

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
Craftmasters Division of	)	<b>NOTICE OF VIOLATION</b>
Evert Plating, Inc.	)	
Cleveland, Ohio	)	
	)	<b>EPA-5-99-OH-5</b>
Proceedings Pursuant to	)	
Section 113 of the Clean Air Act,	)	
42 U.S.C. § 7413.	)	
_____	)	

**STATUTORY AUTHORITY**

Pursuant to Section 113(a) (1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a) (1), the United States Environmental Protection Agency (EPA) hereby notifies the State of Ohio and Craftmasters Division of Evert Plating, Inc. (Craftmasters) that the EPA, by authority duly delegated to the undersigned, finds Craftmasters' facility, located at 16700 Westfield Avenue, Cleveland, Ohio (the Facility) to be in violation of the Ohio State Implementation Plan adopted pursuant to Section 110 of the Act, 42 U.S.C. § 7410, for failure to comply with Ohio SIP Rule Ohio Administrative Code 3745-35, which requires a permit to operate an air contaminant source.

**DEFINITIONS**

1. Pursuant to Ohio SIP Rule Ohio Administrative Code (OAC) 3745-15-01(C), "Air pollutant" or "air contaminant" means "particulate matter, dust fumes, gas, mist, smoke, vapor or odorous substances, or any combination thereof."
2. Pursuant to Ohio SIP Rule OAC 3745-15-01(U), "Person" means "the State or agency thereof, any political subdivision, or any agency thereof, public or private corporation, individual, partnership, or other entity."
3. Pursuant to Ohio SIP Rule OAC 3745-35-01(B) (1), "Air contaminant source" means "any machine, device, apparatus, equipment, building, or other physical facility that emits or may emit any air pollutant."

**REGULATORY BACKGROUND**

4. Section 110 of the Act, 42 U.S.C. § 7410, requires each State to adopt and submit a state implementation plan (SIP) which provides for the implementation, maintenance, and enforcement of any national primary or secondary standard established pursuant to Section 109 of the Act, 42 U.S.C. § 7409. The SIPs are required to include enforceable emission

limitations, control measures, schedules for compliance, and permit programs for existing sources.

5. Pursuant to Section 110 of the Act, 42 U.S.C. § 7410, the Administrator approved OAC Rules 3745-35-01 through 3745-35-04 as part of the federally enforceable Ohio SIP on June 10, 1982 (47 Fed. Reg. 25144). The approval became effective on July 12, 1982.
6. Pursuant to Ohio SIP Rule OAC 3745-35-02(A), "no person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a permit to operate from the Ohio Environmental Protection Agency in accordance with the requirements of this rule."

#### **FINDINGS OF FACT**

7. At all times relevant hereto, Craftmasters has been doing business as an electroplating facility in Cleveland, Ohio.
8. Craftmasters engages in hard chromium electroplating at the Facility and employs two hard chrome electroplating tanks for its hard chromium electroplating operations.
9. On March 11, 1997, the Cleveland Division of Air Pollution Control (DAPC) issued a Warning Letter to Craftmasters. The Warning Letter stated that facilities operating air pollution sources within the City of Cleveland must obtain a permit to install (PTI) and a permit to operate (PTO) an air pollution source. Enclosed with the Warning Letter were application forms for the PTI and PTO.
10. On October 30, 1997, the Cleveland DAPC conducted an inspection of the Craftmasters Facility.
11. By letter dated February 12, 1998, the Cleveland DAPC issued a Sealing Order to Craftmasters, prohibiting operation of Craftmasters' plating system until such operation was authorized, in writing, by the Commissioner of the Environment. The Sealing Order became effective within ten (10) days of Craftmasters' receipt of the letter.
12. By letter dated February 24, 1998, Craftmasters requested a twenty-one day (21) extension of the Sealing Order.
13. By letter dated March 5, 1998, the Cleveland DAPC granted Craftmasters' request for a twenty-one day extension of the Sealing Order to allow Craftmasters to complete the permit application submittal process.
14. On April 14, 1998, the Cleveland DAPC conducted an inspection of the Craftmasters Facility.
15. On April 17, 1998, a representative of the Cleveland DAPC hand-delivered PTI and PTO application forms to Mr. Phillip Sterrett, the President of

Craftmasters. Craftmasters had a deadline of 2:00 p.m., Monday, April 20, 1998, to return the completed applications. If Craftmasters failed to meet the deadline, the Sealing Order became effective.

16. On April 20, 1998, Mr. Sterrett of Craftmasters hand-delivered the PTI and PTO application forms to Jane Bell of the Cleveland DAPC.
17. The initial start-up date at the Facility for Craftmasters' hard chromium electroplating tank, labeled Tank #1, Ohio Environmental Protection Agency (OEPA) source number P001, was June 1948.

**CONCLUSIONS OF LAW**

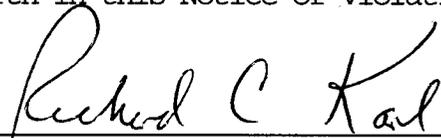
18. Paragraphs 1 through 17 are incorporated herein by reference.
19. Craftmasters is a "person" within the meaning of Section 302(e) of the Act, 42 U.S.C. § 7602(e).
20. Craftmasters is a "person" within the meaning of Ohio SIP Rule OAC 3745-15-01(U).
21. At all times relevant hereto, Craftmasters' hard chromium electroplating tank located at the Facility, labeled Tank #1, OEPA source number P001, has been an "air contaminant source" as that term is defined in Ohio SIP Rule OAC 3745-35-01(B)(1).
22. As a person operating or otherwise using an air contaminant source, Craftmasters is subject to the requirements of Ohio SIP Rule OAC 3745-35.
23. Craftmasters' failure to obtain a valid Permit to Operate for Tank #1, OEPA source number P001, constitutes a violation of Ohio SIP Rule OAC 3745-35 and of Section 110 of the Act.

**NOTICE OF VIOLATION**

24. The Administrator of the EPA, by authority duly delegated to the undersigned, notifies the State of Ohio and Craftmasters Division of Evert Plating, Inc., that the Facility described above is in violation of the Ohio SIP and the Act, as set forth in this Notice of Violation.

1-22-99

Date



Richard C. Karl, Acting Director  
Air and Radiation Division  
U.S. EPA, Region 5