



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

March 23, 2009

Certified Mail

Jamil Alsmarat
Dixie Shop
8811 N Dixie Drive
Dayton, OH 45414

RE: **Ohio EPA Facility ID 0857701851**
Failure to pass annual stage II vapor recovery compliance testing

WARNING LETTER

Dear Mr. Alsmarat:

On November 25, 2008, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) at the Dixie Shop located at 8811 North Dixie Drive in Dayton, 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 the Dixie Shop 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. The Dixie Shop 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 November 25, 2008. On this date, an Official Order was issued to the Dixie Shop to make any needed repairs and reschedule testing within a thirty (30) day time period. A retest was scheduled for March 3, 2009, but was cancelled by the GDF prior to the retest date. No additional testing has been scheduled with RAPCA. According to RAPCA's records, the last successful stage II vapor recovery compliance test conducted at this GDF was on November 2, 2006.

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.

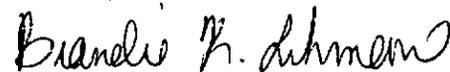
Dixie Shop
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Since the above noted GDF is currently operating in violation of OAC rules and MCCGHDAPCR sections 3745-21-09 (DDD) and 3745-15-04, and CARB Executive Order G-70-150-AE, it is imperative that the Dixie Shop ensure that repairs are made to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

The Dixie Shop 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



REGIO
Serving

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:

JAMIL ALSMARAT
DIXIE SHOP
8811 N DIXIE DRIVE
DAYTON, OH 45414

2. Article Number
(Transfer from service label)

7002 0510 0000 7312 1281

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Handwritten Signature]

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

3/25/09

D. Is delivery address different from item 1?
If YES, enter delivery address below:

Yes

No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

Certified Mail

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3/18/09