



## 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 31, 2008

**Certified Mail**

Kassem Obed

Kasey's Food Mart

1916 E Whipp Rd

Kettering, OH 45440

**RE: Ohio EPA Facility ID 0857081963**

**Failure to perform annual stage II vapor recovery compliance testing**

**WARNING LETTER**

Dear Mr. Obed:

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 Kasey's Food Mart gasoline dispensing facility (GDF) located at 1916 East Whipp Road in Kettering, 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-70-163-AA 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 successful stage II vapor recovery compliance test conducted at this GDF was on October 24, 2006. On November 13, 2008, the Regional Air Pollution Control Agency (RAPCA) issued an Official Order to Kasey's Food Mart, 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 RAPCA at this site. Kasey's Food Mart is currently operating in

Kasey's Food Mart  
December 31, 2008  
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violation of OAC rule and MCGHDAPCR 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 MCGHDAPCR section 3745-21-09 (DDD)(2) and ORC section 3704.05. It is imperative that Kasey's Food Mart 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

Cc: Jeff Canan                      RAPCA  
     Tom Kalman                    OEPA  
     Lisa Holscher                 USEPA

**ORDER: COMPLETE THIS SECTION**

- 2. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 7. 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:

Kassem Obed  
 Kasey's Food Mart  
 1916 E. Whipp Road  
 Kettering, OH 45440

**COMPLETE THIS SECTION ON DELIVERY.**

A. Signature  Agent  Addressee  
*[Signature]*

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

D. Is delivery address different from item 1?  Yes  
 If 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

2. Article Number

(Transfer from service label)

7008 1300 0001 9323 4577

US Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

1916 E Whipp Rd  
 Kettering, OH 45440

**CONTROL AGENCY**

Montgomery & Preble Counties

937-45422-1280

937-25-3486

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1/19/09