



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
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 : 7009 3410 0002 1933 9438
RETURN RECEIPT REQUESTED

December 28, 2010

Bellaire Garden
Cuyahoga Metropolitan Housing Authority
George Phillips-Olivier
1141 West 25th Street
Cleveland, Ohio, 44113

NON-HPV

FACILITY ID: 13-18-00-6073

NOTICE OF VIOLATION: Operating three (3) Emergency Electrical Generators without a Permit, and failure to obtain 2006-2010 city permits.

Dear Mr. Phillips-Olivier:

On December 15, 2010, the Cleveland Division of Air Quality (CDAQ) inspected Bellaire Garden located at 12555 Bellaire Road and 12000 Wanda Avenue in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

During the inspection it was discovered that Bellaire Garden is operating three (3) emergency electrical generators without a permit, which is in violation of Ohio Administrative Code (OAC) Rule 3745-31-02 (A)(1), and Ohio Revised Code (ORC) 3704.05 (F) and (G) for operating an emissions source without first applying for and obtaining a Permit-to-Install/Operate (PTIO) or by not submitting a Permit by Rule (PBR) notification form.

In addition, Bellaire Garden, is in violation of the City of Cleveland's Codified Ordinance Chapters 259.01, and 263.01 for failing to obtain 2006-2010 city permits-to-operate by submitting city permit fees.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance.



CDAQ requests that Bellaire Garden submit either a PTIO application or a PBR notification form within thirty (30) days of your receipt of this letter to the following address:

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

CDAQ also requests that Bellaire Garden obtain 2006-2010 city permits to operate by submitting city permit fees within thirty (30) days of receipt of this letter to the following address:

City Permit Fee Invoices
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a written response must be received within thirty (30) days of receipt of this letter that includes a timeline for correcting the alleged violations.

The appropriate permit application(s) and supplemental form(s) for a PTIO can be downloaded at <http://www.epa.ohio.gov/dapc/fops/eac/eacforms.aspx>, or for a PBR notification form at <http://www.epa.ohio.gov/dapc/pbr/permitbyrule.aspx>.

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.

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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA facility identification number for Bellaire Garden: 13-18-00-6073.

Sincerely,

Linda Jimmy for G.B.

George Baker
Chief of Enforcement

GB/BS

cc: Mike Schumaker, CMHA
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318006073\2010-12-15 NOV.docx

encl: 2006-2010 City Permit Invoices

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CMHA - Bellaire Gardens
George Phillips-Olivier
1141 West 25th Street
Cleveland, Ohio 44113

2. Article Number
(Transfer from s)

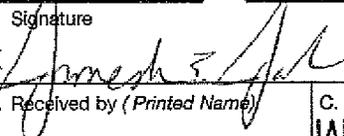
7009 3410 0002 1933 9438

13-13-00-6073

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X



- Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

JAN 04 2011

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes