



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview 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 7011 3500 0000 1759 5347
RETURN RECEIPT REQUESTED

May 15, 2012

Craig Wallace
1160 Fox Hill Drive
Gates Mills, Ohio 44040

NON-HPV

FACILITY ID: OBP 19-12
NOTICE OF VIOLATION: OPEN BURNING VIOLATIONS

Dear Mr. Wallace:

On April 27, 2012, the Cleveland Division of Air Quality (CDAQ) responded to a complaint at 1160 Fox Hill Drive located in Gates Mills. This letter serves as notification that you failed to comply with the following applicable air statutes, air regulations, and/or air permit conditions.

You violated Ohio Administrative Code (OAC) Rule 3745-19-03(A) in that you failed to comply with your application for open burning in a restricted area by burning other materials besides trees for land clearing.

You are also in violation of OAC Rule 3745-19-05(A)(2)(b) for failing to provide the nature of quantities of material to be burned in the open burning application.

In your application to open burn, you indicated you would burn materials every Saturday from 8:00 a.m. until 4:00 p.m. beginning on April 1, 2012. However, the Gates Mills Fire Department has logged you burning on the following days & times:

- Saturday, March 10, 2012, 1700 hrs
- Friday, April 20, 2012, 2103 hrs

As a result of your non-compliance, your open burning open burning permit #19-12 was revoked on April 27, 2012.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that you submit a corrective action plan explaining why you failed to comply with open burning permit #19-12.

Submit the corrective action plan to the following enforcement representative:



Mike Samec
Cleveland Division of Air Quality
75 Erieview 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.

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.

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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA Permission number for 1160 Fox Hill: OBP 19-12.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/msLK

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Thomas Robinson, Gates Mills Fire Department
Facility File and L:\Data\Facilities\+ Programs\OpenBurn\1160 Fox Hill and OBP 19-12\2012-04-27 NOV.docx



cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Thomas Robinson, Gates Mills Fire Department
L:\Data\Facilities\+ Programs\OpenBurn\2012 Permissions and permits\1160
Fox Hill and OBP 19-12\2012-04-27 ROV.docx



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

June 13, 2012

Craig Wallace
1160 Fox Hill Drive
Gates Mills, Ohio 44040

**FACILITY ID: OBP 19-12
GENERAL LETTER**

Dear Mr. Wallace:

On April 27, 2012, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) via certified mail to the following address, 1160 Fox Hill Drive, Gates Mills, Ohio 44040. On June 8, 2012, CDAQ received the letter back as unclaimed. Enclosed is a copy of the NOV that was issued on May 15, 2012. Please respond to this NOV within (thirty) 30 days of receipt of this letter.

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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA Permission number for 1160 Fox Hill: OPB 19-12.

Sincerely,

Valencia White for VW
Valencia White
Chief of Enforcement, CDAQ

VW/ms

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\+ Programs\OpenBurn\2012 Permissions and permits\1160 Fox Hill and OBP 19-12\2012-04-27 GL.docx

encl: May 15, 2012, Notice of Violation: NESHAP VIOLATIONS



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

FEDEX

July 24, 2012

Craig Wallace
1160 Fox Hill Drive
Gates Mills, Ohio 44040

**PROJECT ID: OBP 19-12
SECOND GENERAL LETTER**

Dear Mr. Wallace:

On April 27, 2012, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation via certified mail to the following address 1160 Fox Hill Drive, Gates Mills, Ohio 44040. On June 8, 2012, CDAQ received the letter back as unclaimed. Enclosed is a copy of the Notice of Violation that was issued on May 15, 2012, and a General Letter that was issued on June 13, 2012.

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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA Project identification number for OBP 19-12.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ms *LK*

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
L:\Data\Facilities\+ Programs\OpenBurn\2012 Permissions and permits\1160
Fox Hill and OBP 19-12\2012-04-27 2nd GL.docx

encl: May 15, 2012, Notice of Violation: NESHAP VIOLATIONS
June 13, 2012, General Letter

Craig R Wallace
Fox Hill Drive
Gates, Mills, Ohio 44040

Dear Valencia White,

I am in receipt of your letter of July 24, 2012. Having just returned from Europe, I find you had made earlier attempts to reach me. I work and travel extensively both out of state and out of the United States.

In March, I purchased the home next to my home after it sat empty for several years. It was my intension to raise the home and return the property to a nature state and then have the property maintained under the Ohio Department of Natural Resources, Division of Forestry.

In March and April, I hired a relative (my sister in law's ex-boyfriend), somewhere between 14 and 18 subcontractors to clear the underbrush and dead trees in the woods, demolish and remove the home and barn, remove the driveway, utility poles and other signs of human inhabitants.

The fire on Saturday, March 10th, was dead wood and debris that several subcontractors and I had cleaned up from the yard the first weekend after purchasing the home. This was a mistake by me before I applied for a permit. I applied for a permit a week or two later while traveling.

The only burning planned by myself was the underbrush as tree removal in Gates Mills is limited to two trees a year over 9" in diameter. This project was to prepare the property for the forest stewardship that was planned. I explained this to the Gates Mill's planning and zoning committee hearing on March 11th when I applied for permission to demolish the house.

I returned from a trip to find that a subcontractor had burned materials from the house. I informed both of the gentlemen that I had paid for all housing materials to be removed from the property, not burned.

To my knowledge, there were no further fires of building materials although I am away from Gates Mills most weekdays traveling to plants in western Ohio and Canada. By May, all subcontractors had finished and six areas of grass were planted.

