



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-3280

937-225-4435 — Fax: 937-225-3486

www.rapca.org

September 7, 2011

Certified Mail

Rajesh M. Patel

Lalji Enterprises

5990 Old Troy Pike

Huber Heights, OH 45424

RE: Ohio EPA Facility ID 0857823205 - Fuel America/Sunoco, 5990 Old Troy Pk, Huber Heights, OH
Failure to perform annual stage II vapor recovery compliance testing

WARNING LETTER

Dear Mr. Patel:

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 Gilbarco VaporVac stage II vapor recovery system at the Fuel America/Sunoco gasoline dispensing facility (GDF) located at 5990 Old Troy Pike in Huber Heights, 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-70-150-AE, for Gilbarco VaporVac 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 June 22, 2010. On June 28, 2011, the Regional Air Pollution Control Agency (RAPCA) issued an Official Order to Fuel America/Sunoco requiring testing be scheduled within thirty (30) days of the issuance of that Order. To date, no testing has been scheduled with RAPCA at this site. Fuel America/Sunoco is currently operating in violation of OAC rules and MCCGHDAPCR sections 3745-21-09 (DDD)(1) and (2), CARB Executive Order G-70-150-AE and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

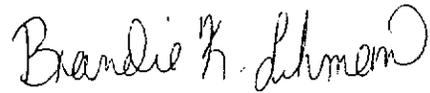
This letter serves as official notification from RAPCA to cease operation in violation of OAC rules and MCCGHDAPCR sections 3745-21-09 (DDD)(1) and (2), CARB Executive Order G-70-150-AE and ORC section 3704.05. It is imperative that Fuel America/Sunoco schedule and show compliance with stage II

Fuel America/Sunoco
September 7, 2011
Page 2

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

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.

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Rajesh Patel Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery *9/8*

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
 45422-3280
 25-3486

1. Article Addressed to:

Rajesh M. Patel
 Lalji Enterprises
 5990 Old Troy Pike
 Huber Heights, OH 45424

2. Article Number (Transfer from service label) **7010 3090 0000 7674 6871**

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

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