



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

May 14, 2007

Certified Mail

David P. Nye
Shell-True North Energy
3710 Leharps Rd.
Youngstown, OH 44515

**RE: Ohio EPA Premises No. 0857041383
Shell-True North Energy #709 - 3406 E. Third St., Dayton, OH.45403
Failure to Pass Air to Liquid Ratio Test**

Dear Mr. Nye:

WARNING LETTER

On March 22, 2007, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) at Shell-True North Energy #709, located at 3406 East Third Street 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 Shell-True North Energy #709 revealed violations of state and local air pollution control regulations.

Shell-True North Energy #709 did show compliance through the completion of a successful static leak test on March 22, 2007, 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 on pumps #1, #2, #3, #4, #7, and #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 March 22, 2007, an Official Order was issued to Shell-True North Energy #709 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 Shell-True North Energy #709 ensure that repairs are made to this site to correct the deficiencies, and reschedule A/L testing to demonstrate compliance.



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:

DAVID P NYE
SHELL-TRUE NORTH ENERGY
3710 LEHARPS RD
YOUNGSTOWN, OH 44515

2. Article Number

(Transfer from service label)

7004 1160 0000 6165 9004

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Katrina Murray*

- Agent
- Address

B. Received by (Printed Name)

Katrina Murray

C. Date of Delivery

6-17-07

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

Certified Mail

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Shell-True North Energy #709

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Shell-True North Energy #709 shall respond within fourteen (14) days after receipt of this letter. The response shall include a compliance plan which describes any attempt made to repair the failing dispensers 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