



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

April 13, 2009

Certified Mail

Anan Deek
Anan's Marathon
1845 N Main St
Dayton, OH 45405

**RE: Ohio EPA Facility ID 0857041634
Failure to perform annual stage II vapor recovery compliance testing**

WARNING LETTER

Dear Mr. Deek:

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 Anan's Marathon gasoline dispensing facility (GDF) located at 1845 North Main Street in Dayton, 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-70-154-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 stage II vapor recovery compliance test conducted at this GDF, on file with the Regional Air Pollution Control Agency (RAPCA), was on September 5, 2007. On March 2, 2009, RAPCA issued an Official Order to Anan's Marathon, 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. Anan's Marathon is currently

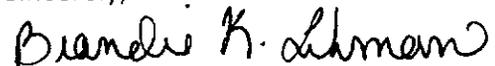
Anan's Marathon
April 13, 2009
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operating in violation of OAC rule and MCGHDAPCR section 3745-21-09 (DDD)(2) and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

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 Anan's Marathon 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



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:

ANAN DEEK
ANAN'S MARATHON
1845 N MAIN STREET
DAYTON, OH 45405

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Anan Deek* Agent Addressee

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

D. Is delivery address different from item 1? Yes
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 Certified Mail Express Mail
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 Insured Mail C.O.D.

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7008 1300 0001 9323 3044

Domestic Return Receipt

102595-02-M-1

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