C OF C 125-174

Ordinance No. 387-2025

By Council Members Conwell and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

That various sections throughout Chapters 251 to 291 of the Air Pollution Control Code are amended and repealed as enacted or amended by various ordinances; supplementing new sections throughout those chapters; and enacting new Chapters 266, 268 and 299 of the Air Pollution Control Code relating to fugitive emissions, indoor air quality and penalties.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Sections 251.01 to 251.76 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 26, 1977, are amended to read as follows:

Section 251.01 Title and Distribution

This part of the Codified Ordinances shall be known as the "Air Pollution Control Code" and may be separately printed and distributed, and made available in electronic format for electronic download via computer network connection, separately from other parts of the Codified Ordinances of the City of Cleveland. The term "this Code" wherever used in this Title Five means the Air Pollution Control Code of the City of Cleveland.

Section ~~251.02~~ 251.05 Air Cleaning Equipment

"Air cleaning equipment" means any control equipment which removes, reduces or renders less noxious air contaminants discharged into the atmosphere.

Section ~~251.03~~ 251.06 Air Contaminant

"Air contaminant" means any particulate matter, dust, soot, grime, fumes, gas, mist (except uncombined water), radionuclides, smoke, vapor (except water vapor), charred paper, odorous material, radioactive materials, noxious chemicals, any other material, or any combination thereof which is discharged directly or indirectly into the atmosphere. ~~smoke, vapors (except water vapor), charred paper, dust, soot, grim, carbon fumes, gases, mist (except uncombined water), odors, particulate matter, radioactive materials, noxious chemicals or any other material which is discharged directly or indirectly into the atmosphere.~~

Section ~~251.04~~ 251.08 Air Pollution

"Air pollution" means the presence in the atmosphere of one (1) or more air contaminants, ~~such as dust, fumes, gas, mist, odor, smoke or vapor in~~ or combination thereof, in sufficient quantities, ~~of~~ and of such characteristics and ~~of duration such as~~ duration as is or threatens to be injurious to human health or welfare, plant or animal life or ~~to~~ property, or which unreasonably interferes with the comfortable enjoyment of life and property or the conduct of business.

Section ~~251.05~~ 251.10 Ambient Air

"Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks or ducts which surrounds human, plant or animal life or property.

Section ~~251.06~~ 251.11 Ambient Air Quality Standards

"Ambient air quality standards" mean ambient air quality goals expressed numerically and intended to be attained and maintained in a stated time through the application of appropriate preventive or control measures. Primary ambient air quality standards define levels of air quality which are necessary, with an adequate margin of safety, to protect the public health, particularly of sensitive populations like the elderly, children, and asthmatics. Secondary ambient air quality standards define the minimum levels of air quality which are necessary to protect the public welfare and prevent damage to structures, vegetation, crops, animals, property, and visibility from any known or anticipated adverse effects of a pollutant.

Section ~~251.10~~ 251.12 Appeals Board

"Appeals board" means the Board of Building Standards and Building Appeals or such other successor appeals board as shall be established by law and vested with jurisdiction in matters relating to the ~~air pollution board~~ Air Pollution Control Code.

Section ~~251.12~~ 251.13 Asbestos

"Asbestos" means the asbestiform varieties of serpentinite (chrysotile) riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite; includes forms within the varieties specified (e.g. amosite) or any mixture containing any of these minerals. ~~any of six (6) naturally occurring, hydrated mineral silicates: actinolite, amosite, anthophyllite, chrysolite, crocidolite, tremolite; or any mixture containing any of these silicates.~~

Section ~~251.13~~ 251.14 Atmosphere

"Atmosphere" means the air that envelops or surrounds the earth. The atmosphere includes air inside of buildings, but not inside operating process equipment, tanks, or other spaces where access is typically restricted due to the nature of the structure or physical conditions therein.

Section 251.15 Blast Furnace

"Blast furnace" means the furnace and equipment used in the smelting process in which primarily oxygen is removed from metal oxides and molten metal produced. The furnace and equipment consist of, but are not limited to, the furnace proper, charging equipment, stoves, bleeders, gas dust catcher, gas-cleaning devices and other auxiliaries pertinent to the process. Blast furnace emissions are regulated under the Ohio

Administrative Code 3745-18 (for sulfur compounds), and 3745-21 (for Carbon Monoxide, Photochemically Reactive Materials, and Hydrocarbons). ~~the ore and molten metal produced with gas as a byproduct. The furnace and equipment consist of, but are not limited to, the furnace proper, charging equipment, stoves, bleeders, gas dust catcher, gas-cleaning devices and other auxiliaries pertinent to the process.~~

Section 251.16 Boiler and Electric Boiler

(a) "Boiler" means combustion equipment fired with fossil fuels used to transfer heat from combustion gases to water or other fluids, consisting essentially of a burner, firebox, heat exchanger and a means of creating and directing a flow of gases through the unit.

(b) "Electric Boiler" means a boiler that heats water or other fluids with heat generated electrically instead of by fossil fuel combustion.

Section 251.17 BTU or British Thermal Unit

"BTU or British Thermal Unit" means the amount of heat required to raise one 1 pound of water by one (1) degree Fahrenheit ~~from fifty-nine degrees Fahrenheit (59°F) to sixty degrees Fahrenheit (60°F).~~

Section 251.18 Clean Air Act

"Clean Air Act" or "CAA," means the federal Clean Air Act at 42 USC 7401 et seq., as amended November 15, 1990, and any subsequent amendments. ~~means 42 U.S.C. 1857 et seq. as amended by the Air Quality Act of 1967. P.L. 90-148 and by the Clean Air Act Amendments of 1970, P.L. 91-604 or by any subsequent amendments and the rules and regulations promulgated hereunder.~~

Section 251.19 Commenced

"Commenced" means an owner or operator has undertaken a continuous program of construction, installation or modification or has entered into a binding contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction, installation or modification.

Section 251.20 Commissioner

"Commissioner" means (1) the Commissioner of the Division of Air Quality of the City of Cleveland, or his or her appointee; or (2) anyone appointed by the Mayor or the Director of the Department of Public Health in an acting or interim capacity as the Commissioner of the Division of Air Quality. ~~the Commissioner of Air Pollution Control of the City of Cleveland.~~

Section 251.21 Compliance Schedule

"Compliance schedule" means a plan of corrective action to achieve full compliance with the provisions of this Code, including an enforceable timetable or sequence of actions or operations, including but not limited to such a schedule that is submitted as part of a variance application. This schedule may include the following milestones and timetable, but each must be described in the schedule and must be ~~, each to be~~ achieved at the earliest possible date:

(a) Submission of final control plans for source;

(b) Awarding of contracts for emission control systems or issuing of purchase orders for component parts to accomplish emission control or process modification;

(c) Initiation of on-site construction or installation of emission control equipment or process modification;

(d) Completion of on-site construction or installation of emission control equipment or process modification;

(e) Achievement of final compliance with all provisions of the Air Pollution Control Code of the City of Cleveland.

Section 251.22 Control Equipment

"Control equipment" means any device ~~or contrivance~~ , contrivance, or action which prevents, removes, reduces or renders less noxious air contaminants discharged into the atmosphere. Control equipment associated with an air contaminant source is considered to be part of such source and does not require a separate permit to operate.

Section ~~251.25~~ 251.24 Emission or Emit

"Emission" or "Emit" means the act of releasing or discharging any air contaminant directly or indirectly into the atmosphere from any source. "Emission" also means the air contaminant or contaminants directly or indirectly released or discharged into the atmosphere from any source.

Section ~~251.26~~ 251.27 Existing Source

"Existing source" means any source other than a new source. ~~which has been constructed or installed or of which construction, installation or modification was commenced prior to the effective date of this Code~~.

Section ~~251.27~~ 251.30 Fuel

"Fuel" means any form of combustible matter whether solid, liquid or gas but does not include refuse other than refuse derived fuel.

Section ~~251.28~~ 251.31 Fuel Burning Equipment

"Fuel-burning equipment" means any furnace, boiler, apparatus, stack and all appurtenances thereto used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

Section ~~251.30~~ 251.32 Fugitive Emissions

"Fugitive emissions" means air contaminants that are not captured or conveyed at the point of origin and emitted into the atmosphere from any source by means other than a stack, chimney, vent or other functionally equivalent conveyance during the application, consumption, processing, transmission, storage, or transportation of fossil fuels or other materials. ~~air contaminants emitted from any source, uncaptured at the point of origin.~~

Section ~~251.31~~ 251.35 Incinerator

"Incinerator" means any equipment, machine, device, article, contrivance, structure or part thereof used to burn refuse or to process salvageable material by burning other than by open burning as defined herein.

Section ~~251.32~~ 251.37 Install or Installation

"Install or installation" means to construct, erect, locate or affix any source of air pollutants, including related air-cleaning equipment.

Section ~~251.33~~ 251.38 Liquid Organic Material

"Liquid organic material" means any organic material which is a liquid at standard conditions.

Section ~~251.36~~ 251.39 Mobile Source

"Mobile source" means any vehicular air contaminant source, including, but not limited to, automobiles, motorcycles, trucks, tractors, buses and other motor vehicles, railroad locomotive, ships, boats and other waterborne craft, but not including any source mounted on a vehicle whether such mount is temporary or permanent, which source is not used to power the vehicle.

Section ~~251.37~~ 251.40 Modify or Modification

"Modify or modification" means any physical change in, or change in the method of operation of, a source of air pollutants that:

(a) Increases or decreases the amount of any air contaminant(s) emitted from such source; ~~air pollutants emitted;~~ or

(b) Results in the emission of any air contaminant(s) not previously emitted from such source. ~~type of air pollutant not previously emitted; or~~

~~(c) Results in relocation of the source to new premises.~~

Section ~~251.38~~ 251.41 New Source

"New source" means any source, the construction, installation or modification of that increases emissions or results in the emission of air contaminants not previously emitted from the same location. ~~which is commenced on or after the effective date of this Code, except a modification that causes a decrease in the amount of air pollutants emitted.~~

Section ~~251.39~~ 251.44 Odor

"Odor" means that property of an air contaminant which affects the sense of smell.

Section ~~251.40~~ 251.46 OEPA or Ohio EPA

"OEPA" or "Ohio EPA" means the Ohio Environmental Protection Agency.

Section ~~251.41~~ 251.47 Opacity

"Opacity" means the degree to which emissions reduce the transmission of light and partially or wholly obscure the view of the background. ~~a state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.~~

Section ~~251.42~~ 251.48 Open Burning

"Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air, without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, a chamber shall be regarded as enclosed, when during the time combustion takes place, only such apertures, ducts, stacks, flues or chimneys are open as are necessary to provide combustion air and to permit the escape of exhaust gas.

Section ~~251.44~~ 251.49 Organic Material

"Organic material" means any chemical compound containing carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

Section ~~251.45~~ 251.51 Owner or Operator

"Owner or operator" means any person who owns, leases, controls, operates, or supervises a facility, an air contaminant emission source, or control equipment.

Section ~~251.46~~ 251.52 Particulate Matter

"Particulate matter" means airborne finely divided solid or liquid material, except water in uncombined form. Particulate matter includes, but is not limited to, PM 1, PM 2.5 and PM 10. ~~material, except water in uncombined form, that is or has been airborne and exists as a liquid or a solid at standard conditions.~~

Section ~~251.47~~ 251.54 Person

"Person" means any individual, partnership, partner, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

Section ~~251.50~~ 251.55 Process Equipment

"Process equipment" means any equipment, device, or contrivance used to change, store, or handle any material(s), and all appurtenances thereto, including ducts and stacks, the use of which may cause discharge of an air contaminant into the atmosphere, but not including any fuel-burning equipment or incinerator as defined in this Code. ~~any equipment, device or contrivance for changing any materials whatever or for storing or handling of any materials, and all appurtenances thereto, including ducts and stack, the use of which may cause discharge of an air contaminant into the atmosphere, but not including that equipment specifically defined in this Code as fuel-burning equipment or incinerator.~~

Section ~~251.51~~ 251.56 Process Weight

"Process weight" means the total weight of all material introduced into a unit operation or unit process, including solid fuels, but excluding liquid fuels and gaseous fuels when these are used solely as fuels and excluding air introduced for purposes of combustion.

Section ~~251.53~~ 251.58 Refuse

"Refuse" means any discarded matter or any matter which is to be reduced in volume or otherwise changed in chemical or physical properties in order to facilitate its discard, removal or disposal including garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes, human or animal remains and other wastes.

