



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

December 1, 2008

Certified Mail

Mo Patel

Deli & Discount Tobacco

8681 Dayton-Cincinnati Pike

Miamisburg, OH 45342

RE: Ohio EPA Facility ID 0857783134

Failure to pass annual stage II vapor recovery compliance testing

WARNING LETTER

Dear Mr. Patel:

On September 29, 2008, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) at Deli & Discount Tobacco located at 8681 Dayton-Cincinnati Pike in Miamisburg, 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 Deli & Discount Tobacco 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 at least once in each consecutive twelve-month period. Deli & Discount Tobacco failed to show compliance with OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), through the completion of a successful static leak test and A/L test on September 29, 2008. On this date, an Official Order was issued to Deli & Discount Tobacco to make any needed repairs and reschedule testing within a thirty (30) day time period. To this 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.

Deli & Discount Tobacco

December 1, 2008

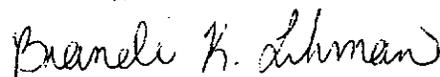
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Since the above noted GDF is currently operating in violation of OAC rules and MCCGHDAPCR sections 3745-21-09 (DDD) and 3745-15-04, and CARB Executive Order G-70-150-AE, it is imperative that Deli & Discount Tobacco ensure that repairs are made to this site to correct the deficiencies, and reschedule testing to demonstrate compliance.

Deli & Discount Tobacco 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

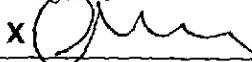
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Mo Patel
 Deli & Discount Tobacco
 3681 Dayton-Cincinnati Pike
 Miamisburg, OH 45342

COMPLETE THIS SECTION ON DELIVERY

A. Signature


 Agent Addressee

B. Received by (Printed Name)

MO PAT

C. Date of Delivery

12-3-08

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

 Yes

Article Number

Transfer from service label)

7007 1490 0004 7510 2108

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

CONTROL AGENCY

Montgomery & Preble Counties

937-454-2212

937-255-3486

RE: Ohio EPA Facility ID 0857783134
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