



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 27, 2009

Mr. Jonathan Ross
Mac's Convenience Stores, LLC
PO Box 347
Columbus, IN 47202-0347

Dear Mr. Ross:

SUBJECT: NOTICE OF VIOLATION, MAC'S / CIRCLE K #5417

On May 4, 2009, a representative of the Akron Regional Air Quality Management District inspected the Mac's / Circle K #5417 gasoline dispensing facility located at 940 S. Arlington Street in Akron to determine compliance with OAC 3745-21-09 (DDD) regarding Stage II vapor recovery and to witness Stage II testing.

Inspection results/Deficiencies:

Record keeping: Stage II test results for 2006 & 2007 were not in the Station file.

Equipment: **Dispenser 1-2 was found to have the Gilbarco Stage II vapor control system intentionally disabled.** The vacuum system was unplugged and the dispenser was in service. Therefore, this facility failed Stage II testing on May 4, 2009. **Mac's / Circle K #5417 is in violation of OAC rule 3745-21-09 (DDD)(1).**

This Agency witnessed the successful retesting of Dispenser 1-2 on May 21, 2009.

Please correct the deficiencies noted. This facility will be inspected on an annual basis for compliance with the Stage II vapor recovery rule. It is required that you keep record keeping information at a readily available location for inspection. For this Agency, it is requested that you keep copies of the required information at each individual location where all employees can access them.

Acceptance of the corrections 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.

Thank you for your cooperation and assistance in this matter. 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

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