Section ~~251.55~~ 251.63 Seal

"Seal" means any device, tag or marking installed or affixed by the Commissioner of ~~Air Pollution Control~~ Air Quality or by his or her agents or representatives so as to prohibit use of any process, fuel-burning or control equipment or any incinerator, premise or source causing a violation or from which violations of this Code originate. Sealing may also be accomplished by means of a written order by the Commissioner directed to the owner or operator of such equipment, premise or source instructing such owner or operator that the process, fuel-burning or control equipment or incinerator, premise or source causing a violation shall not be operated until the Commissioner authorizes such use in writing.

Section ~~251.57~~ 251.64 Smoke

"Smoke" means the mixture of gases and fine particles produced from the combustion or incomplete combustion of organic matter. ~~small gas-borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material.~~

Section ~~251.58~~ 251.65 Source (see also Air Contaminant Source at Section 251.07)

"Source" when used by itself in this code means an air contaminant source as defined in this Chapter. It also includes the cumulative impact from, or exposure to, a chemical source of air contamination combined with the impacts from a non-chemical stressor, including stressors that can aggregate and accumulate over time, affecting health and well-being. ~~means any building, structure, facility, operation, installation, other physical facility or real or personal property which emits or may emit any air pollutant.~~

Section ~~251.59~~ 251.66 Source Operation

"Source operation" means the last operation preceding emission, with operations: (a) Results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion-fuel; and (b) Is not an air pollution abatement operation.

Section ~~251.60~~ 251.67 Stack

"Stack" means a duct, chimney, flue or conduit designed or arranged to conduct air contaminant emissions into the atmosphere.

Section ~~251.61~~ 251.68 Standard Conditions

"Standard conditions" means a dry gas temperature of seventy degrees Fahrenheit (70°F) (twenty-one and one-tenth degrees Celsius (21.1°C)), and a gas

pressure of fourteen and seven-tenths (14.7) pounds per square inch (seven hundred sixty (760) millimeters of mercury) absolute dry air. ~~a dry gas temperature of seventy degrees Fahrenheit (70°F) (twenty-one and one-tenth degrees Celsius) (21.1°C) and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch (seven hundred sixty (760) millimeters of mercury) absolute dry air.~~

Section ~~251.62~~ 251.69 Stationary Source

"Stationary source" means an air contaminant source that does not move from place to place in its day to day operation. ~~a source which does not move from place to place in its day to day operation.~~

Section ~~251.64~~ 251.73 Uncontrolled Mass Rate of Emission

"Uncontrolled mass rate of emission" means the total weight rate at which an air contaminant is, or in the absence of control equipment would be, emitted from an air contaminant source when such source is operated at its maximum rated capacity. ~~the total weight rate at which particulate matter is, or in the absence of an air-cleaning device would be, emitted from an air contaminant source when such source is operated at its maximum rated capacity.~~

Section ~~251.65~~ 251.74 Unit Operation

"Unit operation" means a method where raw materials undergo physical change or methods by which raw materials may be altered into different states, such as vapor, liquid or solid, without changing into a new substance with different properties or composition. ~~methods where raw materials undergo physical change or methods by which raw materials may be altered into different states, such as vapor, liquid or solid without changing into a new substance with different properties or composition.~~

Section ~~251.66~~ 251.75 Unit Process

"Unit process" means a reaction where raw materials undergo chemical change or where one or more raw materials are combined and changed into a new substance with different properties or composition. ~~reactions where raw materials undergo chemical change or where one (1) or more raw materials are combined and changed into a new substance with different properties or composition.~~

Section ~~251.68~~ 251.76 Visible Emission

"Visible emission" means an emission of air contaminants of such quantity or quality as to be seen in contrast with background. Visible emissions are quantified by their opacity, as defined in this Chapter. ~~emissions of air contaminants of such quantity or quality as to be seen in contrast with background.~~

Section 2. That existing Sections Section 251.01 to 251.76 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 26, 1977, are repealed.

Section 3. That Section 253.07 - AGA, 253.08 - ASME, Section 253.09 - ASTM, 253.11 - Architectural Coating, Section 253.14 - Best Available Control Technology, Section 253.23 - Criteria Pollutant , Section 253.24 - Effluent Water Separator, Section 253.29 - Fuel-Burning Equipment Input Capacity, Section 253.34 - Major Source, Section 253.35 - Minor Source, Section 253.44 - Organic Solvent, Section 253.48 - Petroleum Cracking, Section 253.49 - Photochemically Reactive Material, Section 253.52 - Process Weight Per Hour, Section 253.56 - Significant Source, Section 253.63 - Submerged Fill Pipe, Section 253.67 - Vapor Blowdown System, Section 253.69 - Volatile Photochemically Reactive Material, Section 251.70 – Waste Gas Flare, and Section 251.71 – Transfer Operations, of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 26, 1977, are repealed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 251.02, 251.03, 251.04, 251.07, 251.09, 251.23, 251.25, 251.26, 251.28, 251.29, 251.33, 251.34, 251.36, 251.42, 251.43, 251.45, 251.50, 251.53, 251.57, 251.59, 251.60, 251.61, 251.62, 251.70, 251.71, 251.72, and 251.77 to read as follows:

Section 251.02 Abrasive Blasting

"Abrasive blasting" means the cleaning, polishing, texturizing, conditioning, removing, or preparing of a surface by forcibly propelling a stream of abrasive material with pressurized liquid or compressed air against a surface.

Section 251.03 Abrasive Material

"Abrasive material" means any material used in abrasive blasting operation including but not limited to sand, coal slag, smelter slag, mineral abrasives, metallic abrasives, synthetic abrasives, or naturally occurring abrasives.

Section 251.04 Acetylene Torch

“Acetylene torch” means any device that uses a fuel containing acetylene as at least one constituent for the purpose of generating a flame capable of modifying the physical state of another material.

Section 251.07 Air Contaminant Source

"Air contaminant source" means any building, structure, facility, operation, installation, other physical facility or real or personal property that emits or may emit any air contaminant. For the purposes of this code, an air contaminant source may also be referred to by the single word “source.” Control equipment associated with an air contaminant source is considered to be part of such source and does not require a separate permit to operate.

Section 251.09 Air Pollution Episode

"Air pollution episode" means the occurrence of conditions as set forth in Chapter 283.

Section 251.23 Cumulative Impact

“Cumulative Impact” means the aggregate health impact or effect, risk, or nuisance from one or multiple pathways and multiple sources and also refers to the totality of exposures from combinations of pollutant source stressors from air pollution and non-pollution source stressors that affect human health. Non-pollutant source stressors include socioeconomic impacts, lack of environmental assets (e.g., greenspace) in a community, health vulnerabilities, and health disparities that may be exacerbated by social or systemic injustices. Non-pollutant source health vulnerabilities include, for example, indicators of sensitive populations, such as incidence of asthma, cardiovascular disease, or low birthweight, and non-pollutant source socioeconomic factors include educational attainment, linguistic isolation, and poverty.

Section 251.25 Emission Limitation and Emission Standard

“Emission limitation and emission standard” mean a requirement established by this Code, the State of Ohio, or Administrator of the US EPA that limits the quantity, rate or concentration of emissions of air contaminants, including any requirement relating to the operation or maintenance of an air contaminant source.

Section 251.26 Emission Reduction Activities

“Emission Reduction Activities” refers to any device, technology, practice, operational procedure, or project that demonstrates a reduction in the emissions of air pollution.

Section 251.28 Facility

“Facility” means any building, structure, installation, operation, or combination thereof which contains one (1) or more stationary source or sources of air contaminants.

Section 251.29 Fiberated Cementitious Product

“Fiberated cementitious product” means material that contains mineral fibers and cement or material that acts like cement.

Section 251.33 Gasoline Dispensing Facility or GDF

“Gasoline dispensing Equipment,” or “GDF,” means any tanks, pumps, or other equipment utilized to dispense gasoline from stationary storage tanks into motor vehicle gasoline tanks. This includes gasoline dispensing equipment located at a site where fueling vehicles is not the primary function performed at that site.

Section 251.34 Hazardous Air Pollutant

"Hazardous air pollutant" means any air contaminant or contaminants known to cause cancer or other serious health impacts, contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness to the public and has been so designated as a hazardous air pollutant as defined in Section 112 of the Clean Air Act, by this Code, or by the Commissioner by rule and regulation.

Section 251.36 Indoor Air Quality

“Indoor Air Quality” means the way in which the air in a building can affect an occupant’s health, comfort, and well-being. Good air quality includes the introduction and distribution of adequate ventilation air, control of airborne contaminants, and maintenance of acceptable temperature and relative humidity. Indoor air pollutants may include pesticides, cleaning products, paints, chemical pollutants, mold, toxic materials, and odors.

Section 251.42 Objectionable Odor

“Objectionable odor” means any odor in the atmosphere that, by itself or in combination with other odors, gases, or vapors, is offensive, foul, unpleasant, or repulsive, or tends to injure, endanger, or unreasonably interfere with the health, safety, comfort, or repose of a person. An odor is objectionable when documented investigation includes observations on the odor’s nature, intensity, duration, location, and evidence that the odor causes or tends to cause injury, detriment, nuisance, or annoyance to persons or to the public.

Section 251.43 Occupant

“Occupant” means person in, or having actual possession of, a building, structure, dwelling unit, room, vehicle, or place, at a given time and includes a resident or tenant, under a written or oral rental agreement.

Section 251.45 Odorous Material

“Odorous material” means material that has, produces, or emits a distinctive odor.

Section 251.50 Outdoor Wood Burning Boiler

“Outdoor wood-burning boiler” means a fuel burning device that is: (1) designed to burn, or is capable of burning, clean wood or other approved solid fuels; (2) designed for outdoor installation or installation in structures not normally occupied by humans (e.g., garages or sheds); and (3) designated to heat building space or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/anti-freeze mixture. An outdoor wood-burning boiler may also be known as an: (1) outdoor wood-fired furnace; (2) outdoor wood-burning appliance; (3) outdoor hydronic heater; or (4) outdoor water stove.

Section 251.53 Particulate Matter Emissions

“Particulate matter emissions” mean all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in federal regulations, or a test method specified in the approved Ohio State Implementation Plan.

Section 251.57 Public Welfare

“Public welfare” means, but is not limited to, effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being, whether caused by transformation, conversion, or a combination of other air pollutants.

Section 251.59 Refuse Derived Fuel

"Refuse derived fuel" means refuse that has been processed to separate the non-combustible portion from the combustible portion, and where the combustible portion has been prepared into a form that can be effectively utilized in fuel burning equipment in compliance with permit and rule-based emission limitations.

Section 251.60 Rendering Plant

"Rendering plant" means the land, building or buildings, machinery, apparatus, or fixture(s) employed in a process by which animal, poultry, or fish, which is unsalable, spoiled, contaminated, or otherwise unfit for human consumption, is treated, through the use of heat or other methods, so as to convert into fats and oils, food for poultry, livestock or pets, fertilizer, or other products.

Section 251.61 Responsible Official

"Responsible official" means one of the following as applicable:

(a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of any such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit.

(b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

(c) The designated representative of a source regulated by this Chapter.

Section 251.62 Salvageable Material

"Salvageable material" means any material which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its reuse.

Section 251.70 Tenant

"Tenant" means a person legally entitled under an oral or written rental agreement to the use and occupancy of a residential premises to the exclusion of others. This often includes the person who is financially responsible on the signed lease. See "occupant" and "residence" for distinction.

Section 251.71 Trade Secret

"Trade Secret" has the same meaning as "trade secret" in division (D) of Section 1333.61 of the Revised Code, the definitional section of Ohio's Uniform Trade Secrets Act.

Section 251.72 USEPA, U.S. EPA, or US EPA

"USEPA," "U.S. EPA," or "US EPA" means United States Environmental Protection Agency.

Section 251.77 Work Practice Plan

"Work Practice Plan" means a written document signed by the Responsible Official of a Source that clearly describes specific, measurable practices that will be enacted to reduce air pollution nuisances including, but not limited to, fugitive emissions and objectionable odors.

