



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

March 23, 2010

**Re: Athens County
Complaint**

Mr. Linden Kittle
Bud's Place
10900 State Route 682
The Plains, Ohio 45780

Dear Mr. Kittle:

I am writing this letter in response to a complaint received by this office on February 10, 2010. The complaint alleges that vehicles are being painted without proper controls at your facility.

On February 18, 2010, I investigated this complaint and spoke to you. You told me that you work on cars at this location but haven't done any painting here. I explained what the Ohio EPA requirements would be if you were interested in painting at this location. You later called me and told me that you were interested in painting vehicles at this location and would be installing the proper control equipment.

On March 19, 2010, I met with you at your facility. The fan, filter and stack had been installed. The stack height needs to be extended so that the exit is above the roofline of your building.

Painting operations are considered air contaminant sources, as defined in Ohio Administrative Code (OAC) rule 3745-31-01(D). The installation of an air contaminant source without obtaining a permit to install is a violation of OAC rule 3745-31-02(A), unless the source is exempted from the permitting requirements pursuant to OAC rule 3745-31-03. The exemption that may apply to your painting operation is stated below:

- (kk) Coating applicators with properly designed and operated particulate control devices and venting systems that employ less than five gallons of only air-dried coating material in any one day provided that the applicators are:
 - (i) Not located in a nonattainment area for ozone;
 - (ii) Not subject to limits specified in or specifically exempted from rule 3745-21-09 of the Administrative Code;

- (iii) Not subject to federal standards of performance for new stationary sources; and
- (iv) Not located at a facility with actual emissions of twenty-five or more tons of volatile organic materials per year and are not subject to a standard under section 112 of the Clean Air Act.

If you wish to demonstrate that you meet the exemption in OAC rule 3745-31-03(A)(1)(kk) and avoid the requirement to obtain a permit, you must do the following:

1. Submit documentation of past coating usage which shows that the operation never used more than five gallons of air-dried coatings per day; and
2. Document (via photograph(s)) that you have extended the building exhaust stack above the facility roofline.

For item 1 above, please collect and submit the coating usage records for the past four months.

If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mim