



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

December 23, 2009

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

CERTIFIED MAIL

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

Dear Mr. Coles:

The annual 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
2009 Testing due	May 2009	May 2009	May 2009
2009 Passing test	November 19, 2009	November 19, 2009	September 22, 2009
2010 Testing due	May 2010	May 2010	May 2010

As indicated in the above table, the testing was late this year for each station in violation of OAC Rule 3745-21-09(DDD). Mickey Marts #18 and #30 were especially late as they failed initially and had to be retested. In order to avoid enforcement penalties, **please be sure that these stations test on time next year and perform regular preventative maintenance** to ensure that they pass the testing requirements.

The inspectors also indicated that records required to be maintained in accordance with OAC Rule 3745-21-09(DDD) were not being maintained properly at each station. **Please be sure to maintain maintenance and throughput records as outlined in the rule.**

Failure to maintain records, failure to test in a timely manner, or continued testing failures will likely result in referral to Ohio EPA's Central Office for enforcement action.

Mr. Dan Coles
Coles Energy
Page 2 of 2

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

ec: Erik Bewley, Ohio EPA, DAPC, NEDO
Ed Perez, Ohio EPA, DAPC, NEDO
Rick Smith, Ohio EPA, DAPC, NEDO