Section 5. That Section 253.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is amended to read as follows:

Section 253.01 Maximum Concentrations; Non-Degradation

(a) Concentrations in the ambient air of any contaminant(s) set forth in Ohio Adm.Code 3745:25-02, at the effective date of the Ohio Adm.Code and as subsequently revised, are hereby adopted and apply in all areas of the City. Standards are to be attained at the earliest possible date but in no event later than that date established by regulation of the Director of the Ohio Environmental Protection Agency. All measurements of ambient air quality are corrected to standard conditions. Concentrations of any contaminant or contaminants in the ambient air in excess of the concentrations and time durations set forth in Ohio Adm.Code 3745:25-02, or as subsequently amended, shall constitute a condition of unhealthy air quality. ~~Concentrations of contaminants in the ambient air in excess of the concentrations and time durations specified in the following sections shall constitute a condition of undesirable air quality, and shall be applicable in all areas of the City. Such standards are to be attained at the earliest possible date, but in no event later than that date established by regulation of the Director of the Ohio Environmental Protection Agency. All measurements of ambient air quality are corrected to standard conditions.~~

~~(b) *Suspended Particulate Matter.*~~

~~(1) The maximum annual geometric mean concentration shall not exceed sixty (60) micrograms per cubic meter.~~

~~(2) The maximum twenty-four (24) hour concentration, not to be exceeded more than once per year, shall be one hundred fifty (150) micrograms per cubic meter.~~

~~(c) *Sulfur Dioxide.*~~

~~(1) The maximum annual arithmetic mean concentration shall not exceed sixty (60) micrograms per cubic meter (twenty-three thousandths (0.023) parts per million (1,000,000) by volume).~~

~~(2) The maximum twenty-four (24) hour concentration, not to be exceeded more than once per year, shall be two hundred sixty (260) micrograms per cubic meter (one-tenth (0.10) parts per million (1,000,000) by volume).~~

~~(3) The maximum three (3) hour concentration, not to be exceeded more than once per year, shall be one thousand three hundred (1,300) micrograms per cubic meter (five-tenths (0.50) parts per million (1,000,000) by volume).~~

~~(d) *Carbon Monoxide.*~~

~~(1) The maximum eight (8) hour arithmetic mean concentration, not to be exceeded more than one (1) eight (8) hour period per year, shall be ten (10) milligrams per cubic meter (nine (9) parts per million (1,000,000) by volume).~~

~~(e) *Photochemical Oxidants.*~~

~~(1) The maximum one (1) hour arithmetic mean concentration shall not exceed one hundred nineteen (119) micrograms per cubic meter (six-hundredths (0.06) parts per million (1,000,000) by volume).~~

~~(2) The maximum four (4) hour arithmetic mean concentration, not to be exceeded more than one (1) consecutive four (4) hour period per year, shall be seventy-nine (79) micrograms per cubic meter (four- hundredths (0.04) parts per million (1,000,000) by volume).~~

~~(3) The maximum twenty-four (24) hour arithmetic mean concentration, not to be exceeded more than one (1) day per year, shall be forty (40) micrograms per cubic meter (two-hundredths (0.02) parts per million (1,000,000) by volume).~~

~~(f) *Hydrocarbons.*~~

~~(1) The maximum three (3) hour arithmetic mean concentration of non-methane hydrocarbons shall not exceed one hundred twenty-six (126) micrograms per cubic meter (nineteen hundredths (0.19) parts per million (1,000,000) by volume measured as carbon) between the hours of 6:00 a.m. and 9:00 am.~~

~~(2) The maximum twenty-four (24) hour arithmetic mean concentration of non-methane hydrocarbons, not to be exceeded more than one (1) day per year, shall be three hundred thirty-one (331) micrograms per cubic meter (five-tenths (0.50) parts per million (1,000,000) by volume measure as carbon).~~

~~(g) *Nitrogen Dioxide.*~~

~~(1) The maximum annual arithmetic mean concentration shall not exceed one hundred (100) micrograms per cubic meter (five-hundredths (0.05) parts per million (1,000,000) by volume).~~

~~(h)~~ (b) *Non-Degradation Policy.*

(1) The significant and avoidable deterioration of air quality in any part of the City where presently existing air quality is equal to or better than that required by the adopted standards ~~shall be~~ is prohibited.

(2) The Commissioner is authorized to retain or establish emissions limitations, control requirements, work practice standards, or other measures, more stringent than those required by federal or state requirements, to prevent deterioration of air quality or to improve air quality.

Section 6. That existing Section 253.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is repealed.

Section 7. That Sections 255.01, 255.02, 255.03, 255.05, 255.06 and 255.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 255.01 Air Pollution Personnel

(a) The Division of Air Quality shall employ and qualify personnel as needed to ensure the successful administration of this Code as well as other duties as authorized by legislation.

(b) Such personnel of the Division shall: (1) carry out the directions of the Commissioner in all matters, consistent with duties of their respective job descriptions, qualifications and assignments, relating to enforcement of this Code, including the signing of complaints and summons sought for violations; and (2) aid and assist the Commissioner in the efficient discharge of his or her duties.

(c) No person employed in the Division shall be directly or indirectly interested in sales of service or goods or in any matter in conflict with his or her employment.

~~The Division of Air Pollution Control shall employ and qualify such personnel as are needed to insure the successful administration of this Code. Such personnel of the Division shall carry out the directions of the Commissioner in all matters, consistent with duties of their respective job descriptions, qualifications and assignments, relating to enforcement of this Code, including the signing of complaints and summons sought for violations, and shall aid and assist the Commissioner in the efficient discharge of his or her duties. No person employed in the Division shall be directly or indirectly interested in sales of service or goods or in any matter in conflict with his or her employment.~~

Section 255.02 ~~Duties~~ Authority of Commissioner

The Commissioner under the supervision and ~~director~~ direction of the Director of Public Health ~~and Welfare~~ shall:

(a) Supervise the execution of all laws, rules and regulations pertaining to air pollution as provided in this Code~~;~~.

(b) Institute complaints against all violators of any provisions of this Code and institute necessary legal proceedings, either personally or through his or her representatives~~;~~.

(c) Issue, and have served upon violators, orders requiring the repair of equipment or abatement of conditions not in compliance with this Code~~;~~.

(d) Compel the prevention and abatement of air pollution or nuisances arising therefrom~~;~~.

(e) Examine and approve or disapprove the plans for the installation or modification of any air contaminant source or control equipment~~;~~.

(f) Make inspections and tests of existing and newly installed air contaminant sources or control equipment subject to this Code to determine whether such source or equipment complies with this Code~~;~~.

(g) Investigate complaints of violations of the provisions of this Code and make inspections and observations of air pollution conditions. Records shall be maintained of all such investigations, complaints, inspections and observations~~;~~.

(h) Administer the issuance of permits to operate, notices, waiver citations, permits to install, variances and other documents required under the provisions of this Code~~;~~.

(i) Prepare and place before the Director of Public Health ~~and Welfare~~ for his or her consideration proposals for additions or revisions to this Code or other rules and regulations pertaining to air pollution~~;~~.

(j) Encourage voluntary cooperation by persons or affected groups in the preservation and restoration of the purity of the outdoor atmosphere~~;~~.

(k) Collect and remit to appropriate City officials fees collected and permits to operate variances and examination of plans and permits to install~~;~~.

(l) Work with other City agencies and other organizations for the purpose of coordinating activities for the common municipal good~~;~~.

(m) Conduct tests and make studies of air contaminants whether or not controlled by specific limitations of this Code~~;~~.

(n) Do any and all acts which may be necessary for the successful prosecution of the purposes of this Code and such other acts as may be specifically enumerated herein~~;~~.

(o) Work with other agencies of the Federal and State governments for the purpose of the preservation and restoration of the purity of the outdoor atmosphere~~;~~.

(p) Notify the Mayor or the Governor of the State of Ohio whenever air pollution in the City or in any part of the City exceeds that safe levels or otherwise

presents an imminent and substantial danger to the health or safety of persons in the area~~;~~.

(q) Examine and approve or disapprove the plans of any person seeking to operate fuel-burning, incinerator, process and control equipment in variance from the provisions of this Code~~;~~.

(r) Establish, maintain and operate air quality monitoring stations and other devices and methodologies designed to measure air pollution~~;~~.

(s) The Director of Finance shall establish an Air Quality Emission Reduction Fund ("Fund") for the purpose of improving or mitigating the impact of air pollution on the public health, particularly by reducing its cumulative impact on the most affected census tracts identified in the Air Quality Health Impact Report generated by the Commissioner. Permit fees collected under this Chapter may be deposited in the Fund for disbursement as provided in this section. In addition, any person, firm, or corporation may make contributions to the Fund and the Director of Finance is authorized to accept contributions to the Fund for the purposes set forth in this section, which include:

(1) To provide grants to persons or facilities to improve emission controls on existing emission units or process improvement to operations;

(2) To provide grants to persons or facilities to demonstrate decreased emissions from the impact from transportation source including fleet vehicles, non-road equipment, and small off-road equipment;

(3) To provide grants to businesses or community groups for local project(s) that will reduce emissions;

(4) To provide rebate(s) or voucher activities, for person(s), organizations, or facilities that encourage adoption of practices that demonstrate emissions reductions or mitigation; and

(5) To pay for any other device, technology, practice, operational procedure the Commission determines demonstrates the potential to reduce air pollution or the impact of air pollution.

(t) The Commissioner shall establish criteria for persons, organizations, and facilities to apply for and obtain grant and rebate opportunities based on the potential to reduce air pollution or the impact of air pollution, particularly on the top quartile identified in the Air Quality and Health Impact Report. The Commissioner may require the submission of proposals for emission reduction projects that must demonstrate how activities will reduce emissions based on reliable scientific, technical or other specialized information that is objectively verifiable or is validly derived from widely accepted knowledge, facts, or principles.

Section 255.03 Appeals

(a) Any person aggrieved by an order, requirement, decision, or determination by the Commissioner may file an appeal within thirty (30) days of the

date of such order, requirement, decision, or determination to the Appeals Board accompanied by the required appeal fee.

(b) Filing a notice of appeal shall stay all proceedings in furtherance of the action appealed from, except in a declaration of emergency under Chapter 3701 of the Revised Code or except any order if the officer or agency from whom the appeal is taken files with the Appeals Board, after notice of appeal has been filed with the officer or agency, a certificate, a copy of which shall forthwith be mailed to the appellant at the address stated in the notice of appeal, that, by reason of facts stated in the certificate, a stay would in the officer's or agency's opinion cause immediate peril to life, health, property or the environment. In either case proceedings shall not be stayed excepted as provided in this section or by a restraining order, which may be granted by the Board, or by a court of competent jurisdiction upon application, and upon notice to the officer or agency from whom the appeal is taken on due cause shown and in accordance with the Ohio Rules of Civil Procedure;

(c) Any person, property owner, or member of the general public claiming an interest or whose ability to protect an interest may be impaired or impeded by any consent agreement or variance issued by the Commissioner, or by any new air contaminant limitation or visible emission limitation established by the Commissioner, in accordance with the applicable provisions of this Code, may appeal an agreement, variance, or limitation to the Appeals Board within thirty (30) days after the date of publication of such consent agreement or variance by the Commissioner in the City Record.

(d) Unless otherwise prohibited in the interests of justice, any person, property owner, or member of the general public is permitted to intervene in a matter before the Appeals Board when such intervention is timely and the person claims an interest relating to the matter and/or the person is so situated that the disposition of the matter by the Appeals Board may impair or impede his ability to protect an interest. For the purpose of this subsection, “timely” means prior to the commencement of a hearing by the Appeals Board on the merits of a matter before the Appeals Board.

(e) The Commissioner shall be a party to any and all appeals brought under this Code and shall be required to file the record of the matter at issue with the Appeals Board within fourteen (14) days of the receipt of the notice of appeal. The Commissioner shall include in the record facts and findings pertinent to his decision. The Appeals Board may also require any other party or intervener to file a summary of his position prior to the hearing. The Appeals Board shall give public notice of any hearing on an appeal in the *City Record*.

