



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

Sam Aggarwal

10400 Silver Maple Ct

Centerville, OH 45458

RE: Ohio EPA Facility ID 0857041627, Sammy's Food Mart - 2426 S Smithville Rd, Dayton, OH
Ohio EPA Facility ID 0857081620, Sammy's Food Mart - 1290 Woodman Dr, Dayton, OH
Failure to perform annual stage II vapor recovery compliance testing

WARNING LETTER

Dear Mr. Aggarwal:

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 systems at the Sammy's Food Mart gasoline dispensing facility (GDF) located at 2426 South Smithville Road in Dayton, Ohio and the Sammy's Food Mart GDF located at 1290 Woodman Drive 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-70-153-AD 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.

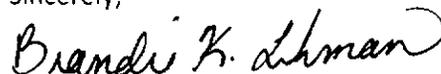
OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(1) state: "no owner or operator of a gasoline dispensing facility may cause, allow or permit the transfer of gasoline from a stationary storage tank at a GDF into a motor vehicle . . . unless the following requirements are met: . . . (c) The vapor control system has successfully passed the testing requirements contained in paragraph (DDD)(2) of this rule." The GDFs listed above are required to demonstrate compliance on an annual basis. The last successful stage II vapor recovery compliance test conducted at Sammy's Food Mart at 2426 South Smithville Road, on file with the Regional Air Pollution Control Agency (RAPCA), was on November 26, 2007 and the last successful stage II vapor recovery compliance test conducted at Sammy's Food Mart at 1290 Woodman Drive, on file with RAPCA, was on November 19, 2007. Stage II vapor recovery compliance testing was scheduled to take place at both of these GDFs on December 29, 2008, but was cancelled prior to the test date. On March 2, 2009, RAPCA issued Official Orders to these GDFs, requiring them to schedule an annual stage II vapor recovery compliance test within thirty (30) days of the issuance of the Orders. To date, no testing has been scheduled with RAPCA at either of these sites. These GDFs are 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.

Sam Aggarwal
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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 these GDFs 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 for these GDFs.** 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 these facilities 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 Kaiman	OEPA
	Lisa Holscher	USEPA

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:

Sam Aggarwal
10400 Silver Maple Court
Centerville, OH 45458

COMPLETE THIS SECTION ON DELIVERY

A. Signature X <i>AA</i>		<input type="checkbox"/> Agent
		<input type="checkbox"/> Addressee
B. Received by (Printed Name) <i>Sammy Aggarwal</i>	C. Date of Delivery	
D. Is delivery address different from item 1? If YES, enter delivery address below:		<input type="checkbox"/> Yes <input type="checkbox"/> No

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. |

4. Restricted Delivery? (Extra Fee)

 Yes

2. Article Number

(Transfer from service label)

7008 1300 0001 9323 3129

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

CONTROL AGENCY

Montgomery & Preble Counties

937-5422-1280

937-53486

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