



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

July 10, 2009

Certified Mail

Patrick Clemens
Clemens Oil Company
1630 S. Yellow Springs St.
Springfield, OH 45506

RE: Ohio EPA Facility ID 0812790489, Prime Fuel #1, 4725 S. Charleston Pk., Springfield, OH
Ohio EPA Facility ID 0857041767, Prime Fuel #15, 1655 N. Gettysburg Ave., Dayton, OH
Failure to pass air to liquid ratio testing

WARNING LETTER

Dear Mr. Clemens:

The Regional Air Pollution Control Agency (RAPCA) conducted inspections and witnessed performance tests of the gasoline dispensing facilities (GDFs) located at Prime Fuel #1, 4725 South Charleston Pike, Springfield, Ohio, on June 4, 2009 and at Prime Fuel #15, 1655 North Gettysburg Avenue in Dayton, Ohio, on June 8, 2009. The purpose of these inspections and performance tests was to determine the GDFs' compliance status with applicable state and local air pollution control regulations. These inspections/tests revealed violations of state and local air pollution control regulations.

Prime Fuel #1

Prime Fuel #1 did show compliance through the completion of a successful static leak test and dynamic pressure performance test on June 4, 2009, however, failed to show compliance with the Air to Liquid ratio (A/L) testing requirements of CARB Executive Order G-70-150-AE on pumps #1, #4, and #6, and CARB Executive Order G-70-163-AA on Pacific Pride pumps #1 and #2. Failing to demonstrate compliance with the A/L performance test requirements is a violation of Ohio Administrative Code (OAC) rule and Clark County Combined Health District Air Pollution Control Regulations (CCCHDAPCR) section 3745-21-09 (DDD), OAC rule and CCCHDAPCR section 3745-15-04, and Ohio Revised Code (ORC) section 3704.05. On June 4, 2009, an Official Order was issued to Prime Fuel #1 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.

Clemens Oil Company

July 10, 2009

Page 2

Prime Fuel #15

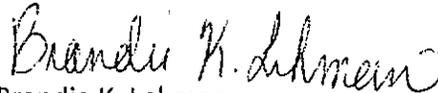
Prime Fuel #15 was able to show compliance through the completion of a successful static leak test on June 8, 2009, however, failed to show compliance with the A/L testing requirements of CARB Executive Order G-70-153-AD on pumps #1, #2, #3, and #4. Failing to demonstrate compliance with the A/L performance test requirements is a violation of 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 ORC section 3704.05. On June 8, 2009, an Official Order was issued to Prime Fuel #15 to make any needed repairs and reschedule testing within a thirty (30) day time period. To date, no A/L retest has been scheduled with RAPCA at this site.

Since the above noted GDFs are currently operating in violation of OAC rules, CCCHDAPCR sections, MCCGHDAPCR sections 3745-21-09 (DDD) and 3745-15-04, ORC section 3704.05, and CARB Executive Orders G-70-150-AE, G-70-163-AA, and G-70-153-AD, it is imperative that Clemens Oil Company ensure that repairs are made to these sites to correct the deficiencies, and reschedule A/L testing to demonstrate compliance.

Clemens Oil Company shall respond within fourteen (14) days after receipt of this letter. The response shall include the intended retest dates 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 Kalman OEPA
Lisa Holscher USEPA