~~(a) Appeals of a person adversely affected by any order, requirement, decision or determination by the Commissioner shall be heard and decided by the Air Pollution Appeals Board. An appeal shall stay execution of the action appealed. The Appeals Board shall commence to hear the merits of an appeal within thirty (30) days after the filing of such appeal in the office of the Board. Thereafter, the Board shall hear the final arguments and shall reach a decision on such appeal without unreasonable or unnecessary delay.~~

~~(b) A motion to dissolve a stay, resulting from an appeal, may be filed by the Commissioner with the Board. The Board shall commence to hear the merits of such motion within seven (7) days after the filing of such motion in the office of the Board.~~

~~Thereafter, the Board shall hear the final arguments and shall reach a decision on such motion without unreasonable or unnecessary delay.~~

~~(c) Appeals of any person, property owner, or member of the general public claiming an interest or whose ability to protect an interest may be impaired or impeded by any consent agreement or variance issued by the Commissioner, or by any new visible emission limitations established by the Commissioner, in accordance with the applicable provisions of this Code, shall be heard and decided by the Board. The Board shall commence to hear the merits of an appeal within thirty (30) days after the filing of such appeal in the office of Board. Thereafter, the Board shall hear the final arguments and shall reach a decision on such appeal without unreasonable or unnecessary delay.~~

~~(d) Absent any prior hearing or order of the Board, any person, property owner or member of the general public shall be permitted by the Board to intervene in a matter before the Board when such intervention is timely and the person, property owner or member of the general public claims an interest relating to the matter and/or the person is so situated that the disposition of the matter by the Board may impair or impede his or her ability to protect an interest. For the purpose of this subsection, "timely" shall mean prior to the commencement of a hearing by the Board on the merits of a matter before the Board.~~

~~(e) Any appeal from an order, requirement, decision or determination of the Commissioner shall be filed with the Board within thirty (30) days after receipt of notice of the action of the Commissioner.~~

~~(f) Any appeal from a consent agreement or variance issued by the Commissioner or from new visible emission limitations established by the Commissioner shall be filed with the Board within thirty (30) days after date of publication of such consent agreement or variance by the Commissioner in the *City Record.*~~

~~(g) The Commissioner shall be a party to all appeals brought under this Code and shall be required to file the record of the matter at issue with the Board within fourteen (14) days of the receipt of the notice of appeal. The record shall include facts and findings pertinent to the Commissioner's decision. The Board may also require any other party or intervenor to file a summary of their position prior to the hearing. The Board shall give public notice of any hearing on an appeal in the *City Record*.~~

~~(h) Any person affected by a decision of the Board may obtain judicial relief as provided by law.~~

Section 255.05 Records to be Available for Public Inspection; Exception

(a) Any records, reports or information obtained under the applicable sections of this Code shall be available for public inspection, during regular business hours, except that upon showing to the satisfaction of the Commissioner by any person that such records, reports or information or any particular part thereof other than emission data, to which the Commissioner has access, if made public, would divulge methods or processes entitled to protection as trade secrets of such person or would disclose protected health information. ~~the~~ The Commissioner shall consider such record, report or information or particular portion thereof confidential, except that such record, report or information or particular part thereof may be disclosed when necessary to sustain an

action brought pursuant to the applicable sections of this code on emission limitations or during a denial or revocation of a permit to ~~install, modify or operate or conditional permit to~~ operate or variance. For any records that are also subject to Ohio's Public Records Act, the Division will ensure that release or redaction of such records is in compliance with State law.

(b) Nothing in ~~subsection (a) hereof~~ this section shall be construed to prevent the Commissioner from compiling or publishing analyses or summaries relating to the general condition of the atmosphere~~, provided that such reports do not reveal any information otherwise confidential under this section~~.

Section 255.06 ~~Authority to Enter into Consent Agreement~~ Consent Agreements for Modifications of Equipment or Emissions Standards

(a) Whenever any source or source operation is found to be in violation of ~~the provisions of~~ this Code and the Commissioner determines that compliance with the emission limitations requires ~~, as established in the applicable sections of this Code, necessitates~~ the installation of control equipment of complex design~~,~~ or operational change of a complex nature~~,~~ involving technological ingenuity or advances of considerable magnitude, the Commissioner may, upon the approval of the Director of the Department of Public Health, revise ~~and Welfare, modify~~ any of the emission limitations. In such case, the Commissioner shall ~~, as established in this Code, and enter into a consent agreement with the person owning, operating or in charge of such source or source operation to bring about compliance with the emission limitations or such modifications thereto, at the earliest possible date, based upon technical feasibility and economical reasonableness and their relation to the benefits to the people of the State to be derived from such compliance. The Commissioner may also~~ enter into a consent agreement with the person owning, operating, or in charge of any source or source operation to bring about compliance with the emission limitations, as established in the applicable sections of this Code, in lieu of or in resolution of any violation of ~~issuing~~ an abatement order. No modification will be allowed that would be less stringent than an Ohio EPA Air Pollution Permit or rule.

(b) No person entering into such a consent agreement with the Commissioner shall fail to comply with the terms and conditions of the consent agreement without prior written approval of the Commissioner.

(c) The Commissioner shall give public notice of any consent agreement entered into with any person owning, operating or in charge of any source operation. ~~Public notice shall consist of publication in the *City Record* and a daily newspaper of general circulation in the metropolitan area.~~

Section 255.07 Rules and Regulations

(a) The Commissioner ~~under the supervision and direction of the Director of Public Health and Welfare,~~ may adopt, amend or alter written rules and regulations of this Code. Such rules and regulations shall neither conflict with nor waive any provision of this Code nor any other section of the Codified Ordinances.

(b) General notice of proposed rules and regulations shall be published in the *City Record*, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. The notice shall include:

(1) A statement of the time, place and nature of public proceedings to accept comments on any proposed rules or regulations, or on any amendments or alterations to existing rules or regulations;

(2) Reference to the legal authority under which rule is proposed; and

(3) The proposed rules or regulations, or the amendments or alterations to existing rules or regulations, or a summary of the proposal. ~~Either the terms or substance of the proposed rule or a description of the subjects and issues involved.~~

(c) After notice required by this section, the Commissioner shall give interested persons, within a reasonable time period to be determined by the Commissioner, an opportunity to submit written comments and any written data, views, or arguments in support of such comments, and/or to present a verbal statement. ~~Participate through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the Commissioner shall incorporate in the rules adopted a concise general statement of their basis and purpose.~~

(d) Upon adoption, pursuant to the procedure set forth in this section ~~subsections (b) and (c) hereof~~, rules or regulations and amendments thereto and alterations thereof shall become effective after two (2) successive publications in the *City Record*.

(e) Any interested person may petition the Commissioner for the issuance, amendment or repeal of a rule or regulation.

(f) Violation of rules or regulations of the Commissioner shall not constitute the basis for criminal prosecutions; provided, however, that an administrative order of the Commissioner based on such rules and regulations shall be enforceable in accordance with the provisions of this Code, whether administrative or criminal in nature.

Section 8. That existing Sections 255.01, 255.02, 255.03, 255.05, 255.06 and 255.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 9. That Section 255.04 – Abatement Orders, of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is repealed.

Section 10. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 255.04 to read as follows:

Section 255.04 Notices of Violation; Orders to Abate

(a) Upon discovery of any violation of this Code or any violation of a consent agreement, the Commissioner or his or her designee shall serve a written notice of violation or violations upon the owner, operator or person in control of the property or operation in violation. The notice of violation or violations shall identify the specific violation or violations of this Code. The notice may include the possible penalties for noncompliance and a recommendation for remedial action.

(b) In addition to or in lieu of a notice, the Commissioner or his or her designee may issue a written order to immediately abate any condition, action, or emission that affects or endangers the public health.

(c) The Commissioner or his or her designee shall send the written notice and/or order to the last known address of the owner, operator, or person in control of the property or operation in violation, and identify the specific violation or violations of this Code. The notice shall state a reasonable period for compliance.

(d) No person or entity shall fail to correct any violation or to comply with any notice or order issued by the Commissioner or his or her designee within the time period stated on the notice or order.

(e) If any person or entity fails to correct any violation or to comply with any notice or order issued under this section, the City may pursue any criminal, administrative, civil, or equitable remedy authorized by law. In addition, the City may revoke any existing permit to operate and/or seal such source or facility. The Commissioner may issue a remedial order and/or enter into a consent agreement, as part of a remedy required as a result of a violation or failure to comply with an order of the Commissioner or his or her designee.

(f) The commissioner may implement any other actions specified in Chapter 299 “Penalties” of this Code.

Section 11. That Sections 257.01, 257.10 and 257.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977 are amended to read as follows:

Section 257.01 Application; What Must be Included; and Approval Required

(a) No person shall install any new air contaminant source or control equipment or modify any existing air contaminant source or control equipment for use within the city until ~~an~~ a complete application, including ~~not less than two (2) sets of properly prepared plans and~~ specifications of the air contaminant source or control equipment ~~and structures or buildings used in connection therewith,~~ has been filed by the responsible person ~~person or his or her agent in the office of,~~ and has been approved by~~,~~ the Commissioner, and until ~~an installation~~ a permit has been issued by the Commissioner for such installation or modification.

(b) Application for permits to install or modify shall be made on forms prepared by the Commissioner and shall contain such information as ~~he or she~~ the Commissioner deems necessary to determine whether the permit should be issued,

including but not limited to, plans and specifications, construction schedules, and such other pertinent information including but not limited to data on ambient air quality impact, cumulative impact, and disproportionate impact. ~~The information required in such applications including plans and specifications shall include the form and dimensions of the air contaminant source or control equipment, together with the description and dimensions of the building or part thereof in which such equipment is to be located, including the means provided for admitting the air for combustion process; the character and composition of the fuel to be used; the maximum quantity of such fuel to be burned per hour; the kind and amount of raw materials processed; the nature, source and quantity of uncontrolled and controlled emissions; the type, size and efficiency of control facilities; the operating requirements; the use to be made of such air contaminant source or control equipment; contaminant concentration, gas volume and gas temperature at the emission point; the location and elevation of the emission point relative to nearby structures and window openings; a flow diagram showing the equipment under consideration and its relationship to other processes, if any, and a general description of these processes, and any other reasonable and pertinent information that may be required by the Commissioner.~~

(c) Applications for permits to install or modify shall be signed by the responsible official. ~~person performing the installation or modification and by the corporate president or vice president reporting directly to the president or highest ranking corporate officer with offices located in Cuyahoga County; or by an equivalently responsible officer in the case of organizations other than corporations; or, in other cases, by the source owner or operator~~. Such signature shall constitute personal affirmation that the statements made in the application are true and complete, ~~complying~~ comply fully with applicable City requirements, and shall subject the responsible official to liability under applicable City laws, including City and State laws, forbidding false and misleading statements.

(d) The applicant's signature shall constitute an agreement that the applicant shall assume responsibility for the installation, modification or location of such source or facility in accordance with this Code and with all other applicable rules and regulations, and terms and conditions.

(e) Cumulative Impact Assessment

(1) Within one (1) year of the effective date of this ordinance, the Commissioner shall develop and issue an Air Quality Health Impact Report that identifies census blocks that present with the most vulnerability to the health impacts of air pollution. The Air Quality Health Impact Report will include social vulnerability index scores, health data, and environmental data to establish scores for each census block. The Air Quality Health Impact Report will be evaluated and updated as needed every five (5) years or as needed. Health indicator data may include but are not limited to respiratory disease, cardiovascular disease, and maternal or infant health. Health indicators will be tracked and published on an annual basis. The Air Quality Health Impact Report may be done sooner then five years if there is a statistically significant change in a tracked health indicator or at the discretion of the Public Health Director. To determine census block vulnerability, City Division of Air Quality will use a multivariate index construction methodology, or its approved epidemiological equivalent, to establish a composite score based on health, environmental, and population data.

(2) As a condition for obtaining an installation or modification permit, all new or modified sources that are located within the upper levels of the relative ranking analysis (8, 9, or 10) will be required to submit a New or Modified Source Emission Unit Evaluation of the proposed source.

(3) The New or Modified Source Emission Unit Evaluation will be completed on forms prepared by the Commissioner. The facility will be required to submit current estimates of each of the categories below and projected changes by the new or modified source.

(4) New or Modified Source Emission Unit Evaluations shall include potential emissions of the following:

A. Annual emissions of criteria air pollutants from the new or modified source and the new total per facility in tons per year;

B. Annual emissions of individual and combined hazardous air pollutants from the new or modified source and the new total per facility in tons per year;

C. Daily total of vehicle miles travelled (VMT) for all medium and heavy-duty vehicle traffic traveling on and off the facility premises; and

D. Daily hours of operation for all off-road equipment, medium duty and heavy-duty vehicles that operate on the facility premises.

(5) All new or modified sources that result in an increase of either criteria air pollutants or hazardous air pollutants, that are located in the highest relative ranking (10) and that meet the criteria of either a synthetic minor, Federally enforceable permit to install and operate (FEPTIO), or Title V facility will be required to complete and submit a Health Impact Assessment prior to the issuance of a City permit to install.

A. The Health Impact Assessment will include a multi-step process that requires the analysis of the impact of the proposed new or modified source and the development and implementation of a community engagement plan. The community engagement plan must include at a minimum two public meetings. The facility must post public notice that a meeting will be held in locations within a 5-mile radius of the proposed change and electronically at least 2-weeks in advance of the meeting. The public notice must include a fact sheet describing the proposed project in accessible wording, translated into any non-English language spoken by a significant percentage of the population, and contact information for a facility representative. The final Health Impact Assessment must document how community concerns and questions were addressed.

B. The Health Impact Assessment must include industry-accepted air quality modeling and an epidemiological relative risk assessment for the conditions outlined in the Air Quality Health Impact Report.

C. The specific health concerns to be addressed by the Health Impact Assessment, will be released on a quinquennial basis and will correspond with the Air Quality Health Impact Report. The Health Impact Assessment must also address health conditions that are associated with the specific pollutants of the proposed source.

D. Where the applicant is seeking to install multiple emission units within eighteen (18) months, the Health Impact Assessment must address the installation of all emission units.

