



## 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

January 5, 2009

**Certified Mail**

Amarjit Singh  
816 Buckeye Ct.  
Tipp City, OH 45371

**RE: Ohio EPA Facility ID 0857821764  
Clark Gas Station - 5114 Old Troy Pike, Huber Heights, Ohio  
Failure to perform annual stage II vapor recovery compliance testing**

**WARNING LETTER**

Dear Mr. Singh:

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 Clark gasoline dispensing facility (GDF) located at 5114 Old Troy Pike 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. The Regional Air Pollution Control Agency (RAPCA) has recently been informed that you purchased this GDF from UNR Enterprises, Inc. in 2007 and are therefore the responsible party for the testing requirements at this GDF.

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 September 5, 2007. On November 7, 2008, RAPCA issued an Official Order to Clark, requiring this GDF to schedule an annual stage II vapor recovery compliance test within thirty (30) days of

Clark Gas Station-Amarjit Singh  
January 5, 2009  
Page 2

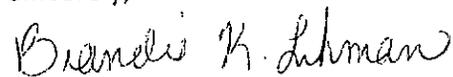
the issuance of the Order. To date, no testing has been scheduled with RAPCA at this site. Clark GDF is currently operating in violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2) and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

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 Clark GDF 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.

Enclosed with this warning letter is a Transfer of Owner Form, to be filled out and returned to RAPCA, in order to update our files with the most current information and a Permit-by-Rule Notification Form to be completed, as well. RAPCA requests that this information also be submitted within 14 days after receipt of this letter.

In addition to issuing this warning letter by certified mail to 816 Buckeye Court in Tipp City, Ohio, a copy of this letter is being mailed to the GDF address to ensure delivery. 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

Clark Gas Station-Amarjit Singh  
 January 5, 2009  
 Page 2

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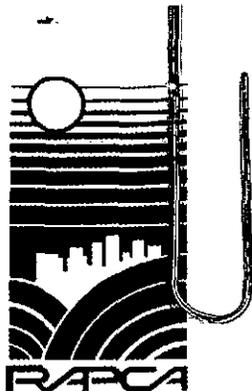
Cc: Jeff Canan RAPCA

PLACE STICKER AT TOP OF ENVELOPE TO HELP THE POST OFFICE

<p><b>SENDER: COMPLETE THIS SECTION</b></p> <p>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.</p> <p>1. Article Addressed to:          Amarjit Singh          816 Buckeye Court          Tipp City, OH 45371</p> <p>2. Article Number          (Transfer from service label) 7008 1300 0001 9323 4836          PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	<p><b>COMPLETE THIS SECTION ON DELIVERY</b></p> <p>A. Signature <input checked="" type="checkbox"/> X <input type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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Sent To: Amarjit Singh 816 Buckeye Court Tipp City, OH 45371											
PS Form 3800, August 2006 See Reverse for Instructions											



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February 3, 2009

Amarjit Singh  
816 Buckeye Ct  
Tipp City, OH 45371

**RE: Ohio EPA Facility ID 0857812764  
Clark Gas Station - 5114 Old Troy Pike, Huber Heights, Ohio  
Warning Letter dated January 5, 2009**

Dear Mr. Singh,

On January 5, 2009, the Regional Air Pollution Control Agency (RAPCA) issued a warning letter, by certified mail, to your attention regarding the Clark Gas Station located at 5114 Old Troy Pike in Huber Heights, Ohio. This warning letter was returned to RAPCA, unclaimed, on January 30, 2009.

Enclosed with this letter is the original warning letter issued on January 5, 2009. Please review the warning letter and respond to RAPCA, with all requirements provided in the warning letter, within fourteen days after receipt of this letter.

RAPCA believes the issues addressed in the January 5, 2009 warning letter to be a serious matter and requests your cooperation in their resolution.

If you have any questions regarding this matter, feel free to contact me at (937) 225-5923.

Sincerely,

Brandie K. Lehman  
Air Pollution Control Specialist

Enclosure

2/18/09