



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 16, 2008

Certified Mail

Patrick Clemens

Clemens Oil Co.

1630 S. Yellow Springs Street

Springfield, OH 45506

RE: Ohio EPA Facility ID 0857041767

Prime Fuel #15 - 1655 N. Gettysburg Ave., Dayton, OH 45427

Failure to perform annual stage II vapor recovery compliance testing

WARNING LETTER

Dear Mr. Clemens:

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), the stage II vapor control system at the Prime Fuel #15 gasoline dispensing facility (GDF) located at 1655 N. Gettysburg Ave. in Dayton, Ohio, must perform and successfully pass the testing requirements contained in OAC rule 3745-21-10. In accordance with the yearly static pressure decay testing requirements specified in CARB Executive Order G-70-153-AD and the Static Leak Test contained in OAC rule 3745-21-10, Appendix A, Static Leak testing and Air to Liquid Ratio (A/L) testing shall be successfully conducted at least once in each twelve consecutive month period after the date of successful completion of the startup or most recent Static Leak Test.

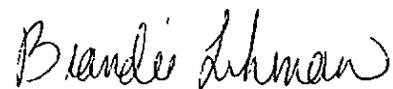
OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(1) state: "no owner or operator of a gasoline dispensing facility may cause, allow or permit the transfer of gasoline from a stationary storage tank at a GDF into a motor vehicle . . . unless the following requirements are met: . . . (c)The vapor control system has successfully passed the testing requirements contained in paragraph (DDD)(2) of this rule." This GDF is required to demonstrate compliance on an annual basis. The last annual stage II vapor recovery compliance test conducted at Prime Fuel #15 was on April 5, 2006. On February 15, 2008, an Official Order was issued to Prime Fuel #15 for failing to perform an annual stage II vapor recovery compliance test. To date, no testing has been scheduled with RAPCA at this site. Prime Fuel #15 is currently operating in violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2) and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

Prime Fuel #15
May 16, 2008
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This letter serves as official warning from the Regional Air Pollution Control Agency (RAPCA) to cease operation in violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2) and ORC section 3704.05. It is imperative that Prime Fuel #15 schedule and show compliance with stage II testing requirements. **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 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
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:
 Patrick Clemens
 Clemens Oil Company
 1630 South Yellow Springs Street
 Springfield, OH 45506

2. Article Number
 (Transfer from service label) **7007 1490 0004 7510 0944**

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Springfield, OH 45506

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COMPLETE THIS SECTION ON DELIVERY

A. Signature
PEG BURBA-NOIT Agent Addressee

B. Received by (Printed Name) *PEG BURBA-NOIT* C. Date of Delivery

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

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
 937-454-2210
 937-253-3486

