



## 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

September 10, 2008

**Certified Mail**

Wayne Patrick  
United Dairy Farmers  
2515 Leslie Ave.  
Cincinnati, OH 45212

**RE: Ohio EPA Facility ID 0857823225  
UDF #243 – 3026 Harshman Road, Huber Heights, OH 45424  
Failure to perform annual stage II vapor recovery compliance testing**

**WARNING LETTER**

Dear Mr. Patrick:

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 United Dairy Farmers #243 (UDF #243) gasoline dispensing facility (GDF) located at 3026 Harshman Road in Huber Heights, 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-70-150-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 UDF #243 was on August 20, 2007. On July 21, 2008, an Official Order was issued to UDF #243, requiring this GDF to schedule an annual stage II vapor recovery compliance test within thirty (30) days of the issuance of the Order. To date, no testing has been scheduled with the Regional Air Pollution Control Agency (RAPCA) at this site. UDF #243 is currently operating in violation of OAC rule

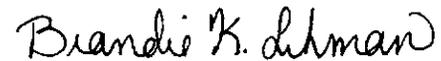
United Dairy Farmers #243  
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and MCCGHDAPCR section 3745-21-09 (DDD)(2) and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

This letter serves as official notification from 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 UDF #243 schedule and show compliance with stage II testing requirements. **Please respond, in writing, to this notice within fourteen (14) days after receipt. 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



**REGIO**  
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**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:

WAYNE PATRICK  
**UNITED DAIRY FARMERS**  
 2515 LESLIE AVE  
 CINCINNATI, OH 45212

2. Article Number  
*(Transfer from service label)*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Perry Wheeler*

- Agent
- Addressee

B. Received by (Printed Name)

*Perry Wheeler*

C. Date of Delivery

*9/15/08*

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

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7007 1490 0004 7510 2436

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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