



AKRON REGIONAL  
**AIR QUALITY MANAGEMENT DISTRICT**

Agent of the Ohio Environmental Protection Agency • Division of the Akron Health Department  
Serving Medina, Portage and Summit Counties

TELEPHONE: (330) 375-2480  
FAX: (330) 375-2402

L. M. Malcolm, P.E.  
Administrator

May 10, 2007

Ms. Michelle Butler  
Nemenz Little Village Shopper, Inc.  
PO Box 72  
Diamond, OH 44412

Dear Ms. Butler:

SUBJECT: NOTICE OF VIOLATION--FAILURE TO OBTAIN AN OHIO EPA PERMIT TO OPERATE  
AND TO INSTALL STAGE II VAPOR RECOVERY AT THE NEMENZ LITTLE VILLAGE  
SHOPPER, INC.

On October 20, 2006, Steve Stakleff of this Agency dropped off an envelope containing application forms for an Ohio EPA Permit to Operate and information regarding Stage I & Stage II vapor control requirements.

This Agency notified you by Certified Mail on October 24, 2006, that this facility was in violation of Ohio Administrative Code 3745-31-02 and 3745-35-02, which requires issuance of a Permit to Install (PTI) and Permit to Operate (PTO) before any air contaminant source can be operated. Ohio Revised Code section 3704.05 prohibits any violation of the Ohio Environmental Protection Agency (Ohio EPA) regulations, and provides for civil and criminal penalties for violations.

On November 7, 2006, Susan Anderson of this Agency met with you to help with the completion of the applications and to discuss the Stage II vapor recovery requirements. At that time, you were informed that Stage II vapor control is required for this facility. You were to get estimates for the installation of Stage II vapor control, seek financing, and submit a schedule for installation.

To date, this Agency has not received a schedule for installation of Stage II vapor control or completed application forms for the Ohio EPA Permit to Operate for this facility.

Within 15 days of receipt of this letter, you are required to submit a plan for the installation of Stage II vapor control and completed application forms for an Ohio EPA Permit to Operate.

Acceptance of the information requested by this Agency does not constitute a waiver of this Agency's or the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties will be made at a later date.

If you have any questions, please contact Susan Anderson at 330/375-2480 x6053.

Yours truly,

L. M. Malcolm, PE  
Administrator

SA:LMM  
Certified Mail

CITICENTER - SUITE 904

146 SOUTH HIGH STREET • AKRON, OHIO 44308

*An equal opportunity employer and provider of services - CRA 1964*



Printed on Recycled Paper

8800002971