



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue Plaza, Suite 200
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 18
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7003 1010 0004 2923 4888
RETURN RECEIPT REQUESTED

April 22, 2010

Anthony Peacock
Peacock Auto Body
8701 Buckeye Road
Cleveland, Ohio 44101

NON-HPV

FACILITY ID: 13-18-00-8524

NOTICE OF VIOLATION: Failure to record actual paint, paint stripper, solvent clean-up material and any other solvent usage on a daily basis; failure to obtain city permits to operate and pay city permit fees for 2006, 2007, 2008 and 2009.

Dear Mr. Peacock:

On March 26, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Peacock Auto Body located at 8701 Buckeye Road in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Peacock Auto Body has failed to maintain usage records that adequately demonstrate actual emissions from spray painting operations did not exceed ten (10) pounds per day to qualify for a "de minimis" exemption as required in Ohio Administrative Code (OAC) Rule 3745-15-05(B), since June 2006.

Additionally, Peacock Auto Body has failed to obtain City of Cleveland permits to operate by submitting City of Cleveland Air Contaminant Source fees for the following calendar years: 2006, 2007, 2008 and 2009. This is a violation of City of Cleveland Codified Ordinances 259.01 and 263.01. Copies of these past invoices are included with this letter.

Peacock Auto Body had initially applied for a permit-by-rule (PBR), on June 26, 2006; however, this PBR provision is not applicable to Peacock Auto Body because the facility fails to meet the applicable requirements in accordance with OAC 3745-31-03(A)(4)(a) and (g), in that the facility does not operate a spray booth with appropriate control equipment.



Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Peacock Auto Body submit an accurate estimate of usage, based on prior purchases of paint, paint stripper, solvent cleaning product, and any other solvent product, covering the previous 12-months to determine if Peacock Auto Body falls within the "de minimis" permit exemption or if a permit-to-install/operate (PTIO) application needs to be submitted.

CDAQ is also requesting the Material Safety Data Sheets (MSDSs) of all paint, paint stripper, solvent cleaning product, and any other solvent product used. All information is to be submitted to CDAQ within thirty (30) days from receipt of this letter to the following enforcement personnel:

Valerie Shaffer
Cleveland Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114-1839

CDAQ also requests that Peacock Auto Body obtain City of Cleveland permits to operate by submitting City of Cleveland Air Contaminant Source fees within thirty (30) days of receipt of this letter to the following address:

City Permit Fee Invoices
Cleveland Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, Ohio 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a response which includes a timeline for correcting the alleged violations must be received to the enforcement representative listed above within thirty (30) days of your receipt of this letter.

Moreover, Peacock Auto Body should be aware that as an area source, National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart HHHHHH, exists under the United States Environmental Protection Agency (U.S. EPA) for paint stripping and miscellaneous surface coating operations which may be applicable to you. CDAQ has included a copy of the summary pamphlet from the U.S. EPA's Office of Air Quality Planning & Standards for your review.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars or imprisonment for not more than one year, or both, for each violation.



Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.ohio.gov/ocapp> or (614) 644-3469 or (800) 329-7518.

CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by OCAPP.

OCAPP can also provide assistance to facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production. Again, there is no charge for their services.

CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Valerie Shaffer at (216) 664-6292. All correspondence with CDAQ must include the Ohio EPA facility identification number for Peacock Auto Body: 13-18-00-8524.

Sincerely,

Linda Jimmy for G.B.
George Baker
Chief of Enforcement

GB/vls

cc:

Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318008524\2010-03-26 NOV.doc

encl: 2006, 2007, 2008 and 2009 City of Cleveland Air Contaminant Source Invoices, and U.S. EPA pamphlet: Summary of Regulations Controlling Air Emissions from Paint Stripping and Miscellaneous Surface Coating Operations

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>Anthony Peacock</i></p> <p>B. Received by (Printed Name) C. Date of Delivery <i>ANTHONY PEACOCK 4/27/0</i></p>
<p>1. Article Addressed to:</p> <p>PEACOCK AUTO BODY [DELIVER TO SIDE DOOR IN BACK] ATTN: ANTHONY PEACOCK 8701 BUCKEYE ROAD CLEVELAND, OHIO 44101</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7003 1010 0004 2923 4888</p>