



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 0857731763
Prime Fuel #17 - 6004 N. Dixie Hwy, Dayton, Ohio
Failure to perform annual stage II vapor recovery compliance testing**

WARNING LETTER

Dear Mr. Clemens:

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 Prime Fuel #17 gasoline dispensing facility (GDF) located at 6004 North Dixie Highway 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-70-150-AE 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 conducted on October 18, 2007. On April 6, 2009, RAPCA issued an Official Order to your attention, requiring Prime Fuel #17 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. RAPCA is aware that Clemens Oil Company has plans to sell this facility, but according to the Montgomery County

Prime Fuel #17
July 10, 2009
Page 2

Auditor, Clemens Oil Company is the current owner of this facility and RAPCA has no transfer of ownership paperwork stating any other party responsible. Therefore, Clemens Oil Company is ultimately responsible for scheduling the required testing at this time.

Prime Fuel #17 is 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.

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 Prime Fuel #17 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



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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:

PATRICK CLEMENS
CLEMENS OIL CO
1630 S YELLOW SPRINGS ST
SPRINGFIELD, OH 45506

2. Article Number
(Transfer from service label)

7008 1300 0001 2695 0567

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
PEG BURBA-NOTT Agent Addressee

B. Received by (Printed Name) *PEG BURBA-NOTT* C. Date of Delivery *7-19*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

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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