



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

December 14, 2007

Certified Mail

Mr. Jafar Shaqra
3rd Street Shell
4125 West Third Street
Dayton, OH 45417

RE: Ohio EPA Premises No. 0857041615
Operation of a Stage II Vapor Recovery System with Defects
Failure to Pass Annual Stage II Vapor Recovery Compliance Testing

Dear Mr. Shaqra:

WARNING LETTER

On July 20, 2007, the Regional Air Pollution Control Agency (RAPCA) performed an unannounced stage II inspection of 3rd Street Shell, located at 4125 West Third Street in Dayton, Ohio. During this inspection, RAPCA observed multiple pieces of defective equipment which needed replaced. An Official Order was issued on July 20, 2007 due to violations of Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) section 3745-21-09 (DDD)(1)(b), operating a stage II vapor recovery system with defects, and OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), failure to perform and/or pass an annual stage II vapor recovery compliance test. This Order required 3rd Street Shell to IMMEDIATELY make needed repairs and schedule testing with RAPCA.

On October 19, 2007, RAPCA witnessed an annual stage II vapor recovery compliance test at 3rd Street Shell and determined that the repairs to the stage II vapor recovery system required by the July 20, 2007 Official Order had not been performed. 3rd Street Shell was informed that the company performing the compliance test would be making the necessary repairs. Multiple nozzles were replaced by the testing company on October 19, 2007. 3rd Street Shell failed to pass the stage II vapor recovery compliance test and an Official Order was issued to 3rd Street Shell on October 19, 2007, per OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2). This Order required 3rd Street Shell to make any needed repairs and reschedule testing within thirty (30) days. To date, no retest of the stage II vapor recovery system has been scheduled with RAPCA.

On October 23, 2007, RAPCA performed a follow up stage II inspection of 3rd Street Shell and noted that three of the nozzles which were replaced during the compliance test

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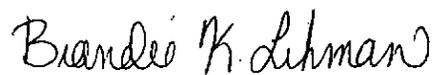
on October 19, 2007 had been removed and the old defective nozzles were reinstalled. 3rd Street Shell is, therefore, operating in violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(1)(b).

This letter serves as a warning from RAPCA to cease operation in violation of OAC rules and MCCGHDAPCR sections 3745-21-09 (DDD)(1)(b) and 3745-21-09 (DDD)(2). It is imperative that 3rd Street Shell replace all defective nozzles and reschedule testing to demonstrate compliance with stage II testing requirements using the proper equipment. **Please respond, in writing, to this notice within fourteen (14) days after receipt of this letter. The response will specify the intended test date.** Your tester should contact Casie Lord, at (937) 225-5939, to ensure a RAPCA representative is present at your scheduled testing.

In addition, the Permit to Operate (PTO), issued to this gasoline dispensing facility (GDF) on August 24, 2001, expired on August 24, 2006. 3rd Street Shell has not submitted an application for renewal of the PTO. Enclosed with this letter is a GDF Permit-by-Rule Notification Form and instructions for completing the form. RAPCA requests that this form be completed and returned to RAPCA within fourteen (14) days.

Failure to replace all defective equipment, perform the required testing, and obtain proper permits 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
Abatement Unit

cc: Jeff Canan RAPCA
 Tom Kalman OEPA
 Lisa Holscher USEPA

Enclosure

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:

Mr. Jafar Shaqra
3rd Street Shell
4125 West Third Street
Dayton, OH 45417

Article Number
(Transfer from service label)

7004 1160 0000 6165 5570

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X J. Shaqra Agent Addressee

B. Received by (Printed Name)

JAFAR SHAQRA

C. Date of Delivery

12-17-07D. 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

Dayton, OH 45422-1280

Phone: 937-225-3486

S Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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