Cincinnati, OH 45212

2. Article Number

(Transfer from service label)

7004 1160 0000 6164 5403

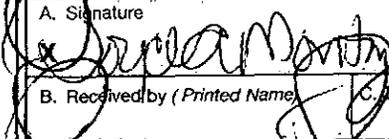
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature


 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? YesIf 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

Montgomery & Preble Counties

937-454-2212

937-251-3486

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