E. City Division of Air Quality shall review the Health Impact Assessment within a reasonable time upon submittal:

1. City Division of Air Quality shall acknowledge receipt of the Health Impact Assessment, in writing to the responsible official, within fourteen (14) days of receipt;

2. City Division of Air Quality may request additional information from the applicant or provide clarifying questions regarding the methods used to calculate emissions or impacts contained in the Health Impact Assessment;

3. City Division of Air Quality representatives must be invited to any public meetings included in the community engagement plan; a minimum of two (2) weeks' notice must be provided in advance of any public meeting; and

4. The applicant is responsible for any costs associated with implementing their community engagement plan (e.g., venue rental, transcription services, translation services, transportation stipends, etc.).

F. If the Commissioner determines after the review that pollution from the new facility would disproportionately impact overburdened communities, the Commissioner may deny the Permit to Install.

Section ~~257.10~~ 257.02 Issuance of Permits by Other Departments

No permit for the erection, construction, reconstruction or modification of any building, plant or structure, related in any manner to fuel-burning equipment, process equipment, incinerator or control equipment, or any equipment which may be a source of air contaminants, shall be issued by the Commissioner of Building or by any other department, bureau, division, officer or employee of the City until the Commissioner of Air Quality has approved such plans and specifications which relate in any manner to a new or an existing air contaminant source or control equipment covered by provisions of this Code.

Section ~~257.11~~ 257.03 Failure to Make Application or Obtain Permit or Approval Prior to Work

(a) No person shall cause, permit or allow the construction, installation or modification of any air contaminant source or control equipment to commence or proceed who has failed:

(1) To make an application for a permit to install or modify as required by Section 257.01; and

(2) To secure from the Commissioner a permit to install as required by Section 257.01; or

(3) To file a compliance statement and secure written approval of the Commissioner to proceed with the proposed installation or modification, as authorized in Section 257.04 of this code in lieu of the issuance of a permit to install or modify.

(b) If work on the construction, installation or modification of such source or control equipment has commenced or is proceeding without having first obtained the required permit or approval to proceed in division (a), the Commissioner is authorized to stop all work being done and to seal that part or parts of such source or control equipment that has been constructed, installed or modified until a permit to install or modify or approval of a compliance statement is secured from the Commissioner.

~~(b)~~ (c) No permit to install or modify or permit to operate shall be issued by the Commissioner to any person or contractor unless such person or contractor complies with all the requirements of this Code.

Section 12. That existing Sections 257.01, 257.10 and 257.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977 are repealed.

Section 13. That Section 257.02 – Criteria for Granting Permits, Section 257.03 – Action on Application for Permit, Section 257.04 – Alternative Action on Application for Permit, Section 257.05 – Applicability of Permit, Section 257.06 – Violation of Permit, Section 257.05 – Time Limit on Permits, Section 257.08 – Registration of Contractors, and Section 257.09 – Coordination of Departments, as enacted by Ordinance No. 857-A-76, passed June 27, 1977 are repealed.

Section 14. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 257.04 to read as follows:

Section 257.04 Issuance of Permits

(a) Upon approval of the application for a permit and upon payment of the prescribed permit fees, the Commissioner shall issue a permit to install or modify, as applicable for the source(s) contained therein.

(b) Any permit under this chapter will be issued electronically under the official website of the Cleveland Department of Public Health, Division of Air Quality where they will be available for public viewing and download.

(c) Any permit issued under this chapter must also be electronically sent to the responsible official of record to their last known e-mail address.

Section 15. That Sections 259.01, 259.04, 259.05, 259.06, 259.07, 259.09, and 259.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed July 27, 1977, are amended to read as follows:

Section 259.01 Permit to Operate; ~~or~~ Variance Prerequisite for Operation

Except as otherwise provided in this Code no person shall cause, permit or allow the operation or other use of any air contaminant source or control equipment unless a permit to operate or variance has been granted by the Commissioner, and no such air contaminant source or control equipment shall be operated when such permit to operate or variance has been denied or revoked or becomes void.

Section ~~259.04~~ 259.03 Criteria for Granting of Permits to Operate

(a) No permit to operate an existing air contaminant source or control equipment shall be granted until the applicant demonstrates to the satisfaction of the Commissioner that:

~~(a)~~ (1) The operation of such air contaminant source or control equipment will not result in the discharge of air contaminants in excess of the limitations established by this Code;

~~(b)~~ (2) The operation of such air contaminant source or control equipment will not create a nuisance or otherwise violate any other provision of this Code or the rules and regulations promulgated therein;

~~(c)~~ (3) The information required by the Commissioner in the application has been supplied and is adequate for the evaluation of the application for permit to operate.

(b) The Commissioner may require emission tests or modeling analysis of emissions before issuing a permit to operate

(c) The Commissioner shall collect the prescribed permit fee prior to issuing or renewing a permit to operate.

Section ~~259.05~~ 259.04 Action on Application for Permit to Operate

~~An application for permit to operate an existing air contaminant source or control equipment shall be acted upon within sixty (60) calendar days after it is filed in the office of the Division of Air Pollution Control.~~ Approval of the application for a permit to operate may, at the discretion of the Commissioner, include a condition requiring emission tests to be conducted within a reasonable period of time, as determined by the Commissioner, and other special terms and conditions, to establish compliance with the emission limitations of this ordinance. The Commissioner shall notify the person applying for the permit to operate of his or her approval or reasons for rejection of the application in writing. Upon the approval of the application ~~and upon the payment of the prescribed fees~~, the Commissioner shall issue a permit to operate such air contaminant source or control equipment.

Section ~~259.06~~ 259.05 Renewal of Permits to Operate

Permits to operate air contaminant sources or control equipment shall be renewed as follows:

(a) Prior to the expiration of the permit, a written request for renewal of permit(s) to operate must be received by City Division of Air Quality; and

(b) The request for renewal must list each air contaminant source at the facility and note any changes to the air contaminant source(s), responsible official, facility name, or contact information at the facility.

As a courtesy to the regulated facilities, the Commissioner may issue invoices to permitted facilities listing the air contaminant sources believed to require permits at the facilities, and the associated fees for such sources. The responsible party at the facility may, at their option, use the information contained on the invoice to develop their request for renewal of permit or permits to operate and to calculate fees owed for permit renewal.

The request for renewal shall be signed:

(1) By the corporate president or vice president reporting directly to the president, or highest ranking corporate officer with offices located in Cuyahoga County; or

(2) By an equally responsible officer in the case of organizations other than corporations; or

(3) By the source owner or operator in all other cases.

(c) The requestor's signature shall constitute personal affirmation that the statements made in the request are true and complete, complying fully with applicable City requirements, that all judgments and estimates provided have been made in good faith, and shall subject the responsible official to liability for non-compliance with this Code, including for submission of false and misleading statements.

(d) The requestor's signature shall constitute an agreement that the requestor assumes responsibility for the operation and location of such source or facility in accordance with this Code and with all other applicable rules and regulations, and terms and conditions. Such signature further attests to the requestor's understanding that the data provided in the request for renewal will be used by the City to calculate a fee which the facility is required to pay under Chapter 263 of this Code.

(e) Upon approval of the request for renewal and upon payment of the prescribed permit fees, the Commissioner shall issue a renewal of the permit to operate the source(s) or control equipment contained therein.

~~according to the schedule of periodic inspections of designated classes of equipment as determined by rule or regulation of the Commissioner. No period of time between inspections shall exceed three (3) years~~.

Section ~~259.07~~ 259.06 Denial or Revocation of Permits to Operate or Conditional Permits to Operate

(a) A permit to operate ~~or a conditional permit to operate~~ may be denied or, once granted, may be revoked:

(1) Incident to any order to discontinue operations or sealing order under this Code ~~and seal order~~;

(2) In an emergency, as determined by the Commissioner, where operation of the subject air contaminant source or control equipment may be dangerous to persons or property;

(3) Where no air pollution control equipment or modification, if required, has been installed to ~~permit~~ allow operation in conformity with the provisions of this Code;

(4) Where the air contaminant source or control equipment causes such effect, is of such condition or is so installed that it cannot be or is not being operated in conformity with the provisions of this Code;

(5) Upon failure or refusal of the person responsible to submit information required by the Code;

(6) Upon failure or refusal of the person responsible to comply with an ~~abatement~~ order issued under the provisions of Section ~~255.04~~ 255.02;

(7) Upon failure or refusal of the person responsible to comply with the terms and conditions of any permit granted by the Commissioner under provisions of this Code; or

~~(8) Upon failure or refusal of a person responsible to comply with the terms and conditions of any conditional permit granted by the Commissioner under the provisions of this Code;~~

~~(9)~~ (8) Upon failure or refusal of the person responsible to comply with the provisions of Chapter 283 of this Code.

(b) Except in an emergency under Section 255.02 when the Commissioner may issue an order to be summarily complied with, prior to the revocation of an existing permit to operate, notice in writing shall be sent by the Commissioner to responsible persons at facilities where violations of this section are known to exist, demanding compliance within a time limit set forth therein, or within a time limit extension granted by the Commissioner.

~~(b) Notice in writing shall be sent by the Commissioner to persons in violation of subsections (a)(1), (a)(4), (a)(5), (a)(7) and (a)(9) hereof, except pursuant to Section 255.04, demanding compliance within a time limit set forth therein, or within a time limit extension granted by the Commissioner prior to the revocation of an existing permit to operate.~~

(c) Denial or revocation of a permit to operate or conditional permit to operate ~~shall not be a bar to~~ will not bar prosecution or any other applicable remedy or relief under this Code for violation of any of the provisions of this Code.

Section ~~259.09~~ 259.07 Prohibition Against Operating Without a Permit; Prima Facie Evidence of Unlawful Emission

(a) No person shall operate an air contaminant source without an operating permit.

(b) ~~In any hearing of the Municipal Court or any court of competent jurisdiction, the~~ The fact of operation without a valid permit to operate or variance, together with testimony as to ownership or responsibility from the records of the Division of Air Quality ~~Pollution Control~~, shall be prima facie evidence of unlawful emissions and that the air contaminant source or control equipment operating without a ~~for which the~~ permit to operate or variance is ~~not in effect is~~ being operated in violation of the provisions of this Code.

Section ~~259.10~~ 259.08 Variances

(a) The owner or operator of any plant, building structure, process, equipment, or source may apply to the Commissioner for a variance from the provisions of this Code. A variance is a temporary instrument of limited duration; it is not a substitute for a permit under this Code and does not replace installation or modification permits or permits to operate. Any application for a variance must include, at a minimum:

(1) The name, mailing address, phone number, and email for the applicant.

(2) The location of the facility for which a variance is being sought.

(3) A description of the source or sources for which a variance is being sought.

(4) The pollutants, potential pollutants, quantities of emissions, and quantities of potential emissions of the source for which a variance is being sought.

(5) The duration of the variance being requested, and a description of the control strategies employed or methodology for minimizing emissions during the duration of the variance being requested.

~~(a) Any person who owns or is in control of any plant, building structure, process, equipment or source may apply to the Commissioner for a variance from the provisions of this Code.~~

(b) The Commissioner ~~must~~ shall give public notice of any request for a variance from the provisions of this Code. Public notice shall, at a minimum, consist of publication in the *City Record* and a daily newspaper of general circulation in the metropolitan area and shall contain the name and location of the facility, a description of the source, the pollutants emitted, the quantities of the pollutants emitted, the control strategies employed, and the ~~of the company, the source, the location, the pollutants, the control strategy, if possible, and the~~ duration of the variance being requested. Additional options for public notice are City websites and common social media sites. These electronic resources, if used, will be in addition to the *City Record* and daily newspaper.

(c) ~~No variance shall be granted~~ The Commissioner may grant a variance pursuant to this section ~~except~~ only after due consideration ~~by the Commissioner~~ of the relative interests of the applicant, other owners of property likely to be affected by the discharge of emissions and the general public. Interested persons may submit written comments on the variance request to the Commissioner. The Commissioner will consider all ~~All~~ relevant comments, received within thirty (30) days after the latest date of publication of the public notice of the variance request in the *City Record* or daily newspaper of general circulation in the metropolitan area~~, will be considered~~.

(d) ~~No variance shall be granted~~ The Commissioner shall not grant a variance pursuant to this section until the applicant shows to the satisfaction of the Commissioner that:

(1) Such source is not a new source or modification; and

(2) The commissioner has approved a compliance schedule for such source.

(e) ~~A compliance~~ The Commissioner shall approve a compliance schedule ~~shall be approvable~~ where it shows to the satisfaction of the Commissioner that:

(1) The plan and schedule provide for the earliest possible compliance by the source;

(2) Any available alternative operating procedure and interim control measures have reduced or will reduce the impact of such source on the public health;

(3) Good faith efforts have been and will be made to reduce emissions or otherwise comply with this Code or the rules and regulations promulgated therein;

(4) The proposed control strategy will bring the source into compliance with this Code or the rules and regulations promulgated therein; and

(5) The compliance schedule contains a date on or before which the source shall be operated in compliance with this Code or the rules and regulations promulgated therein;

(f) ~~A variance~~ The Commissioner shall act upon a variance request ~~shall be acted upon by the Commissioner~~ within ninety (90) days after receipt in the office of the Commissioner of all information required to evaluate the variance request. The Commissioner shall notify the person applying for the variance of the approval or of all reasons for rejection of the variance request in writing.

