



## REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

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July 7, 2008

### Certified Mail

Mo Patel

Deli & Discount Tobacco

8681 Dayton Cincinnati Pike

Miamisburg, OH 45342

**RE: Ohio EPA Premises No. 0857783134  
Failure to perform annual stage II vapor recovery compliance testing**

### WARNING LETTER

Dear Mr. Patel:

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 Deli & Discount Tobacco gasoline dispensing facility (GDF) located at 8681 Dayton Cincinnati Pike in Miamisburg, Ohio, must perform and successfully pass the testing requirements contained in OAC rule 3745-21-10. In accordance with the yearly static pressure drop decay testing requirements specified in CARB Executive Order G-70-150-AE 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 the Deli & Discount Tobacco GDF was on October 25, 2006. An Official Order was issued to Deli & Discount Tobacco on January 11, 2008 for failing to perform an annual stage II vapor recovery compliance test. Testing was scheduled at this site for May 19, 2008, but was canceled and no additional testing has been scheduled with the Regional Air Pollution Control Agency (RAPCA).

