



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

February 20, 2007

RE: FAILED ANNUAL STAGE II
COMPLIANCE TEST
MIDDLE AVENUE MARATHON
OHIO EPA ID #0247040523

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Charlie Daher
Middle Avenue Marathon
824 Middle Ave.
Elyria, OH 44035

Dear Mr. Daher:

On November 2, 2004, this Agency sent to you a Notice of Violation concerning a failed Stage II compliance test that was conducted on July 29, 2004.

The next attempted Stage II compliance test in our records was conducted on May 17, 2005. The results show that the A/L portion of the test passed, but the Static Leak portion was not conducted due to the station receiving a gasoline delivery during the test period.

A retest of the Static Leak test was attempted on July 18, 2005, but was aborted due to repairs to the drop tubes and adapters being conducted. Our inspector requested that the test be rescheduled.

No testing has been done since then.

As you should know, Ohio EPA Rules require annual Stage II testing. I have enclosed a copy of the rules.

Please complete all necessary repairs and schedule full Stage II testing (including the dynamic pressure test) to be conducted by March 15, 2007.

Furthermore, this Agency has not received the completed "2004-2005 Non-Title 5 Air Emissions Report" that is required by Ohio Administrative Code Rule 3745-78-02. The forms (on blue paper) were sent to you February 21, 2006, and November 29, 2006. Please complete the form and submit it as per the instructions.

MR. CHARLIE DAHER
FEBRUARY 20, 2007
PAGE 2

Violations of state air pollution control regulations are punishable by a civil penalty of \$25,000 per violation. Issuance of this notice does not excuse any violation of state law regarding air pollution.

If you have any questions, please do not hesitate to contact me at (330) 963-1223.

Sincerely,



Dennis Bush
Environmental Manager
Division of Air Pollution Control

DB:bo

enclosures

cc: Bob Princic, Ohio EPA, DAPC, NEDO
Tom Kalman, Ohio EPA, DAPC, CO
Lisa Holsher, U.S. EPA, Region V
Elisa Thomas, Ohio EPA, DAPC, CO