



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Suite 200  
Cleveland, Ohio 44114-1833  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

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

**CERTIFIED MAIL #70022030000118088725  
RETURN RECEIPT REQUESTED**

May 21, 2010

Ron Chips  
Main Office  
Euclid Beach Villa Apartments  
125 East 156<sup>th</sup> Street  
Cleveland, OH 44110

NON-HPV

**FACILITY ID: Unassigned**  
**SECOND NOTICE OF VIOLATION: Nuisance Odors, Operating emission unit without proper permits, and failure to obtain city permits**

Dear Mr. Chips:

On May 4, 2010, the Cleveland Division of Air Quality (CDAQ) responded to a nuisance odor complaint regarding Euclid Beach Villa Apartments (Euclid Beach) located at 125 East 156<sup>th</sup> Street in Cleveland. CDAQ sent a Notice of Violation letter (NOV) dated March 29, 2010 requiring Euclid Beach to submit a permit-to-install/operate (PTIO) application or if Euclid Beach qualifies, a permit-by-rule (PBR) notification form within thirty (30) days of receipt of the March 29, 2010 NOV. CDAQ also requested Euclid Beach obtain 2006, 2007, 2008 and 2009 city permits-to-operate by submitting city permit fees within thirty (30) days of receipt of the March 29, 2010, NOV.

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 witnessed Euclid Beach operating an emergency electrical generator, which was emitting odorous exhaust fumes that entered a citizen's apartment on May 4, 2010 at 10:03 a.m. The nuisance 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.

In addition, Euclid Beach is still operating a 200 horsepower emergency electrical generator without having applied for a state operating permit since it was installed



in 2003. This is a violation of Ohio Administrative Code 3745-31-02 (A) and Ohio Revised Code 3704.05(F).

Also, Euclid Beach has failed to obtain City of Cleveland permits-to-operate for 2006, 2007, 2008 and 2009, for the emergency electrical generator. This is a violation of The 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 Euclid Beach submit a corrective action plan stating how exhaust fume odors will be prevented from entering citizens' apartments within thirty (30) days of the receipt of this letter to the following enforcement representative:

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

Also, CDAQ requests that Euclid Beach submit a permit-to-install/operate (PTIO) application or if Euclid Beach qualifies, a permit-by-rule (PBR) notification form to the following address within thirty (30) days of receipt of this letter to the following address:

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

In addition, CDAQ requests that Euclid Beach obtain city of Cleveland permits-to-operate by submitting city permit fees for the years 2006, 2007, 2008 and 2009 within thirty (30) days of receipt of this letter to the following address:

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

Your written response to this letter must be received by CDAQ within fourteen (30) 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.

PBR notification forms for emergency generators can be downloaded at <http://www.epa.ohio.gov/portals/27/pbr/PBRGENERATOR.pdf> and a PTIO application form can be downloaded at <http://epa.ohio.gov/dapc/fops/eac/eacforms.aspx>.



Please note that all permit applications or PBR notification forms 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.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.ohio.gov/ocapp> or (614) 644-3469 or (800) 329-7518. CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by OCAPP.

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 Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Euclid Beach Apartments: Unassigned.

Sincerely,

*Linda Kimmy for G.B.*  
George Baker  
Chief of Enforcement

GB/ak

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