



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, 2010

Certified Mail

Anan Deek
1845 N. Main St.
Dayton, OH 45405

RE: **Ohio EPA Facility ID 0857041634 - Anan's Marathon, 1845 N. Main St., Dayton, OH**
Ohio EPA Facility ID 0857731638 - Shell, 110 Shoup Mill Rd., Dayton, OH
Failure to perform annual stage II vapor recovery compliance testing

WARNING LETTER

Dear Mr. Deek:

Anan's Marathon, 1845 North Main Street, Dayton, Ohio - Ohio EPA Facility ID 0857041634

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 Tokheim MaxVac stage II vapor recovery system at the Anan's Marathon gasoline dispensing facility (GDF) located at 1845 North Main 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 testing requirements specified in CARB Executive Order G-70-154-AA, for Tokheim MaxVac stage II vapor recovery systems, 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 successful annual stage II vapor recovery compliance test conducted at this GDF was on September 8, 2009. On October 6, 2010, the Regional Air Pollution Control Agency issued an Official Order, 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. Anan's Marathon GDF is currently operating in violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), CARB Executive Order G-70-154-AA and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

Fairborn Marathon
November 19, 2010
Page 2

currently operating in violation of OAC rule and GCBHAPCR section 3745-21-09 (DDD)(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 rule and GCBHAPCR section 3745-21-09 (DDD)(2), CARB Executive Order G-70-150-AE and ORC section 3704.05. It is imperative that Fairborn Marathon 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

TROL AGENCY

ry & Preble Counties

422-1280

-3486

Items 1, 2, and 3. Also complete if Restricted Delivery is desired. Attach 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

B. Received by (Printed Name) C. Date of Delivery
 A. Deek 11-23-10

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

1. Article Addressed to:

Anan Deek
 1845 North Main St.
 Dayton, Ohio 45405

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)

7010 1060 0000 0187 4063

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

RE: **OHIO EPA Facility ID 0857041634 - Anan's Marathon, 1845 N. Main St., Dayton, OH**
Ohio EPA Facility ID 0857731638 - Shell, 110 Shoup Mill Rd., Dayton, OH
Failure to perform annual stage II vapor recovery compliance testing

WARNING LETTER

Dear Mr. Deek:

Anan's Marathon, 1845 North Main Street, Dayton, Ohio - Ohio EPA Facility ID 0857041634

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 Tokheim MaxVac stage II vapor recovery system at the Anan's Marathon gasoline dispensing facility (GDF) located at 1845 North Main 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 testing requirements specified in CARB Executive Order G-70-154-AA, for Tokheim MaxVac stage II vapor recovery systems, 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 successful annual stage II vapor recovery compliance test conducted at this GDF was on September 8, 2009. On October 6, 2010, the Regional Air Pollution Control Agency issued an Official Order, 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. Anan's Marathon GDF is currently operating in violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), CARB Executive Order G-70-154-AA and the prohibitions in Ohio Revised Code (ORC) section 3704.05.

12/7

CETA
 11/19