



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

June 30, 2008

Certified Mail

Scott Heenan

Giant Oil

3904 Corporex Park Drive, #150

Tampa, FL 33619

**RE: Ohio EPA Premises No. 0857731459
BP #478 – 5835 N. Main Street, Harrison Twp., OH 45415
Failure to Pass Annual Stage II Vapor Recovery Compliance Testing**

Dear Mr. Heenan:

WARNING LETTER

On May 12, 2008, the Regional Air Pollution Control Agency (RAPCA) conducted an inspection and witnessed a performance test of the gasoline dispensing facility (GDF) at BP #478 located at 5835 N. Main Street in Harrison Township, Ohio. The purpose of this inspection and performance test was to determine the GDF's compliance status with applicable state and local air pollution control regulations. This inspection/test at BP #478 revealed violations of state and local air pollution control regulations.

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), and in accordance with the testing requirements specified in CARB Executive Order G-70-150-AE, static leak testing contained in OAC rule 3745-21-10, Appendix A, and air to liquid ratio (A/L) testing shall be successfully conducted at least once in each consecutive twelve-month period. BP #478 failed to show compliance with OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), through the completion of a successful static leak test and A/L test on May 12, 2008. On this date, an Official Order was issued to BP #478 to make any needed repairs and reschedule testing within a thirty (30) day time period. To this date, no additional testing has been scheduled with RAPCA.

Failing to demonstrate compliance with the testing requirements is a violation of OAC rule and MCCGHDAPCR section 3745-21-09 (DDD)(2), OAC rule and MCCGHDAPCR section 3745-15-04, and Ohio Revised Code (ORC) section 3704.05.

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Since the above noted GDF is currently operating in violation of OAC rules and MCCGHDAPCR sections 3745-21-09 (DDD) and 3745-15-04, and CARB Executive Order G-70-150-AE, it is imperative that BP #478 ensure that repairs are made to this site to correct the deficiencies, and reschedule testing to demonstrate compliance.

BP #478 shall respond within fourteen (14) days after receipt of this letter. The response shall include the intended retest date for this GDF. 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

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:

GIAN904* 336193281 1308 26 07/05/08
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 :GIANT OIL INC
 1806 N FRANKLIN ST
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COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *N. Gotay*

- Agent
- Addressee

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N. Gotay

C. Date of Delivery

7/8/08

D. Is delivery address different from item 1? If YES, enter delivery address below:

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(Transfer from service label)

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PS Form 3811, February 2004

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SCOT HEENAN
 GIANT OIL
 3904 CORPOREX PARK DRIVE, #150
 TAMPA, FL 33619

PS Form 3800, August 2006

See Reverse for Instructions