

CITY OF TOLEDO

DEPARTMENT OF PUBLIC UTILITIES

January 15, 2009

CERTIFIED

Leonard McCormick
1028 Colony Pond
Eugene, Oregon 97401

Re: Notice of Violation Regarding Canary Cleaners [0448011487]

Dear Mr. McCormick:

Enclosed, please find a "Notice of Violation" for Canary Cleaners, 0448011487, located at 5124 N. Summit St., Toledo, Ohio. Please review this document carefully as some action is required on your part.

If you have any questions regarding this matter, feel free to contact me at (419) 936 - 3955.

Sincerely,



Pamela Barnhart
Environmental Engineer - Air Section

Enclosures:

PTO Permit dated 1/11/06
Courtesy Letter dated January 4, 2008
Notification of Compliance Status Report Form
Federal Code of Regulations – 40 CFR Title 40, Part 63, subpart M

cc: Tim Murphy, Commissioner, TDES
Karen Granata, Air Chief, TDES
Robert Lobpez, TDES
Joyce Anagnos, Senior Attorney
John Paulian, Ohio EPA
Lisa Holscher, U.S. EPA

Timothy D. Murphy, 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: tim.murphy@toledo.oh.gov

NOTICE OF VIOLATION

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

Canary Cleaners
Premise Number 04480114875
5124 N. Summit St.
Toledo, Ohio 43611

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

Dates of Violations

January 15, 2008

Regulations Violated	Description of Violations
<p>40 CFR Part 63.322(k) and 63.324(d)(3); Permit to Operate (PTO), terms C.1. and 3.d. for emissions unit D001.</p> <p>The permittee is required to perform biweekly visual inspections as part of a leak detection and repair program; repair leaks within 24 hours; order parts within 2 days and have them installed within 5 days of receipt.</p>	<p>On January 15, 2009, during a facility inspection, the permittee failed to provide records/log of the required biweekly visual inspection of the dry cleaning equipment. Nor was there a log to indicate that the leaks were repaired within 24 hours.</p> <p>No log of the repair parts ordered or any paper work to indicate that the repair parts were ordered within 2 days or if the repair parts were installed within 5 days of receipt.</p>
<p>40 CFR Part 63.323(a)(1)(ii) and 63.324(d)(5);</p> <p>PTO terms C.2., 3.e. and f.</p> <p>The outlet temperature of the refrigerated condenser is to be measured weekly; if the temperature is greater than 45 degrees Fahrenheit, then adjustments or repairs are required.</p>	<p>The outlet temperature of the refrigerated condenser was not measured for the past 8 months nor were there any records.</p> <p>No log of the dates of repair or records for repair parts were available for inspection.</p>
<p>40 CFR Part 63.324(d)</p> <p>PTO term C.3.a., b., c., and h.</p> <p>The permittee is required to maintain a log of the perc purchases; calculation of the yearly perc consumption;</p>	<p>The operator said there were receipts of perchloroethylene but no records of the rolling, 12-month summation of perc calculated on a monthly basis. No records of monthly perc purchases were available. No records of the amount of fabric dry cleaned with perc was available for review.</p>

<p>40 CFR Part 63.324 (f)</p> <p>A notification of compliance status was to be sent by registered mail on or before July 28, 2008 to indicate if the permittee is in compliance with 63.322.</p>	<p>The notification of compliance status was not sent to Ohio EPA or to Environmental Services.</p>
<p>40 CFR 63.322(o)</p> <p>Once a month, the permittee is to conduct the inspections of the dry cleaning equipment using a halogenated detector or PCE gas analyzer.</p>	<p>Neither a halogenated detector or PCE gas analyzer was used to detect the monthly inspection.</p>

The above violation(s) may subject the violator to **penalties** of up to \$25,000 per violation. It is possible that a penalty will 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 14 days of receipt of this Notice of Violation, the permittee shall:

1. Abate the violations or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation within fourteen days of receipt. The reply shall include:
 - a. descriptions and dates of actions taken thus far to abate the violation;
 - b. descriptions and expeditious time schedule of actions yet to be taken to remedy the violations; and
 - c. descriptions of actions taken or to be taken to prevent recurrence of the violations.

Recommended Remedial Actions

It is recommended that you consider the following suggestions:

1. Implement all monitoring, recordkeeping, reporting and testing requirements of the Permit to Operate at Canary Cleaners.
2. Implement the additional requirements of the amended MACT, 40 CFR 63, subpart M, in particular Parts 63.322(o) and 63.324(f).
3. If you need assistance with your forms or other information, contact Ohio EPA's Office of Compliance Assistance and Pollution Prevention at 1-800-329-3955.
4. Purchase a halogenated detector or PCE gas analyzer for the required

monthly inspections.

5. Once you are in compliance with the above, send in the Notification of Compliance Status Report forms to the 4 locations stated on the form by registered mail.
6. Provide your response to this NOV within 14 days of receipt to avoid further enforcement action.

Your written response and questions regarding this Notice of Violation should be directed to Pamela Barnhart at Toledo Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43602, or call (419) 936-3955.