



## **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 4, 2007

**Certified Mail**

Ned Abushanab  
Lana Rank III-East Third Shell  
915 Bakersfield Court  
Miamisburg, OH 45342

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

Dear Mr. Abushanab:

**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 East Third Shell, 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 East Third Shell revealed violations of state and local air pollution control regulations.

East Third Shell 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 East Third Shell 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 East Third Shell ensure that repairs are made to this site to correct the deficiencies, and reschedule A/L testing to demonstrate compliance.

East Third Shell  
June 4, 2007  
Page 2

**East Third Shell 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

**SENDER: COMPLETE THIS SECTION**

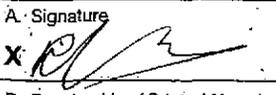
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ned Abushanab  
 Lana Rank III-East Third Shell  
 915 Bakersfield Court  
 Miamisburg, OH 45342

2. Article Number  
 (transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X 

Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery  
 6-5-07

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

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

7004 1160 0000 6164 9739

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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

Dear Mr. Abushanab:

**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 East Third Shell, 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 East Third Shell revealed violations of state and local air pollution control regulations.

East Third Shell 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 East Third Shell 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 East Third Shell ensure that repairs are made to this site to correct the deficiencies, and reschedule A/L testing to demonstrate compliance.