(g) The Commissioner shall give public notice of his or her decision on all requests for variances. Public notice shall consist of publication in the *City Record* and a daily newspaper of general circulation in the metropolitan area.

(h) If granted, a variance shall be effective for ~~whatever~~ the period of time the Commissioner deems appropriate. A variance shall not be a right of the applicant or holder thereof but shall be in the discretion of the Commissioner, as provided in this section. ~~subsections (c) and (d) hereof~~.

(i) The Commissioner may require the variance holder, as part of the terms of the variance, to maintain such monitoring equipment and to make a file of such information, records and reports as he or she deems necessary to ~~insure~~ ensure compliance with the terms of the variance and to evaluate the effect of the emission or emissions upon the ambient atmosphere.

(j) No person shall fail to comply with any condition of a variance granted by the Commissioner without prior written approval of the Commissioner. This section ~~shall have~~ has no effect upon the date of final compliance as set forth in the variance as granted.

(k) Once the Commissioner grants a variance, he or she may revoke such variance. ~~Once granted, a variance may be revoked by the Commissioner:~~

(1) Upon failure or refusal of the variance holder to maintain monitoring equipment and to make and file information, records, and or reports as required by the Commissioner;

(2) Upon failure of the variance holder to meet, or to show good faith effort in meeting, any of the conditions of the variance; or

(3) If during the period of the variance the source operation becomes unsafe and endangers the public health.

(l) Nothing in this section and no variance granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of this Code to any person or his or her property.

(m) ~~No variance may be granted which is in any way in conflict~~ The Commissioner may not grant a variance that conflicts with the air pollution regulations of the Ohio Environmental Protection Agency or the United States Environmental Protection Agency.

(n) Denial or revocation of a variance by the Commissioner shall not be a bar to prosecution for violation of any other applicable provision of this Code.

(o) Any request for renewal of a variance shall be acted upon and treated as an original variance application.

Section 16. That Sections 259.01, 259.04, 259.05, 259.06, 259.07, 259.09, and 259.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed July 27, 1977, are repealed.

Section 17. That Sections 259.02 – Permits to Operate Subsequent to Installation or Modification Permits, Section 259.03 – Application for Permit to Operate for Existing Sources; and Section 259.08 – Applicability of Permit to Operate, of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed July 27, 1977, are repealed.

Section 18. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 259.02 and 259.09 to read as follows:

Section 259.02 Application for Permit to Operate

(a) Except as otherwise provided in this Code, the owner or operator of an air contaminant source seeking to obtain a permit to operate shall submit an application for permit to operate to the Commissioner as follows:

(1) Applications for permits to operate shall be made on forms prepared by the Commissioner and shall include any reasonable and pertinent information that may be required by the Commissioner. This may include plans and or specifications and or a description adequately detailed to demonstrate awareness of pollution control requirements and compliance therewith.

(2) The Commissioner may determine that, in addition to the permit to operate application, a work practice plan is also required if the facility operations have the potential to adversely affect public health, cause a public nuisance, or are located within a census tract that has scored in the top quartile of a cumulative impact analysis. The work practice plan must include operating practices and control measures that will be used to minimize or eliminate the pollutant of concern, an inspection schedule, an employee training plan, and a record keeping template. As a courtesy, the Commissioner may provide template work practice plans that can be completed by the Responsible Official.

(3) Failure to comply with any request for information made by the Commissioner shall be cause for rejection of an application, and may constitute grounds for the denial of a permit to operate.

(b) Applications for permits to operate that comply with the requirements of this section and any request for information made by the Commissioner, shall be signed:

(1) By the corporate president or vice president reporting directly to the president, or highest ranking corporate officer with offices located in Cuyahoga County; or

(2) By an equally responsible officer in the case of organizations other than corporations; or

(3) By the source owner or operator in all other cases.

(c) The applicant's signature shall constitute personal affirmation that the statements made in the application are true and complete, comply fully with applicable City requirements, and shall subject the responsible official to liability for non-compliance with this Code, including for submission of false and misleading statements.

(d) The applicant's signature shall constitute an agreement that the applicant assumes responsibility for the operation and location of such source or facility in accordance with this Code and with all other applicable rules and regulations, and terms and conditions.

Section 259.09 Issuance of Permits by Other Departments

(a) Each person required to comply with the notification requirements under the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) Regulations listed in 40 CFR Part 61, Subpart M, or under Ohio Adm.Code Chapter 3745-20, must submit notification to, and obtain approval from, the Division of Air Quality, and shall submit the fee to the Division of Air Quality, along with the original notification required, at least ten working days before the beginning of any demolition operation, asbestos stripping or removal work, or any other activity including salvage activities and preparations that break up, dislodge or similarly disturb asbestos material if the operation is a demolition or renovation.

(b) No permit for the demolition or renovation of any building, plant or structure shall be issued by the Director of Building and Housing, or their designee, or by any other department, bureau, division, officer or employee of the City until the Commissioner of the Division of Air Quality or his or her designee has approved such notification required under the Asbestos NESHAP, Ohio Adm.Code 3745-20, and provisions of this Code.

Section 19. That Sections 261.01 and 261.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 26, 1977, are amended to read as follows:

Ordinance No. 387-2025

Section 261.01 Exemptions, Specified; Compliance

(a) The provisions of this Code shall not apply to the following classes of sources:

(1) Systems used exclusively for comfort ventilation;

~~(2) American Gas Association (A.G.A.) approved smokeless, odorless incinerators installed in one (1) or two (2) family dwellings;~~

~~(3)~~(2) Fuel-burning equipment using natural gas, or No. 1 or No. 2 fuel oil at rates of less than one million (1,000,000) BTU per hour when operated at the maximum rated capacities and, from which, products of combustion are the sole emissions;

~~(4)~~(3) Boilers installed in any residential buildings up to four (4) dwelling units; ~~one (1) or two (2) family dwellings~~;

~~(5)~~(4) Warm air furnaces, any unit heater, direct-fired unit heater or ceiling-type unit heater fired with natural gas, or No. 1 or No. 2 fuel oil, where equipment is used exclusively for space or comfort heating, or installed in any residential building of up to four (4) dwelling units. ~~one (1) or two (2) family dwellings.~~

(b) Exception under this section shall not relieve any owner or operator of an air contaminant source or control equipment of the responsibility to comply with the provisions of Section 265.01, 267.01 and 277.08 and ~~Chapter~~ Chapters 281 or 283 of this Code. If the operation of any such air contaminant source or control equipment violates any of the provisions of Sections 265.01, 267.01 and 277.08 and ~~Chapter~~ Chapters 281 or 283 of this Code, the Commissioner shall take appropriate action, under the applicable provisions of this Code, to ~~abate~~ compel abatement of the violation.

Section 261.02 Limited Exemptions

(a) The provisions of Chapters 257 and 259 shall not apply to the following classes of sources:

(1) Mobile sources;

(2) ~~Demolition of buildings, authorized~~ Authorized open burning, abrasive blasting ~~sandblasting~~ and/or building cleaning, spray applications of fiberated non-asbestos cementitious products ~~and spraying of asbestos containing products~~. Permits may be required for such operations under the provisions of Chapters 266, 277 ~~and~~ or 281 of this Code;

(3) Such other sources of small emission significance as the Commissioner may exempt by rules and regulation.

(b) Exemption under this section shall not relieve any owner or operator of an air contaminant source or control equipment of the responsibility to comply with the provisions of other applicable sections of this Code, including, but not limited to,

emission standards and limitations, submission of data, reporting requirements and emergency orders.

Section 20. That Sections 261.01 and 261.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 26, 1977, are repealed.

Section 21. That Section 263.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, and Sections , 263.02, 263.03, 263.04 and 263.05 of the Codified Ordinances as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 263.01 Fees for Permits to Operate and Variances

(a) Fees for the examination of plans and applications and for inspections for the issuance of permits to operate any air contaminant source within the jurisdiction of this Code, variances, and renewal of permits to operate shall be as follows:

(1) *Fuel Burning Equipment for Each Unit*. The fee shall be based upon the maximum designed heat input capacity:

Description	Fee
A. Of a heat input capacity of less than 2,500,000 BTU/hr	$100.00
B. Of a heat input capacity of 2,500,000 BTU/hr and less than 10,000,000 BTU/hr	$200.00
C. Of a heat input capacity of 10,000,000 BTU/hr and less 25,000,000 BTU/hr	$500.00
D. Of a heat input capacity of 25,000,000 BTU/hr and less than 50,000,000 BTU/hr	$1,500.00
E. Of a heat input capacity of 50,000,000 BTU/hr and less Than 100,000,000 BTU/hr	$2,000.00
F. Of a heat input capacity of 100,000,000 BTU/hr or more	$2,500.00

(2) *Incinerators for Each Unit*. The fee shall be based upon the primary furnace volume of each incinerator:

Description	Fee
A. Having a primary furnace volume of less than 50 cubic feet	$250.00
B. Having a primary furnace volume of 50 cubic feet but less than 100 cubic feet	$500.00
C. Having a primary furnace volume of 100 cubic feet bur less than 200 cubic feet	$1,500.00
D. Having a primary furnace volume of 200 cubic feet or more	$2,500.00

(3) *Process Equipment*. The fee shall be based upon the value of X as determined from the following equation:

X = Process Weight in pounds per hour + Exhaust Air Ventilation in actual cubic feet per minute.

Description	Fee
A. For values of X less than 1,000	$100.00
B. For values of X of 1,000 but less than 10,000	$250.00
C. For values of X of 10,000 but less than 50,000	$500.00
D. For values of X of 50,000 but less than 100,000	$1,000.00
E. For values of X of 100,000 but less than 500,000	$1,500.00
F. For values of X of 500,000 but less than 1,000,000	$2,000.00
G. For values of X of 1,000,000 or more	$2,500.00

(4) *Process and Fuel Burning Equipment*. The fee for equipment that can be categorized as either “Fuel Burning” or “Process” shall be the higher of the two amounts as calculated above. For the purpose of these calculations, combustion exhaust is not included in exhaust air ventilation. Total fees for all process and fuel burning equipment in each work room, shall not exceed two thousand five hundred dollars ($2,500).

(5) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of the value of X in this section, the interpretation that results in the highest fee shall apply.

(6) *Gasoline Dispensing Equipment*. One fee shall cover all pumps, tanks, and other gasoline dispensing equipment at the facility. The fee shall be one hundred dollars ($100.00).

(7) *Any Other Air Contaminant Source*. The fee for the examination of plans and applications for permits or inspections for any other air contaminant source not included in the above schedule shall be fifty dollars ($50.00) per source.

(8) The minimum fee for a permit to operate, renewal permit to operate, or variance for any single facility shall be fifty dollars ($50.00).

(b) The fees for the examination of applications and issuance of other permits required by this Code shall be determined for each site or occurrence and shall be as follows:

(1) For each occurrence of open burning		$100.00
(2) For abrasive blasting of buildings and/or other structures, at a single site and performed as part of a single project		$100.00

~~(a) Fees for the examination of plans and applications for the issuance of permits, variances, and for the original inspection and permit to operate for the installation and modification of any air contaminant source or control equipment, within the jurisdiction of this code, and renewal of permits to operate shall be as follows:~~

	~~Permit to Install or Modify and Initial Permit to Operate and Variance~~	~~Renewal Permit to Operate~~
~~(1) FUEL-BURNING EQUIPMENT FOR EACH UNIT The fee should be based upon the maximum designed heat input capacity,~~		
~~A. Of a heat input capacity of less than 2,500,000 BTU/HR~~	~~$ 100.00~~	~~$ 50.00~~
~~B. Of a heat input capacity of 2,500,000 BTU/HR and less than 10,000,000 BTU/HR~~	~~200.00~~	~~100.00~~
~~C. Of a heat input capacity of 10,000,000 BTU/HR and less than 25,000,000 BTU/HR~~	~~500.00~~	~~250.00~~
~~D. Of a heat input capacity of 25,000,000 BTU/HR and less than 50,000,000 BTU/HR~~	~~1,500.00~~	~~750.00~~
~~E. Of a heat input capacity of 100,000,000 or more~~	~~2,000.00~~	~~1,000.00~~

~~Total fees for all fuel-burning equipment, except major sources, in the above schedule in each~~

boiler house (room) shall not exceed $1,000 for renewal of permits to operate.

