



City of Cleveland
Frank G. Jackson, Mayor

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

**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL #70122210000052090052
RETURN RECEIPT REQUESTED**

November 8, 2012

David Gordon
Auto Magic
1640 Lee Road
Cleveland Heights, OH 44118

NON-HPV

FACILITY ID: 13-18-16-8521

NOTICE OF VIOLATION: Operating an emission unit without a permit

Dear Mr. Gordon:

On November 5, 2012, the Cleveland Division of Air Quality (CDAQ) inspected Auto Magic located at 1640 Lee Rd in Cleveland Heights during a complaint investigation. This letter serves as notification that you are operating a source in violation of the following applicable air statutes, air regulations, or air permit conditions.

Auto Magic, which formerly operated as Sterling Auto Body Centers, is currently operating a body shop spray booth without first applying for a permit-to-install/operate (PTIO) or submitting a permit-by-rule (PBR) notification form. Auto Magic has been operating the body shop spray booth since 2010. This is a violation of Ohio Administrative Code 3745-31-02 and Ohio Revised Code 3704.05(F).

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Auto Magic submit a PTIO application or PBR notification form to the following address:

Permit Section
Cleveland Division of Air Quality
75 Erievue Plaza 2nd Floor
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within fourteen (14) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

Please note that all permit applications submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the application will not be accepted by CDAQ and will be returned to you if original signatures are not provided.



Auto Magic was provided with a PBR notification form on November 5, 2012. CDAQ has also included a PBR notification form in this letter.

Permit-to-install/operate (PTIO) applications may be completed through the Ohio EPA eBusiness Center at <https://ebiz.epa.ohio.gov/>. An account is required to be created and a pin number assigned.

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 (\$25,000) 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 Andrew Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Auto Magic: 13-18-16-8521.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ak

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
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Encl: PBR notification form