



## 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

November 19, 2009

**Certified Mail**

Randy Singh  
7030 Poe Ave  
Building A  
Dayton, OH 45414

**RE: Ohio EPA Facility ID 0857821381  
Marathon - 8001 Brandt Pike, Huber Heights, OH 45424  
Failure to pass annual stage II vapor recovery compliance testing**

**WARNING LETTER**

Dear Mr. Singh:

On October 13, 2009, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the Marathon gasoline dispensing facility (GDF) located at 8001 Brandt Pike in Huber Heights, 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 Marathon revealed violations of these regulations.

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), and in accordance with the testing requirements specified in CARB Executive Order G-70-150-AE, static leak testing contained in OAC rule 3745-21-10, Appendix A, and air to liquid ratio (A/L) testing shall be successfully conducted at least once in each consecutive twelve-month period. Marathon failed to show compliance with OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), through the completion of a successful static leak test and A/L test on October 13, 2009. On this date, an Official Order was issued to Marathon to make any needed repairs and reschedule testing within a thirty (30) day time period. To date, no additional testing has been scheduled with RAPCA at this GDF.

Failing to demonstrate compliance with the testing requirements is a violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), OAC rule and MCCGHDAPCR section 3745-15-04, CARB Executive Order G-70-150-AE, and Ohio Revised Code (ORC) section 3704.05.

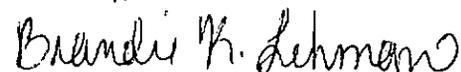
Marathon  
November 19, 2009  
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Since the above noted GDF is currently operating in violation of OAC rules and MCCGHDAPCR sections 3745-21-09 (DDD) and 3745-15-04, and CARB Executive Order G-70-150-AE, it is imperative that Marathon ensure that repairs are made to this site to correct the deficiencies, and reschedule testing to demonstrate compliance.

**Marathon 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

**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.

Article Addressed to:

Randy Singh  
7030 Poe Ave. Building A  
Dayton, OH 45414

Article Number  
(Transfer from service label) 7008 1830 0003 0181 0088

Form 3811, February 2004 Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
 X *[Signature]*

B. Received by (Printed Name) *M. Smith* C. Date of Delivery *11-23-09*

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

**CONTROL AGENCY**  
 Montgomery & Preble Counties  
 937-454-2280  
 937-25-3486

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