



City of Cleveland
Frank G. Jackson, Mayor

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 7003 1010 0004 2923 3911
RETURN RECEIPT REQUESTED

June 17, 2008

Gary Eldridge
3946 Brookside Blvd
Cleveland, OH 44111

NOTICE OF VIOLATION OF AIR POLLUTION NUISANCE AND AIR POLLUTION OPEN BURNING LAWS

Dear Mr. Eldridge:

The City of Cleveland Division of Air Quality (CDAQ) is responsible for enforcing City of Cleveland Codified Ordinances (CCO) pertaining to air pollution control. In addition, CDAQ is the authority delegated by the Ohio EPA to investigate and enforce violations of Ohio air pollution control laws. On behalf of the City of Cleveland I am notifying you that you have violated CCO Title 5, "Air Pollution Control" Sections 277.08 "Nuisance" and 277.09 "Open Burning." On behalf of Ohio EPA I am notifying you that you have violated Ohio Administrative Code (OAC) Rule 3745-15-07, "Air Pollution Nuisances".

On May 23, 2008, CDAQ investigated a complaint we received of open burning at your residence at 3946 Brookside Boulevard, Cleveland, Ohio, 44135. To date, CDAQ has received four complaints of open burning at your residence. They were made on May 20, 2008, May 24, 2008, June 1, 2008, and June 6, 2008. Our investigations have concluded that the open burning at your residence is in violation of CCO Sections 277.08, 277.09 and OAC Rule 3745-15-07.

CCO Sec. 251.42 defines "Open Burning" as the burning of any materials where air contaminants resulting from combustion are emitted directly into the ambient air. CDAQ recently mailed to you and your neighborhood a brochure titled "**Before You Light It . . .**" that explains that open burning without a permit is prohibited for several reasons, including that people with allergies or asthma can be severely affected by smoke and air contaminants from open burning.

In addition, both CCO Sec. 277.08 and OAC 3745-15-07 prohibit the emission or escape of air contaminants into the open air from any source in such manner or in such amounts as to endanger or tend to endanger the health, comfort, safety or welfare of the public, or is reasonably offensive and objectionable to the public or interfere with the comfortable enjoyment of property, as a public nuisance and air pollution nuisance respectively.



"Open Burning" is prohibited by CCO Sec. 277.09 without a permit except under certain limited exceptions. Our investigation revealed that the opening burning at your residence does not meet these exceptions. In addition, under CCO Sec. 277.09 permits may only be issued for limited purposes and first require the payment of a fee.

The penalty for violating CCO Sec. 277.09 on a first offense is not more than \$100.00. On a second or subsequent offense, if less than 12 months have elapsed since the last offense, the penalty is not more than \$500 or imprisonment or both.

To avoid further enforcement action you must immediately refrain from committing any further violations of these state and local laws. You may appeal the notice of violations of CCO Secs. 277.08 and 277.09 by sending a notice of appeal within 30 days of receipt of this notice to the City of Cleveland Board of Building Standards and Building Appeals (BBSBA), 601 Lakeside Avenue, Room 516, Cleveland, Ohio 44114. The BBSBA appeal process requires payment of a filing fee. Should you have any questions, you may contact me at (216) 664 - 4010.

Sincerely,

A handwritten signature in black ink, appearing to read "George P. Baker".

George Baker
Chief of Enforcement
Cleveland Division of Air Quality
1300 East Ninth Street
Cleveland, Ohio 44114

GB/st

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V

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