



## 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

July 7, 2008

**Certified Mail**

Mo Patel

Deli & Discount Tobacco

8681 Dayton Cincinnati Pike

Miamisburg, OH 45342

**RE: Ohio EPA Premises No. 0857783134  
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 stage II vapor control system at the Deli & Discount Tobacco gasoline dispensing facility (GDF) located at 8681 Dayton Cincinnati Pike in Miamisburg, Ohio, must perform and successfully pass the testing requirements contained in OAC rule 3745-21-10. In accordance with the yearly static pressure drop decay testing requirements specified in CARB Executive Order G-70-150-AE 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 the Deli & Discount Tobacco GDF was on October 25, 2006. An Official Order was issued to Deli & Discount Tobacco on January 11, 2008 for failing to perform an annual stage II vapor recovery compliance test. Testing was scheduled at this site for May 19, 2008, but was canceled and no addition testing has been scheduled with the Regional Air Pollution Control Agency (RAPCA).

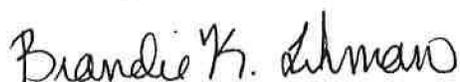
Deli & Discount Tobacco  
July 7, 2008  
Page 2

Deli & Discount Tobacco GDF is currently operating in violation of OAC rule and MCGHDAPCR 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 MCGHDAPCR section 3745-21-09 (DDD)(2) and ORC section 3704.05. It is imperative that Deli & Discount Tobacco 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  
Abatement Unit

cc:	Jeff Canan	RAPCA
	Tom Kalman	OEPA
	Lisa Holscher	USEPA



**REGIO**  
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**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.

1. Article Addressed to:

MO PATEL  
DELI & DISCOUNT TOBACCO  
8681 DAYTON CINCINNATI PIKE  
MIAMISBURG, OH 45342

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 *Mo Patel*  Agent  
 Address

B. Received by (Printed Name)  
*Mo Patel*

C. Date of Delivery  
*07/09/10*

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

2. Article Number  
 (Transfer from service label) **7007 1490 0004 7510 0364**

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-15

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