(2) INCINERATORS FOR EACH UNIT

A.	Having a primary furnace volume of 15 cubic feet or less	60.00	30.00
B.	Having a primary furnace volume of 15 cubic feet but less than 25 cubic feet	100.00	50.00
C.	Having a primary furnace volume of 25 cubic feet but less than 35 cubic feet	140.00	75.00
D.	Having a primary furnace volume of 35 cubic feet but less than 50 cubic feet	200.00	100.00
E.	Having a primary furnace volume of 50 cubic feet but less than 100 cubic feet	300.00	150.00
F.	Having a primary furnace volume of 100 cubic feet but less than 200 cubic feet	1,200.00	600.00
G.	Having a primary furnace volume of 200 cubic feet or more	2,000.00	1,000.00

(3) PROCESS EQUIPMENT

Fee shall be based upon the value of X as determined from the following equation:
X = Process Weight in pounds per hour + Exhaust Air Ventilation in actual cubic feet per minute.

A.	For values of X of 1,000 or less	80.00	40.00
B.	For values of X over 1,000 but less than 10,000	200.00	100.00
C.	For values of X over 10,000 but less than 50,000	400.00	200.00
D.	For values of X over 50,000 but less than 100,000	800.00	400.00
E.	For values of X over 100,000 but less than 500,000	1,200.00	600.00
F.	For values of X over 500,000 but less than 1,000,000	1,600.00	800.00
G.	For values of X of $1,000,000 or more	2,000.00	1,000.00

Total fees for all process equipment, except major sources, in the above schedule in each work room, shall not exceed $500 for renewal of permits to operate.

(4) PROCESS AND FUEL-BURNING EQUIPMENT

Fee shall be based upon the value of Y as determined from the following equation:
Y = Heat input in million of BTU per hour + Exhaust Air Ventilation in actual cubic feet per minute x 1 ‘
1000

A.	For values of Y of 1, or less	80.00	40.00
B.	For values of Y over 1, but less than 10	200.00	100.00

~~C.~~	~~For values of Y over 10, but less than 20~~	~~300.00~~	~~150.00~~
~~D.~~	~~For values of Y over 20, but less than 40~~	~~600.00~~	~~300.00~~
~~E.~~	~~For values of Y over 40, but less than 60~~	~~1,000.00~~	~~500.00~~
~~F.~~	~~For values of Y over 60, but less than 80~~	~~1,400.00~~	~~700.00~~
~~G.~~	~~For values of Y over 80, but less than 100~~	~~1,800.00~~	~~900.00~~
~~H.~~	~~For values of Y over 100 or more~~	~~2,000.00~~	~~1,000.00~~

~~Total fees for all process and fuel-burning equipment, except major sources, in the above schedule in each work room, shall not exceed $500.00 for renewal of permits to operate.~~

~~(5) CONTROL EQUIPMENT AND/OR APPURTENANCES~~
~~A separate permit shall be required and shall carry the same fees as the air contaminant source for which it is installed or modified. A separate permit and permit fee shall not be required when the control equipment or appurtenances are installed as an integral part of the source or concurrently with the installation or modification of the source.~~

~~(6) ANY OTHER AIR CONTAMINANT SOURCE~~
~~Any other air contaminant source and not included in the above schedule~~ ~~100.00~~ ~~50.00~~

~~(b) Fees for the examination of applications and for the issuance of other permits, required by this code, shall be as follows:~~

~~For each permit for a given location:~~
~~(1) For open burning, fifty dollars ($50.00);~~
~~(2) For sandblasting of buildings and other structures, fifty dollars ($50.00);~~
~~(3) For spraying of asbestos containing products, fifty dollars ($50.00).~~

~~(c) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of the values of X and/or Y in paragraph (a) of this division, the interpretation that results in the highest fee shall apply.~~

Section 263.05 County Land Reutilization Corporation Exemption ~~Exempted~~

No fee shall be demanded under the provisions of Section ~~263.01~~ 263.03 for any air contaminant source in the City that is owned or operated by a County Land Reutilization Corporation organized pursuant to ~~RC~~ Chapter 1724 of the Revised Code.

Section ~~263.02~~ 263.06 Fee Reduction

Except for fees for notifications, where a fee is demanded by the OEPA air pollution regulations for a permit to install or modify or permit to operate the same air

contaminant source the fees demanded in Section 263.01 shall be reduced by seventy-five percent (75%).

Section ~~263.03~~ 263.07 Application to Governmental Units

The provisions of Section 263.01 shall apply within the City to all governmental units unless the imposition and collection of fees are prohibited by law.

Section ~~263.04~~ 263.08 Schools and Churches Fee Exemption ~~Exempted~~

No fee shall be demanded or collected under the provision of Section 263.02 or Section 263.03 of this Chapter for the required permits to install, permits to operate, renewal of permits to operate, or variances for fuel-burning equipment installed or to be installed in any public, charter, private, or parochial school from kindergarten through grade 12, or any church in the City. Exemption from the fee does not exempt a facility from any emission limitations, permit requirements, reporting requirements, pollution control measures, notification requirements, any other requirements, or the need to obtain the respective permits applicable to nonexempt facilities.

Section 22. That the repeal of existing Section 263.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, shall be effective on or after January 1, 2026.

Section 23. That existing Sections 263.02, 263.03, 263.04 and 263.05 of the Codified Ordinances as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 24. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 263.02, 263.03, 263.04, 263.09, 263.10, and 263.11, to read as follows:

Section 263.02 Fees for Permits to Install

Fees for the examination of plans and applications and inspections for the issuance of permits to install any air contaminant source within the jurisdiction of this Code shall be as follows:

(a) Sources being installed in census tracts ranked between 1 and 7, inclusive, shall pay a fee of fifty dollars ($50.00) per emissions unit;

(b) Sources being installed in census tracts ranked between 8 and 9, inclusive, shall pay a fee of one hundred dollars ($100.00) per emissions unit;

(c) Sources being installed in census tracts ranked 10 that do not meet the criteria of either a synthetic minor, FEPTIO, or Title V facility shall pay a fee of one hundred dollars ($100.00) per emissions unit; and

(d) Sources being installed in census tracts ranked 10 that do meet the criteria of synthetic minor, FEPTIO, or Title V facility shall pay a fee of two hundred and fifty dollars ($250.00) per emissions unit.

Section 263.03 Fees for Notifications

(a) The Commissioner shall determine fees for the examination of initial notifications, and incremental fees for examination of revisions to notifications.

(b) The fees for reviewing notifications for the demolition or renovation of any building or structure, or parts thereof, as required under Section 281.02 of this Code, shall be as follows:

(1) A fee of one hundred dollars ($100.00) must accompany the original notification; this fee covers review of the original notification and as many as three (3) revisions to the original notification;

(2) If more than three revisions are required, one (1) additional payment of one hundred dollars ($100.00) must accompany the fourth revision; and

(3) These notification fees are not subject to the fee reduction contained in Section 263.06.

Section 263.04 Fees for Witnessing Emissions and Compliance Tests and Retests

(a) The fee for witnessing the first emissions test or compliance test of a given air contaminant source in a calendar year is included in the fee paid for the permit to operate that air contaminant source; and

(b) The fee for witnessing any subsequent emissions test or compliance test of a given air contaminant source within the same calendar year shall be one hundred dollars ($100.00), and shall be submitted with an intent to test plan or test notification.

Section 263.09 Fee Increase for Late Payment

The fees required in this Chapter shall be increased by fifty percent (50%) if not paid within ninety (90) days of their due date. At least thirty (30) ~~30~~ days prior to demanding the additional fifty percent (50%), the Commissioner shall notify the last known owner or operator in writing to the last known address ~~via~~ by U.S. Mail of the overdue status of the owed fee. If a fee has been reduced or adjusted to the minimum fee under Section 263.06, the fifty percent (50%) increase will be based on the reduced or adjusted fee amount.

Section 263.10 Electronic Payment of Fees

The City shall encourage payment of fees required under this Chapter to be submitted through electronic fund transfers.

Section 263.11 Returned Payments

For any payment of fees required by this Chapter that are returned or dishonored by the owner's or operator's financial institution for whatever reason:

(a) Replacement payment from this owner or operator, as well as any subsequent payments for air permitting, must be accomplished by cashier's check or money order;

(b) A fee of thirty dollars ($30) or ten percent (10%) of the payment amount, whichever is greater, shall be added to the payment to be paid by the respective owner or operator;

(c) Returned or dishonored payment for fees is considered nonpayment of fees and may subject the owner or operator to additional penalties for operating a source without a permit; and

(d) Any permit issued to an owner or operator in good faith by the City based on the submittal of a fee payment that is subsequently returned or dishonored by the owner's or operator's financial institution shall be held to be invalid.

Section 25. That Section 265.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 141-79, passed December 17, 1979, and Sections 265.03, and 265.04 of the Codified Ordinances as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 265.01 Visible Emission Limitations from Any Single Source of Emission

(a) No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant of a shade or density equal to or darker than ~~that designated as No. 1 on the Ringelmann Chart or~~ twenty percent (20%) opacity, on average over a six-minute period. ~~except as set forth in the applicable provisions of this chapter and Chapter 277.~~

(b) US EPA Method 9, Method 22, or EPA ALT-082 (Digital Camera Opacity Technique) shall be used as the reference method for determining compliance with opacity limits.

(c) Visible emissions from fugitive emissions sources are further regulated under Section 266.03. The more stringent requirement shall apply.

~~(b) A person may discharge into the atmosphere from any single source of emission for a period or periods aggregating not more than three (3) minutes in any~~

~~sixty (60) minutes air contaminants of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart or twenty percent (20%) opacity but not darker than No. 3 on the Ringelmann Chart or sixty percent (60%) opacity.~~

Section ~~265.03~~ 265.02 Authority to Establish New Visible Emission Limitations

(a) The Commissioner is hereby authorized to establish new visible emission limitations for any air contaminant source equipped with control equipment if upon emission tests he or she finds that such source is in compliance with all other applicable emission limitations, as established in this Code, but during the time such emission tests are being conducted the source fails to meet the requirements of Section 265.01.

~~(b) No new visible emission limitations shall be established by the Commissioner, pursuant to subsection (a) hereof, unless the owner or operator of the affected air contaminant source and associated control equipment petitions the Commissioner and proves to the satisfaction of the Commissioner that:~~

~~(1) The affected air contaminant source and associated control equipment were operated and maintained in a manner to minimize the opacity or degree of emissions during the emission tests;~~

~~(2) The emission tests were performed under the conditions established and monitored by the Commissioner or his or her representative;~~

~~(3) The affected air contaminant source and associated control equipment were incapable of being adjusted or operated to meet the applicable visible emission standard.~~

~~(c) Upon establishment by the Commissioner, pursuant to subsections (a) and (b) hereof, of new visible emission limitations for any air contaminant source equipped with control equipment, such new visible emission limitations shall become effective after two (2) successive publications in the *City Record*.~~

(b) ~~(d)~~ No person, owner or operator shall discharge into the atmosphere from any single source of emission for which new visible emission limitations were established by the Commissioner air contaminants of a shade or density in excess of the new visible emission limitations as established by the Commissioner, pursuant to the requirements of this section.

Section ~~265.04~~ 265.03 Exceptions

(a) Where the presence of uncombined water is the only reason for failure of an emission to meet the limitations established under this Chapter, the limitations set forth in such sections shall not apply.

(b) The limitations on visible air contaminants established by Section 265.01 shall not apply to open burning when a permit to open burn has been granted by the Commissioner under authority of Section 277.09.

(c) The Commissioner shall not exempt any source from any requirements that have been established in a US EPA or Ohio EPA Air Pollution permit or rule.

~~(c) The Commissioner is hereby authorized to exempt any source from compliance with the limitations of Sections 265.01 and 265.03 for periods of startup and shutdown. Such exemption may be granted by the Commissioner upon request of the owner or operator of any source and proof to the satisfaction of the Commissioner that such exemption is necessary. Such exemption shall be incorporated into the terms and conditions of permits to operate, variances, consent agreements or by written permission of the Commissioner.~~

Section 26. That existing Section 265.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 141-79, passed December 17, 1979, and existing Sections 265.03, and 265.04 of the Codified Ordinances as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 27. That Section 265.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 857-A-76, passed June 27, 1977, relating to Visible Emission Limitations from Mobile Equipment, is repealed.