Best Regards,


Craig Wallace
Gates Mills, Ohio

Enclosures:

Picture 1: March 8, 2012 The house on Fox Hill

Picture 2: March 10, 2012 One of two fires piles I was responsible for burning on Saturday

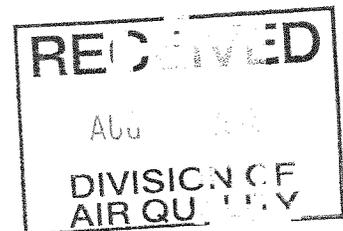
Picture 3: April 21, 2012 The house demolished with the exception of the chimney

Picture 4: June 16, 2012 View of where the house stood from the street

Picture 5: June 16, 2012 View of the woods after the underbrush was removed

Picture 6: August 12, 2012 View of the piles of brush that were to be burned

✓ Cc: Mike Samec



↙ Point of reference



March 8, 2012
The house on Fox Hill



March 10, 2012
One of two fire piles I was
responsible for burning on Saturday



April 21, 2012
The house demolished with the
exception of the chimney

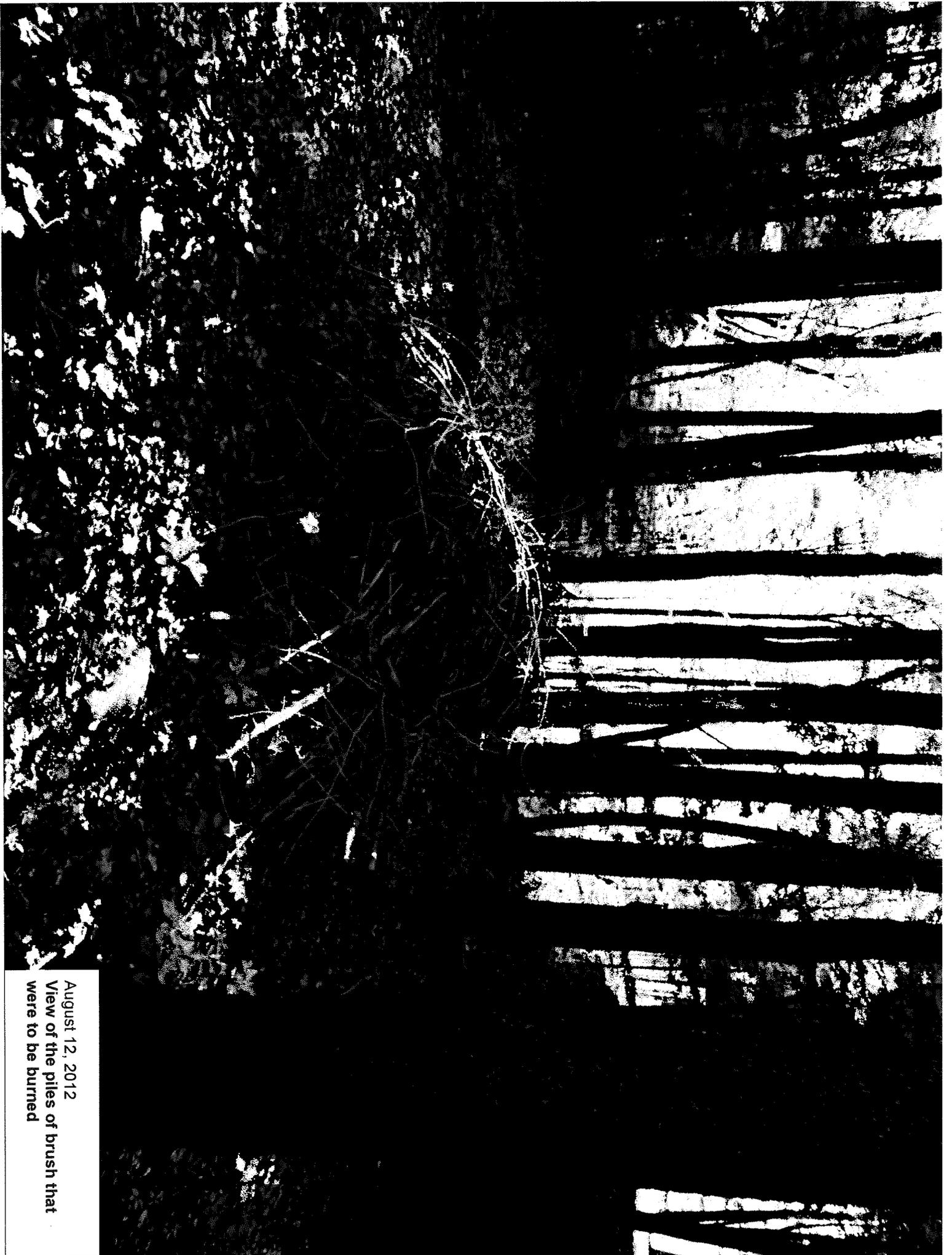


Point of reference

June 16, 2012
View of where the house stood
from the street



June 16, 2012
View of the woods after the
underbrush was removed



August 12, 2012
View of the piles of brush that
were to be burned



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

**CERTIFIED MAIL 7011 3500 0000 1759 7115
RETURN RECEIPT REQUESTED**

August 20, 2012

Craig Wallace
1160 Fox Hill Drive
Gates Mills, Ohio 44040

PERMIT ID: OBP 19-12

**RESOLUTION OF VIOLATIONS
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Wallace:

On May 15, 2012, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) to Craig Wallace for failing to provide the nature of quantities of material to be burned and for open burning in a restricted area by burning other materials besides trees for land clearing. The NOV was returned to CDAQ on June 8, 2012, unclaimed. Two more attempts were made to deliver the NOV on June 13, 2012, and July 24, 2012.

CDAQ is in receipt of a corrective action plan dated August 16, 2012, stating that no additional fires were started.

The corrective action plan was received and appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

CDAQ issues this letter with Ohio EPA's concurrence and 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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA Permit number for 1160 Fox Hill: OBP 19-12.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ms *LK*