



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korieski, Director

September 3, 2010

RE: CERTIFIED WARNING LETTER
ANNUAL STAGE II COMPLIANCE TEST
WALT WYVILL MARATHON
DAPC FACILITY ID 0247010636

CERTIFIED MAIL

Walt Wyvill
Walt Wyvill Marathon
109 Cleveland St
Amherst, OH 44001

Dear Mr. Wyvill:

This letter is in regard to the Marathon gas station located at 109 Cleveland St. in Amherst, Ohio. The annual Stage II testing for this station was due in May 2010. To date, testing has not been performed. **Please schedule testing as soon as possible.**

This station is currently operating without permits, in violation of Ohio Administrative Code (OAC) Rule 3745-31-02. I have enclosed a Permit by Rule Notification form. Please complete the form and return it as per the instructions **within fourteen (14) days of receipt of this letter.** This will replace any needed Permit-to-Install and Operate and will mean you no longer have to pay the biannual emission fees. **This is at least the third time that this request has been made.**

Failure to test in a timely manner or failure to submit the Permit by Rule notification may result in referral to Ohio EPA's Central Office for enforcement action.

This letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date.

If you have any questions regarding this letter, please do not hesitate to contact me at (330) 963-1270.

Sincerely,

Tim Fischer
Environmental Supervisor
Division of Air Pollution Control

TF:bo

enclosures: Permit by Rule Notification form

Northeast District Office
2110 East Aurora Road
Twinsburg OH 44087-1924

330 | 963 1200
330 | 487 0769 (fax)
www.epa.ohio.gov