



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 26, 2009

Certified Mail

Mohammad Bazar

S & M Mini Mart

6101 W. 3rd St.

Dayton, OH 45427

**RE: Ohio EPA Facility ID 0857761808
Failure to Pass Air to Liquid Ratio Test**

Dear Mr. Bazar:

WARNING LETTER

On January 5, 2009, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) at S & M Mini Mart, 6101 West Third Street 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 S & M Mini Mart revealed violations of these regulations.

S & M Mini Mart did show compliance through the completion of a successful static leak test and dynamic pressure performance test on January 5, 2009, however, this site failed to show compliance with the Air to Liquid ratio (A/L) testing requirements of CARB Executive Order G-70-154-AA on pumps #5 and #8. Failing to demonstrate compliance with the A/L performance test requirements is a violation of Ohio Administrative Code (OAC) rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) section 3745-21-09 (DDD), OAC rule and MCCGHDAPCR section 3745-15-04, and Ohio Revised Code (ORC) section 3704.05. An Official Order was issued by RAPCA to S & M Mini Mart to make any needed repairs and reschedule testing within a thirty (30) day time period. To this date, no A/L retest has been scheduled with RAPCA.

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-70-154-AA, it is imperative that S & M Mini Mart ensure that repairs are made to this site to correct the deficiencies, and reschedule A/L testing to demonstrate compliance.

S & M Mini Mart
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S & M Mini Mart 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



REGIONAL
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:

MOHAMMAD BAZAR
S&M MINI MART
6101 W 3RD ST
DAYTON, OH 45427

2. Article Number

(Transfer from service label)

7002 0510 0000 7312 1168

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

3-27-09

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

Certified Mail

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1/10/09

