

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

November 19, 2007

CERTIFIED MAIL

Mr. Tom Owens
205 West Alexis
Suite 14
Toledo, Ohio 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 419-936-3938.

Yours from Toledo - a City of the Future!

A handwritten signature in cursive script that reads "Matthew A. Stanfield".

Matthew A. Stanfield
Staff Professional Engineer

*fDi Magazine-April 2007

Enclosure

cc: Casey Stephens
Leslie Kovacik
John Paulian, OEPA
Lisa Holscher, USEPA Region V

T. Casey Stephens, Commissioner
DIVISION OF ENVIRONMENTAL SERVICES
Quilter Environmental Center
348 South Erie Street, Toledo, Ohio 43604-8633 USA
Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: casey.stephens@toledo.oh.gov

NOTICE OF VIOLATION

November 19, 2007

The City of Toledo Division of Environmental Services hereby serves notice that:

Tom Owens
205 West Alexis
Suite 14
Toledo, Ohio 43612

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Dates of Violation(s)

November 7 and 13, 2007

Regulation(s) violated

OAC rule 3745-31-(a)(4)(g)(i)(d) and (f)

An auto body refinishing facility that meets all of the following qualifications is eligible to use this permit-by-rule:

The facility performs all painting operations in an enclosed spray booth(s) which are designed to confine and direct the paint overspray, fumes, and vapors to a powered ventilation system and are equipped with either a dry filtration or water wash system(s) to capture paint overspray.

The exhaust stack(s) of each paint spray booth at the facility:

(i) Is equipped with a fan designed to achieve an exhaust flow capacity of at least ten thousand cubic feet per minute.

(ii) Discharges air contaminants in a vertical direction, without obstructions like rain caps, goose neck exhaust, or other obstructions.

(iii) Has a stack height which is at least sixteen feet, as measured from ground level to the point of discharge to the atmosphere.

(iv) Has a point of discharge no closer than sixty feet to the nearest facility property line.

Description of Source(s) and Violations(s)

A Permit-by-Rule Notification Form for Auto Body Refinishing Facility was submitted to the Toledo Division of Environmental Services. Personnel from this Division were visiting the facility and witnessed an individual spraying paint with the overhead door open and with fans blowing the overspray and fumes outside through the open door. The paint spray operation at this facility does qualify for the Permit-by-Rule for an Auto Body Refinishing Facility.

Regulation(s) violated

OAC rule 3745-31-02(A)(1)

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.

Description of Source(s) and Violations(s)

An abrasive blasting operation has been installed and operated at this facility. A Permit to Install has not been issued by the Ohio EPA for this operation.

OAC rule 3745-17-08

No person shall cause or permit any fugitive dust source to be operated without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne.

The permittee has installed and operated an abrasive blasting operation where emissions from the blasting enclosure are vented through a rooftop ventilator without particulate emissions control.

The above violation(s) may subject the violator to penalties of up to \$25,000 per violation. It is possible 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 Matthew A. Stanfield at the Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, or call 419-936-3938.

Recommended Remedial Actions

1. Apply for a Permit to Install and Permit to Operate for the paint spray operation and abrasive blasting operation. Permit to Install application forms have been included with this document.

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.

