

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

February 13, 2008

Mr. Bobby Kader  
Max's Express, Inc.  
813 Lovers Lane  
Akron, OH 44306

Dear Mr. Kader:

On December 10, 2007, a representative of the Akron Regional Air Quality Management District (ARAQMD) inspected Max's Express gasoline dispensing facility to determine compliance with OAC 3745-21-09 (DDD) regarding Stage II vapor recovery.

**Inspection results/deficiencies:**

This gasoline dispensing facility was found closed at time of inspection. The store however was open and the signs on the dispensers said "gas soon."

Record keeping: **No record keeping was available for review. Max's Express, Inc. is in violation of OAC rule 3745-21-09 (DDD)(3), which specifies the records that are to be kept. A certificate of Stage II training must be obtained and a copy of which kept in the stations records.**

Equipment: The dispensing equipment at this facility has not been in operation for a long time. Repair or replacement may be needed for successful completion of Stage II testing.

ARAQMD file: This facility failed to complete Stage II testing 2003 & 2004. **Failure to complete Stage II vapor recovery testing which is a violation of OAC Rule 3745-21-09 (DDD)(2)(c)(d) and the California Air Resources Board (CARB) executive order G-70-150-AE issued for the Gilbarco vapor recovery system installed at this location.**

The Ohio EPA Permit to Operate for this facility expired on March 3, 2003. **It is a violation of OAC rule 3745-35-02 to operate an air contaminant source without first obtaining a Permit to Operate (PTO).** 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.

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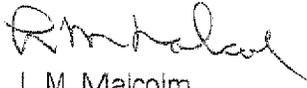
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Correction of all deficiencies is required before opening. Enclosed with this letter are the forms necessary to renew the Ohio EPA Permit to Operate, a list of testing Stage II vapor recovery testing companies including those that provide the required Stage II training certification.

Acceptance of the information requested by this Agency does not constitute a waiver of it'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 in this case 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.

Sincerely,



L.M. Malcolm  
Administrator

SA  
Enclosures  
Certified Mail  
cc Tom Kaiman, DAPC