

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

September 9, 2008

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

Dear Mr. Merritt:

A representative of the Akron Regional Air Quality Management District (ARAQMD) inspected the following Mac's / Circle K gasoline dispensing facilities to determine compliance with OAC 3745-21-09 (DDD) regarding Stage II vapor recovery:

<u>Date</u>	<u>Station</u>	<u>Address</u>	<u>City</u>
9/4/08	5416	4936 Fishcreek Road	Stow 1677110042
9/8/08	5595	2806 Copley Road	Copley 1677040049

Inspection results/Deficiencies:

<u>Station</u>	<u>Deficiency</u>
5416	Record keeping: The results of Stage II testing completed in 2007, in the Station file, are incomplete. The Ohio EPA Permit to Operate for this facility expired on August 21, 2006.

ARAQMD file: A review of our records found that we notified you in a May 3, 2007, letter (sent by certified mail) regarding the expiration of the Ohio EPA Permit to Operate for this facility. **Mac's Convenience Stores LLC (Circle K #5416) is in violation of Ohio Administrative Code (OAC) rule 3745-35-02 which requires issuance of a 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.**

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<u>Station</u>	<u>Deficiency</u>
5595	Record keeping: The results of Stage II testing completed in 2007 were not in the Station file.

Within fourteen (14) days of receipt of this letter, you are to submit a Permit to Operate application for Station #5416 to this Agency. I strongly suggest that you review the permit status of all your facilities. **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.**

Please correct the deficiencies noted. These facilities 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.

Thank you for your cooperation and assistance in this matter. If you have any questions, please contact me at 330/375-2480 x6053.

Sincerely,



Susan Anderson
Sanitarian II

SA
Certified Mail