



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

Lyle Livasy

Meijer Limited Store Partnership

2929 Walker Avenue NW

Grand Rapids, MI 49544

**RE: Ohio EPA Facility ID 0857823348
Meijer #241 – 7266 Executive Blvd., Huber Heights, OH 45424
Failure to Pass Stage II Vapor Recovery Compliance Testing**

Dear Mr. Livasy:

WARNING LETTER

On February 29, 2008, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) at Meijer #241 located at 7266 Executive Blvd. in Huber Heights, 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 Meijer #241 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 requirements specified in CARB Executive Order G-70-150-AE, static leak testing contained in OAC rule 3745-21-10, Appendix A, and air to liquid ratio (A/L) testing shall be successfully conducted within sixty days after the installation of a vapor control system required pursuant to paragraph (DDD)(1) of this rule and at least once in each consecutive twelve-month period, thereafter. Blockage testing is also required to be completed within sixty days after the installation of a vapor control system required pursuant to paragraph (DDD)(1) of this rule, and at least every five (5) years, thereafter.

Meijer #241 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 February 29, 2008. On this date, an Official Order was issued to Meijer #241 which required this

Meijer #241
May 16, 2008
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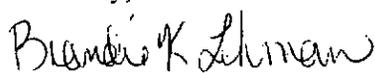
GDF to make any needed repairs and reschedule testing with RAPCA within thirty (30) days. To date, no additional testing has been scheduled with RAPCA. Failing to demonstrate compliance with the testing requirements is a violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), OAC rule and MCCGHDAPCR section 3745-15-04, and Ohio Revised Code (ORC) section 3704.05.

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 Meijer #241 ensure that repairs are made to this site to correct the deficiencies and reschedule testing to demonstrate compliance.

Meijer #241 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

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.

Article Addressed to:
 Lyle Livasy
 Meijer Limited Store Partnership
 2929 Walker Avenue NW
 Grand Rapids, MI 49544

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
X

B. Received by (Printed Name) C. Date of Delivery
 MAY 22 2008

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

Duane Rawson

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

Article Number (Transfer from service label) 7007 1490 0004 7510 1057

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

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