



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

Anan Deek
Siebenthaler Shell
3613 North Main Street
Dayton, OH 45405

RE: Ohio EPA Facility ID 0857041640
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 Siebenthaler Shell gasoline dispensing facility (GDF) located at 3613 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-70-153-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.

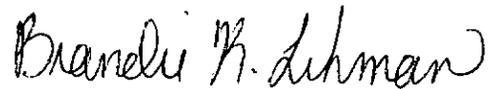
OAC rule and MCCGHDAPCR section 3745-21-09(DDD)(1) state: "no owner or operator of a gasoline dispensing facility may cause, allow or permit the transfer of gasoline from a stationary storage tank at a GDF into a motor vehicle . . . unless the following requirements are met: . . . (c) The vapor control system has successfully passed the testing requirements contained in paragraph (DDD)(2) of this rule." This GDF is required to demonstrate compliance on an annual basis. The last annual stage II vapor recovery compliance test conducted at Siebenthaler Shell was on April 11, 2008. On September 2, 2009, an Official Order was issued to Siebenthaler Shell for failing to perform an annual stage II vapor recovery compliance test, but to date, no testing has been scheduled with the Regional Air Pollution Control Agency (RAPCA) at this site. Siebenthaler Shell 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.

Siebenthaler Shell
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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 Siebenthaler Shell schedule and show compliance with stage II testing requirements. **Please respond, in writing, to this notice within fourteen (14) days after receipt of this letter. 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

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:
Anan Deek
Anan's Marathon
1845 North Main Street
Dayton, OH 45405

Article Number
 (Transfer from service label) **7008 1830 0003 0181 3362**

S Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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A. Signature Agent Addressee
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B. Received by (Printed Name) C. Date of Delivery
[Signature] 11-21

D. Is delivery address different from item 1? Yes
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 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
 937-253-4542
 937-253-3486

RE: Ohio EPA Facility ID 0857041634
Failure to Pass Air to Liquid Ratio Test

Dear Mr. Deek:

WARNING LETTER

On September 8, 2009, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) located at Anan's Marathon, 1845 North Main Street in Dayton, 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 Anan's Marathon revealed violations of these regulations.

Anan's Marathon did show compliance through the completion of a successful static leak test on September 8, 2009, however, this site failed to show compliance with the Air to Liquid ratio (A/L) testing requirements of CARB Executive Order G-70-154-AA on pump #5. Failing to demonstrate compliance with the A/L performance test requirements is a violation of Ohio Administrative Code (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 Ohio Revised Code (ORC) section 3704.05. An Official Order was issued by RAPCA to Anan's Marathon on September 8, 2009 to make any needed repairs and reschedule testing within a thirty (30) day time period. A retest was scheduled to take place at this GDF on October 5, 2009, but could not be completed because there was still a problem with the pump. No additional A/L retest on pump #5 has been scheduled with RAPCA at Anan's Marathon.

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

