



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

February 12, 2008

Certified Mail

Tom Parrett
D & T Oakcreek Shell
5501 Bigger Road
Kettering, OH 45440

**RE: Ohio EPA Premises No. 0857081609
Failure to Pass Annual Stage II Vapor Recovery Compliance Testing**

Dear Mr. Parrett:

WARNING LETTER

On October 22, 2007, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the D & T Oakcreek Shell gasoline dispensing facility (GDF), located at 5501 Bigger Road in Kettering, 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 D & T Oakcreek Shell revealed violations of state and local air pollution control regulations.

Pursuant to Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) section 3745-21-09 (DDD)(2), and in accordance with the testing requirement specified in CARB Executive Order G-70-150-AE, static leak testing contained in OAC rule 3745-21-10, Appendix A, shall be successfully conducted at least once in each consecutive twelve-month period. D & T Oakcreek Shell failed to show compliance with OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), through the completion of a successful static leak test on October 22, 2007. Failing to demonstrate compliance with the testing requirements is a violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), OAC rule and MCCGHDAPCR section 3745-15-04, and Ohio Revised Code (ORC) section 3704.05. On October 22, 2007, an Official Order was issued to D & T Oakcreek Shell to reschedule testing within a thirty (30) day time period. As of this date, no retest has been conducted.

Since the above noted GDF is currently operating in violation of OAC rules and MCCGHDAPCR sections 3745-21-09 (DDD)(2) and 3745-15-04, and CARB Executive

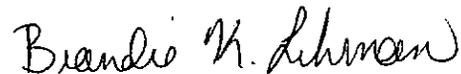
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Order G-70-150-AE, it is imperative that D & T Oakcreek Shell promptly reschedule testing to demonstrate compliance.

D & T Oakcreek Shell shall respond within fourteen (14) days after receipt of this letter. The response shall include the intended retest date for this GDF. 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



REGIC
Servicing

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:

TOM PARRETT
D&T OAKCREEK SHELL
5501 BIGGER RD
KETTERING, OH 45440

2. Article Number
(Transfer from service label)

7004 1160 0000 6165 4450

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-11

COMPLETE THIS SECTION ON DELIVERY

A. Signature <i>Mary Brown</i>		<input type="checkbox"/> Agent
		<input type="checkbox"/> Address
B. Received by (Printed Name)	C. Date of Delivery	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes		
If YES, enter delivery address below: <input type="checkbox"/> No		
3. Service Type		
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail	
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise	
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee)		<input type="checkbox"/> Yes

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