



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erievew 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 7002 2030 0001 1807 9112  
RETURN RECEIPT REQUESTED

September 21, 2009

Stanley Lojek  
Harvard Refuse, Inc.  
7720 Harvard Avenue  
Cleveland, OH 44105

NON-HPV

FACILITY ID: 13-18-00-7824

NOTICE OF VIOLATION: Air pollution nuisance, failure to obtain city permits to operate and pay city permit fees for 2006, 2007 and 2008

Dear Mr. Lojek:

On September 17, 2009, the Cleveland Division of Air Quality (CDAQ) responded to an odor complaint regarding Harvard Refuse, Inc. located at 7200 Harvard 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.

CDAQ detected landfill gas odors emitting from the Jeffries Road flare beyond the property line of Harvard Refuse, Inc. along Jeffries Road and nearby backyards at approximately 1:00 p.m. The odors are a violation of the City of Cleveland Codified Ordinance 277.08 and the Ohio Administrative Code (OAC) Rule 3745-15-07 for creating an air pollution nuisance.

CDAQ also witnessed that there was no flame present at the flare while emissions were being vented to it. This is a violation of OAC Rule 3745-76-15(A)(2) and (3).

Also, Harvard Refuse, Inc. has not obtained city permits to operate or paid city permit fees for calendar years 2006, 2007 and 2008. This is a violation of City of Cleveland Codified Ordinances 259.01 and 263.01.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Harvard Refuse, Inc. submit a corrective action plan within thirty (30) days of receipt of this letter to the following enforcement representative:



Andrew Marantides  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

CDAQ also requests that Harvard Refuse, Inc. obtain city permits-to-operate by submitting city permit fees for calendar years 2006, 2007 and 2008 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 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

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 Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for Harvard Refuse, Inc.: 13-18-00-7824.

Sincerely,

George Baker  
Chief of Enforcement

GB/AM:K

cc: Dave Dysle, Ohio EPA Division of Solid and Infectious Waste Management  
Dane Tussel, Cuyahoga County Board of Health  
Christopher Sparks, City of Cleveland Division of Environment  
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\Facilities\1318007824\2009-9-17 NOV.docx

encl: City permit fee invoices for calendar years 2006, 2007 and 2008

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 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:

Stanley Lojek  
Harvard Refuse, Inc.  
7720 Harvard Avenue  
Cleveland, OH 44105

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Stanley Lojek*

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

2. Article Number

(Transfer from service label)

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