



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 14, 2012

Certified Mail

Dennis Kerschner, Owner
Red's Auto Sales
35 Quinn Road
West Alexandria, Ohio 45381

WARNING LETTER

On June 14, 2012, representatives from the Regional Air Pollution Control Agency (RAPCA) inspected the above named facility to determine compliance with the requirements contained in Ohio Administrative Code (OAC) Chapter 3745-80 regarding the sale or offering for sale of motor vehicles. During the inspection, one vehicle offered for sale at your facility was identified as having tampered emission systems. Knowingly offering for sale a vehicle which has been tampered with is a violation of OAC rule 3745-80-02 (E). A form noting the vehicles inspected, and description of any tampering discovered, was presented to you after the inspection on June 14, 2012. A copy of this form is enclosed.

The tampering discovered on the motor vehicle noted in the enclosed document should be corrected within thirty (30) days of the above-noted inspection date. Written confirmation that the above-mentioned vehicles have been repaired or properly salvaged shall be sent within fourteen (14) days of the completion of repairs or salvage to:

Regional Air Pollution Control Agency
117 S. Main Street
Dayton, OH 45422-1280

Please note that this Warning Letter does not constitute a waiver of Ohio EPA's ability to pursue further enforcement action concerning these or other violations or to seek civil penalties as provided in Revised Code Chapter 3704.

If you have any further questions, or require additional information concerning this situation, please do not hesitate to contact me at (937) 225-5931.

Sincerely,

Brian Huxtable
Enclosure

CC Jefferys Canan, RAPCA Enforcement Supervisor



State of Ohio Environmental Protection Agency

**STATEWIDE ANTI-TAMPERING PROGRAM
AUTO DEALER AUDIT FINDINGS**

Contact and Title <i>Dennis Kerschner</i>	County <i>Preble</i>	Date <i>6/14/12</i>	Time <i>10:15 am</i>
Facility Name <i>Red's Auto Sales</i>	Telephone <i>(937) 839-1802</i>		
Address <i>35 Quinn Road</i>		Anti-Tampering Inspectors, Agency <i>Brian Huxtable</i> <i>Jason Simon</i> <i>Regional Air Pollution Control</i>	
City <i>West Alexandria</i>	ZIP <i>45381</i>		
Type of Dealership: New <input type="checkbox"/> or Used <input checked="" type="checkbox"/>	Directed or Scheduled Audit	Complaint on File? <i>No</i>	
Number Vehicles Offered for Sale <i>~15</i>	Number of Vehicles Inspected	Number of Tampered Vehicles	
Dealer Permit Number <i>UD098953</i>	Approximate Monthly Sales (in \$)		
Copy of Anti-Tampering Regulation (ORC 3704.16) Presented? <i>Yes</i>	Other Anti-Tampering Information Presented (please list) <i>Other anti-tampering fact sheets</i>		

VEHICLE TAMPERING REPORT

Tag# / Fleet #	Year <i>1988</i>	Make <i>Ford</i>	Model <i>F-250 XL</i>	New or Used Vehicle? <i>Used</i>				
Serial (VIN) # <i>1FTEF26H6JNA62598</i>	Transmission Type: Automatic <input checked="" type="checkbox"/> or Manual <input type="checkbox"/>		Emission System: 49 State <input checked="" type="checkbox"/> Canadian <input type="checkbox"/> California <input type="checkbox"/>					
PCV	TAC	AIR	EEC	0 ₂	EGR	FIR	CAT <i>None</i>	EXHT <input checked="" type="checkbox"/>
Description of Tampering <i>Missing cat</i>							Place and Date of Vehicle Purchase <i>Trade-in</i>	
Tampering Corrected Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Date <i>7/9/12</i>		Signature of Auditor <i>[Signature]</i>				

I understand that an audit of my facility has been conducted to determine compliance with Ohio's state-wide anti-tampering law (Ohio Revised Code Sections 3704.16 - 3704.162). I have been informed, by the Ohio EPA representatives listed above, of any vehicles offered for sale on the premises of my facility that were found to be in a tampered condition. For those vehicles identified as tampered, the missing or non-functioning emission system(s) have been listed on this form.

* I understand that the tampered items on each vehicle must be corrected immediately if the vehicle is to continue to be offered for sale. If the tampered items cannot be corrected immediately, the vehicle(s) must not be offered for sale until all the tampered items are corrected. Continuing to offer for sale a vehicle that has been identified as tampered is a violation of ORC 3704.16 and shall be subject to the appropriate penalties, pursuant to ORC 3704.99.

Departure Time <i>11:00 am</i>	Number of Pages <i>2</i>	Recipient's Signature (Owner or Manager) <i>[Signature]</i>
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AUTO DEALER AUDIT FINDINGS (continued)

VEHICLE TAMPERING REPORT

Tag# / Fleet #				Year	Make	Model	New or <u>Used Vehicle?</u>		
				1998	Chevy	Lumina			
Serial (VIN) #				Transmission Type:			Emission System:		
2G1WLS2M2X9181710				Automatic <input checked="" type="checkbox"/> or Manual <input type="checkbox"/>			49 State Canadian California		
PCV	TAC	AIR	EEC	0 ₂	EGR	FIR	CAT	EXHT	
Description of Tampering							Place and Date of Vehicle Purchase		
None									
Tampering Corrected				Date		Signature of Auditor			
Yes <input type="checkbox"/> No <input type="checkbox"/>									
Tag# / Fleet #				Year	Make	Model	New or <u>Used Vehicle?</u>		
				1999	Chevy	Blazer			
Serial (VIN) #				Transmission Type:			Emission System:		
1GNCT18W9XK203490				Automatic <input type="checkbox"/> or Manual <input type="checkbox"/>			49 State Canadian California		
PCV	TAC	AIR	EEC	0 ₂	EGR	FIR	CAT	EXHT	
Description of Tampering							Place and Date of Vehicle Purchase		
None									
Tampering Corrected				Date		Signature of Auditor			
Yes <input type="checkbox"/> No <input type="checkbox"/>									
Tag# / Fleet #				Year	Make	Model	New or <u>Used Vehicle?</u>		
				1998	Chevy	Cavalier			
Serial (VIN) #				Transmission Type:			Emission System:		
1G01JL5240X7189901				Automatic <input checked="" type="checkbox"/> or Manual <input type="checkbox"/>			49 State Canadian California		
PCV	TAC	AIR	EEC	0 ₂	EGR	FIR	CAT	EXHT	
Description of Tampering							Place and Date of Vehicle Purchase		
None									
Tampering Corrected				Date		Signature of Auditor			
Yes <input type="checkbox"/> No <input type="checkbox"/>									
Tag# / Fleet #				Year	Make	Model	New or <u>Used Vehicle?</u>		
				2000	Olds	Alero			
Serial (VIN) #				Transmission Type:			Emission System:		
1G3NL120Y2371857				Automatic <input checked="" type="checkbox"/> or Manual <input type="checkbox"/>			49 State Canadian California		
PCV	TAC	AIR	EEC	0 ₂	EGR	FIR	CAT	EXHT	
Description of Tampering							Place and Date of Vehicle Purchase		
None									
Tampering Corrected				Date		Signature of Auditor			
Yes <input type="checkbox"/> No <input type="checkbox"/>									