

ORIGINAL RECEIVED BY: (Signature) DATE



City of Cleveland
Frank G. Jackson, Mayor

3/5/08
DATE
PATTY HOWELL
JR'S TRUCK PARTS
CDAQ
3/5/08
- MAIL DELIVERED

Department of Public Health
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114-2080
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7006 2760 0000 3705 2715
RETURN RECEIPT REQUESTED

1/18/08

James D. Hill
JR's Truck Parts
16606 S. Waterloo Rd.
Cleveland, OH 44110

PATTY HOWELL
@ JR'S VERIFIED
CORRECT MAILING
ADDRESS THAT
JAMES D. HILL STILL
THERE

SECOND NOTICE OF VIOLATION (NOV): OPEN BURNING

Dear Mr. Hill:

On 9/20/07, the Cleveland Division of Air Quality (CDAQ) issued an NOV for open burning to JR's Truck Parts located at 16606 S. Waterloo Rd. in Cleveland OH 44110. The Ohio Administrative Code (OAC) 3745-19-01(H) defines "open burning" as the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning **includes the burning of any refuse or salvageable material** in any device not subject to or designed specifically to comply with the requirements of rule 3745-17-09 or 3745-17-10 of the Administrative Code.

This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions:

OAC 3745-19-03, Open burning in restricted areas.

City of Cleveland Codified Ordinance 277.09(a): No person shall cause or allow open burning within the City without obtaining a permit to open burn from the Commissioner except as set forth in subsection (d) hereof. The permit fee shall be based on the cost basis as set forth in Section 263.01:

On 9/19/07 at 18:00 hours, a CDAQ inspector witnessed the open burning of wire and truck parts being conducted in an effort to remove insulation to salvage copper. The fire was being tended and upon CDAQ directive, extinguished immediately.

A second incident involving open burning was witnessed by CDAQ and the Cleveland Fire Department (CFD) on 1/12/08. Lt. Lane and Engine Crew #40 responded to a 911 call at your property. Upon arrival CFD discovered an individual burning a large pile of pallets. The individual was not identified and claimed not to be aware that what they were doing was illegal. CFD extinguished the fire and issued a verbal warning.



Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that JR's Truck Parts submit a corrective action plan that includes a statement to the effect that "JR's Truck Parts will no longer engage in any illegal open burning", to the following enforcement representative:

Dave DeChant
Cleveland Division of Air Quality
1925 St. Clair Avenue NE
Cleveland, Ohio 44114-2080

This is the second documented open burning event at your property. 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.

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 Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by the OCAPP.

Facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production can contact the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518 and 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 Dave DeChant at 216-664-3213.

Sincerely,

George Baker
Chief of Enforcement, CDAQ

GB/dd

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L: Data\Complaints\JR's Truck Parts\2007-09-19 NOV2
encl: Ohio EPA's "Before You Light It..." brochure