



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

May 4, 2010

Certified Mail

Mohammad Bazar
S & M Mini Mart
6101 W. Third Street
Dayton, OH 45427

**RE: Ohio EPA Facility ID 0857761808
Failure to perform annual stage II vapor recovery compliance testing**

WARNING LETTER

Dear Mr. Bazar:

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 S & M Mini Mart gasoline dispensing facility (GDF) located at 6101 West Third 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-70-154-AA 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 this GDF was on January 5, 2009. On February 2, 2010, the Regional Air Pollution Control Agency (RAPCA) issued an Official Order to S & M Mini Mart, requiring this GDF 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. S & M Mini Mart is currently operating in

S & M Mini Mart

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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 S & M Mini Mart 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

COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

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.

A. Signature Agent Addressee
 X *[Signature]*

B. Received by (Printed Name) *[Signature]*

C. Date of Delivery *5-6-10*

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

CONTROL AGENCY
Montgomery & Preble Counties
45422-1280
25-3486

1. Article Addressed to:

Mohammad Bazar
S & M Mini Mart
6101 W. Third Street
Dayton, OH 45427

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

7009 2820 0001 7965 8866

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Dayton, OH 45427

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