

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

May 3, 2007

### CERTIFIED MAIL

Mr. Tom Owens  
Tom Owens Sandblasting  
205 W. Alexis Ave.  
Toledo, OH 43612

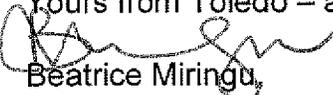
Re: Notice of Violation

Dear Mr. Owens:

Enclosed, please find a "Notice of Violation". Please review this document carefully as some action is required on your part.

If you have any questions, please feel free to contact me at 419-936-3766.

Yours from Toledo – a City the Future! \*

  
Beatrice Miringu,  
Environmental Specialist

\*fDi Magazine –April 2007  
BM/mbd

### Enclosure:

- Compliance Guide for Auto Repair Shops including:  
Air permit requirement and a checklist
- Permit to Install and Permit to Operate application forms

cc: T. Casey Stephens, TDOES  
Leslie Kovacik Toledo Law  
John Paulian, OEPA  
Lisa Holscher, USEPA Region V

## NOTICE OF VIOLATION

May 3, 2006

The City of Toledo Division of Environmental Services hereby serves notice that:  
Tom Owens Sandblasting  
205 W. Alexis Ave.  
Toledo, OH 43612

has violated the following environmental laws, orders, rules, or regulations on the indicated dates:

Regulations Violated	Description and Dates of Violations
<p>OAC rule 3745-31-03</p> <p>No person shall cause, permit, or allow the installation of a new source of air pollutants, or cause, permit, or allow the modification of an air contaminant source, without first obtaining a permit-to-install from the director</p>	<p>On April 20, 2007 at 12:30 pm., employees of Tom Owens Sandblasting located at 205 W. Alexis Avenue were observed operating the paint booth and using an abrasive disk on a tanker truck in the abrasive blasting booth without a permit to install or a permit to operate.</p>
<p>OAC rule 3745-31-02</p> <p>No person shall cause, permit, or allow the operation or use of any air contaminant source without applying for and, obtaining a permit-to operate from the director in accordance with the requirements of this rule.</p>	
<p>OAC 3745-15-07</p> <p>Air pollution nuisances prohibited.</p> <p>(A) Except as provided in paragraph (B) of this rule, the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.</p>	<p>Members of the public notified this office of spray painting with the door open at this facility. Officials from this office observed spray paint being released into the ambient air through the open door.</p>

<p>TMC 1777.01</p> <p>Air pollution nuisances prohibited.</p> <p>The emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes or combinations of substances, in such manner or in such amounts as to endanger or tend to endanger the health, comfort, safety or welfare of the public..... No person shall cause, permit, or maintain any such public nuisance.</p>	<p>Members of the public notified this office of the spray painting with the door open at this facility. Officials from this office observed spray paint being released into the ambient air through the open door.</p>
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that a penalty may be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

#### Required Actions

Within 2 weeks of receipt of this Notice of Violation, you shall:

1. Abate the violation(s) or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
  - a. Description(s) and date(s) of action(s) taken thus far to abate the violation(s).
  - b. Description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
  - c. Description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

Your written response and any questions regarding this Notice of Violation should be directed to Beatrice Miringu at the Toledo Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code § 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

