



## 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 23, 2010

### Certified Mail

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

**RE: Ohio EPA Facility ID 0857042086 - Prime Fuel #2, 1535 Keowee St., Dayton, OH  
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 Dresser/Wayne WayneVac stage II vapor recovery system at the Prime Fuel #2 gasoline dispensing facility (GDF) located at 1535 Keowee Street in Dayton, Ohio, must perform and successfully pass the testing requirements contained in OAC rule 3745-21-10 and any applicable CARB certification. In accordance with the yearly static pressure decay and air to liquid ratio (A/L) testing requirements specified in CARB Executive Order G-70-153-AD, for Dresser/Wayne WayneVac stage II vapor recovery systems, and the static leak test contained in OAC rule 3745-21-10, Appendix A, static leak testing and 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 successful annual stage II vapor recovery compliance test conducted at this GDF was on September 23, 2009. On October 14, 2010, the Regional Air Pollution Control Agency (RAPCA) spoke to you, via telephone, regarding the need to schedule an annual stage II vapor recovery compliance test at Prime Fuel #2. To date, no testing has been scheduled with RAPCA at this site. Prime Fuel #2 is currently operating in violation of OAC rule and MCCGHDAPCR

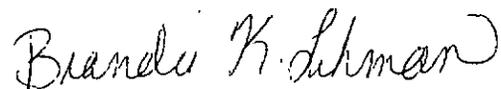
Prime Fuel #2  
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section 3745-21-09 (DDD)(2), CARB Executive Order G-70-153-AD and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

This letter serves as official notification from RAPCA to cease operation in violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), CARB Executive Order G-70-153-AD and ORC section 3704.05. It is imperative that Prime Fuel #2 schedule and show compliance with stage II testing requirements. **Please respond 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  
William MacDowell              USEPA

COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

CONTROL AGENCY

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 [Handwritten Signature] B. Received by (Printed Name) Michael S. Clemens C. Date of Delivery 12/29/09 D. Is delivery address different from item 1? [ ] Yes [ ] No

Montgomery & Preble Counties 513-5422-1280 513-5425-3486

1. Article Addressed to:

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

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 7010 1060 0000 0187 3660 (Transfer from service label)

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

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