



**Environmental  
Protection Agency**

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

September 2, 2010

RE: CERTIFIED WARNING LETTER  
FIVE-YEAR STAGE II COMPLIANCE TEST  
MICKEY MARTS #'S 18, 30, & 47  
DAPC FACILITY IDS 0247170525,  
0247100643, AND 0247100712

**CERTIFIED MAIL**

Mick Coles  
Coles Energy  
P.O. Box 449  
Milan, Ohio 44846

Dear Mr. Coles:

The five-year Stage II compliance demonstrations conducted at the following locations demonstrated compliance with the testing requirements of Ohio Administrative Code (OAC) Rule 3745-21-09(DDD):

	Mickey Mart #18 508 Route 58 South Wellington, OH 44090	Mickey Mart #30 155 S. Main St. Oberlin, OH 44074	Mickey Mart #47 199 S. Main St. Oberlin, OH 44074
2010 Testing due	May 2010	May 2010	May 2010
2010 Passing test	August 24, 2010	August 24, 2010	August 24, 2010
2011 Testing due	May 2011	May 2011	May 2011

As indicated in the above table, the testing was late this year for each station in violation of OAC Rule 3745-21-09(DDD). Testing for these stations was originally attempted in June, after the May deadline, in violation of OAC Rule 3745-21-09(DDD). Stations #30 & #47 passed, but the testing company forgot to perform the five-year dynamic test. Coles Energy is responsible for ensuring that compliance is demonstrated on time. Please be sure to review the testing reports to ensure there are no omissions. Station #18 initially failed because vacuum motors needed to be replaced. Please ensure that stations are in passing condition on test day.

With the above in mind, these stations have shown improvement over last year. A Stage II certified individual was available and records appear to be maintained properly. There were also less maintenance issues and had the testing company performed the dynamic testing, two of the stations would have been only a month late.

MR. MICK COLES  
COLES ENERGY  
PAGE 2 OF 2

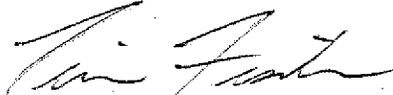
One outstanding issue is that Station #47 is still operating without permits. I have enclosed a Permit by Rule Notification form. Please complete the form and return it as per the instructions **within fourteen (14) days of receipt of this letter**. This will replace any needed Permit-to-Install and Operate (PTIO) and will mean you no longer have to pay the biannual emission fees.

Failure to test in a timely manner, testing failures, or failure to submit the Permit by Rule notification form will likely 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

enclosure: Permit by Rule form