Section 28. That Sections 267.01 and 267.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 267.01 Emission into the Atmosphere

(a) No person shall cause or allow the emission into the atmosphere from any air contaminant source or control equipment that will cause the outdoor air to become odorous at levels that constitute a nuisance as measured in excess of the nuisance criteria limit described in division (b) of this Section. ~~, beyond the property line of the air contaminant source or control equipment, as measured by the use of a scentometer, odor panel, equivalent instrumentation or methodology used separately or in union therewith, which is:~~

~~(1) On or adjacent to residential, recreational, institutional, retail sales, hotels or educational premises when the odorous air and an odor strength equal to or weaker than a No. 8 scale and is detectable for more than two (2) measurements, at intervals of not less than ten (10) minutes, in any one (1) hour period or when the odorous air has an odor strength stronger than a No. 8 scale and is detectable for more than two (2) measurements, at intervals of not less than fifteen (15) minutes, in any eight (8) hour period.~~

~~(2) On or adjacent to industrial premises when the odorous air has an odor strength equal to or stronger than a No. 21 scale and is detectable for more than two (2) measurements, at intervals of not less than fifteen (15) minutes, in any eight (8) hour period.~~

~~(3) On or adjacent to premises other than those specified in subsections (1) and (2) hereof when the odorous air has an odor strength equal to or stronger than a No. 8 scale and is detectable for more than two (2) measurements, at intervals of not less than fifteen (15) minutes, in any eight (8) hour period.~~

~~(b) No. 8 Scale shall mean the dilution of one (1) volume of odorous air with seven (7) volumes of odor free air resulting in a mixture which is below the threshold of odor sensory perception. No. 21 Scale shall mean the dilution of one (1) volume of odorous air with twenty (20) volumes of odor free air resulting in a mixture which is below the odor sensory perception.~~

(b) No person shall cause the outdoor air to become odorous at or above the following nuisance criteria limits as measured with a portable field olfactometer that is a Nasal Ranger® or its equivalent, by a Division of Air Quality inspector, which is:

On or adjacent to residential, recreational, institutional, retail sales, hotel or educational premises when the odorous air has a dilution to threshold ("D/T" and defined below) value of seven (7) or greater and is detectable for two (2) or more measurements, at intervals of not less than fifteen (15) minutes, within the time periods as follows:

If the D/T values = 7 or the lower of the D/T values = 7:	1 hour
If the D/T values = 15 or the lower of the D/T values = 15:	8 hours
If the D/T values = 30 or the lower of the D/T values = 30:	16 hours

If the D/T values = 60 or the lower of the D/T values = 60: 32 hours(2) On or adjacent to industrial premises when the odorous air has a dilution to threshold (D/T) value of fifteen (15) or greater and is detectable for two (2) or more measurements, at intervals of not less than fifteen (15) minutes, within the time periods as follows:

If the D/T values = 15 or the lower of the D/T values = 15:	8 hours
If the D/T values = 30 or the lower of the D/T values = 30:	16 hours
If the D/T values = 60 or the lower of the D/T values = 60:	32 hours

(c) Dilution to Threshold ("D/T") shall mean the highest number of dilutions of the odorous air with non-odorous air at which the odor is detected. When using the Nasal Ranger olfactometer, the D/T value is read directly from the dilution to threshold dial.

(d) The owner or operator of any source or control equipment that emits or may foreseeably emit into ambient air any odor that is injurious to health or indecent or offensive to the senses, or an obstruction to the free use of surrounding property, so as to interfere with the comfortable enjoyment of life or property, shall notify the Commissioner of such source or control equipment and provide, properly install and

maintain in good working order and in operation abatement, control devices, or procedures approved by the Commissioner.

(e) Abatement and control procedures that are approved by the Commissioner include but are not limited to the following:

(1) The use of air cleaning equipment, afterburners, scrubbers, absorbers and other methods approved by the Commissioner to remove, dispose of, or recycle odorous materials;

(2) The confinement of odorous materials at the point of origin to prevent emission or escape of any odorous material into ambient air; or

(3) The use of methods in handling, transporting and storing odorous materials to prevent accumulation and spillage or other escape of odorous materials.

(f) An owner or operator of any source or control equipment under these regulations shall provide, properly install and maintain in good working order and in operation devices and measures, approved by the Commissioner, that determine temperatures, pressures and other operating conditions to control nuisance odorous materials and minimize emissions. These devices and measures shall prevent the emission of nuisance odorous materials through pipes, exhausts or vents into ambient air.

(g) A building or container in which any objectionable odorous materials are processed, handled or stored shall be tightly closed and ventilated, in a timely fashion, so that odors exiting the building or container are treated for removal or destruction before discharge into ambient air. Doors, windows, covers, lids, vents, and access points shall be tightly closed to prevent the emission or escape of odorous materials into ambient air.

(h) The owner or operator shall report to the Commissioner within one (1) hour of discharge any accidental emissions that cause or contribute to nuisance odorous material into ambient air.

Section ~~267.03~~ 267.02 Industrial Sources

Emissions from any of the industrial source~~s or processes listed in Table 1 of Appendix A of this Title~~ regulated by this Chapter or the State or Federal Clean Air Act shall be equipped with air cleaning equipment for the control of odorous matter to maintain compliance with Section 267.01. ~~The provisions of this section are inclusive of all processes listed in Table 1, but are not limited to those specified therein~~.

Section 29. That existing Sections 267.01 and 267.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 30. That Section 267.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 857-A-76, passed June 27, 1977, relating to Rendering Plants, is repealed.

Section 31. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 267.03 to read as follows:

Section 267.03 Gasoline Dispensing Facilities

Any facility subject to Ohio Adm.Code 3745-21-09(R) and required to install and operate Stage I vapor control shall be subject to inspection by the Commissioner or his or her designee to demonstrate that the storage tank hatches and pressure/vacuum relief valves are not leaking.

Section 32. That Sections 269.01, 269.02, and 269.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 269.01 Emission from Fuel-Burning Equipment

(a) ~~No~~ Except as provided in division (a)(1) or (2) of this Section, no person shall cause or allow to be emitted into the atmosphere from any fuel-burning equipment or premises or to pass a convenient measuring point near the stack outlet, particulate matter in the gases to exceed ~~four-hundredths~~ four-hundredths (0.04) lb. per one ~~hundred thousand (100,000)~~ million (1,000,000) BTU heat input for installations using less than ten million (10,000,000) BTU per hour total input. ~~Figure I and Table II of Appendix B of this Title~~ ~~Applicable sections of Chapter 297~~ ~~shall be used to determine the~~ The allowable particulate emission limitation for sources with a rated heat input equal to or greater than ten million (10,000,000) BTU per hour shall be 0.60 pound per million BTU of heat input. In addition:

(1) The maximum allowable amount of particulate emissions for any new or existing fuel burning equipment which is fired only with gaseous fuels, excluding blast furnace gas, and/or number two fuel oil shall be 0.020 pound per million BTU of heat input.

(2) The maximum allowable amount of particulate emissions for any new or existing fuel burning equipment which is fired only with blast furnace gas or any mixture of blast furnace gas with other gaseous fuels and/or number two fuel oil shall be 0.040 pound per million BTU of heat input.

This subdivision applies unless the State of Ohio requires a more stringent standard.

(b) The "heat input" shall be the aggregate heat content of all fuels whose products of combustion emanate from a single fuel-burning unit. The heat input-value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel-burning units on a plant or premises which are united either physically or operationally, shall be used ~~for determining~~ to

determine the maximum allowable amount of particulate matter which may be emitted from any single fuel-burning unit. The total of the capacities of all operable fuel-burning units within one (1) system shall be considered as the capacity of the system.

(c) No person shall cause or allow the burning of refuse, garbage or other debris in any boiler or any other device which has not been specifically designed to burn such refuse, garbage or other debris and for which an effective permit to operate has not been issued by the Commissioner.

Section 269.02 Emission from Incinerators

(a) Residential Incinerators:

(1) No incinerator used to burn household garbage, yard waste or any other refuse, in residential dwellings shall be operated within the City.

(2) The Commissioner may issue a notice of violation to any person in violation of this Section. In addition, any incinerator operated in violation of this section is hereby declared to be a nuisance and may be abated, in addition to the prosecution and penalty provided in this chapter.

(3) Incinerators which are permanently banned from use shall have all openings, ash pits, chutes, loading doors and other openings permanently fixed in a closed or inoperable condition.

(4) Whoever violates or fails to comply with any of the provisions of this section is guilty of a minor misdemeanor and shall be fined not less than one hundred and fifty dollars ($150.00) for a first offense; for a second offense, such person is guilty of a misdemeanor of the third degree and shall be fined not less than five hundred dollars ($500.00) or imprisoned not more than sixty (60) days, or both; for a third offense, such person is guilty of a misdemeanor of the second degree and shall be fined not less than seven hundred and fifty dollars ($750.00) or imprisoned not more than ninety (90) days, or both; for a fourth offense, such person is guilty of a misdemeanor of the first degree and shall be fined not less than one thousand dollars ($1,000.00) or imprisoned not more than one hundred and eighty (180) days, or both. Each day during or on which any such violation occurs shall constitute a separate offense.

(b) ~~(a)~~ This Section ~~shall apply~~ applies to any non-residential incinerator used to dispose of refuse or other wastes by burning and to the processing of salvageable material by burning.

~~(b)~~(1) The burning capacity of ~~an incinerator~~ a non-residential incinerator shall be manufacturer's or designer's guaranteed maximum rate or such other rate as ~~may be determined by~~ the Commissioner may determine in accordance with good engineering practices. In case of conflict, the determination made by the Commissioner shall govern.

~~(c)~~(2) For the purposes of this Section, the total of the capacities of all operable furnaces within one (1) system shall be considered as the incinerator capacity.

~~(d)~~(3) No person shall cause or allow to be emitted into the atmosphere from any incinerator or premises or to pass a convenient measuring point near the stack outlet, particulate matter in the exhaust gases to exceed:

A. ~~one-tenth (0.10) pound~~ One-tenth (0.10) pounds of particulate matter per one hundred (100) pounds of combustible refuse (including its ash and water content) charged for incinerators having capacities equal to or greater than one ~~hundred (100) pounds per hour, or~~

B. ~~two-tenths~~ Two-tenths (0.20) pounds of particulate matter per one hundred (100) pounds of combustible refuse (including its ash and water content) charged for incinerators having capacities less than one hundred (100) pounds per hour.

~~(e)~~(4) ~~The~~ No person shall cause or allow the installation or construction of a flue fed, single flue, single chamber incinerator ~~is hereafter prohibited,~~ unless such incinerator is equipped with air cleaning equipment to maintain compliance with the emission limitations as established in this Code.

~~(f)~~(5) No person shall cause~~, permit~~ or allow the operation of a flue fed, single flue, single chamber incinerator ~~after July 1, 1978~~ after the effective date of this Code unless such incinerator is equipped with air cleaning equipment to maintain compliance with the emission limitations as established in this Code.

(6) Incinerators, including all associated equipment and grounds, shall be designed, operated, and maintained so as to prevent the emission of objectionable odors and visible emissions except as noted in this Section.

Section 269.03 Emission from Process Equipment

~~(a) No person shall cause or allow the emission of any particulate matter from any process equipment in excess of the permitted emission as provided for in Table III (or Figure II) or Figure III of Appendix C of this Title, whichever is applicable under subsection (b) hereof.~~

~~(b) Figure III relates uncontrolled mass rate of emission (abscissa) to maximum allowable mass rate of emission (ordinate). Table III relates process weight rate to maximum allowable mass rate of emission. Table III is shown in graphical form in Figure II. Figure III shall apply where the uncontrolled mass rate of emission can be determined by an acceptable method, such as stack tests, material balance, application of an emission factor characterization from a reference such as U.S.E.P.A. Publication AP-42, Compilation of Air Pollutant Emission Factor, 2nd Edition, April, 1973, or other methods approved by the Commissioner as conforming to good engineering practices. When both the process weight rate and the uncontrolled mass rate of emission can be determined for a source, the more stringent of the applicable values from Table III or Figure III shall govern the source.~~

(a) The maximum allowable amount of particulate emissions for any new or existing process equipment which is fired only with gaseous fuels, excluding blast furnace gas or number two fuel oil, shall be 0.020 pound per million BTU of actual heat input.

(b) The maximum allowable amount of particulate emissions for any new or existing fuel burning equipment which is fired only with blast furnace gas or any mixture of blast furnace gas with other gaseous fuels or number two fuel oil, shall be 0.040 pound per million BTU of actual heat input.

(c) If two (2) or more process units connect to a single stack or chimney each unit must be considered a separate entity for the purpose of computing the maximum allowable emission rate.

(d) No person shall cause or allow the operation of any process equipment having a process weight rate of less than one hundred (100) pounds per hour or an uncontrolled mass rate of emissions of less than ten (10) pounds per hour unless such process equipment is equipped with control equipment or is installed in accordance with acceptable engineering practices common to the particular industry and as approved by the Commissioner to control the emission of particulate matter. ~~each unit shall for the purpose of computing the maximum allowable emission rate using Table III or Figure III be considered a separate entity.~~

~~(c) No person shall cause or allow the operation of any process equipment having a process weight rate of less than one hundred (100) pounds per hour or an uncontrolled mass rate of emissions of less than ten (10) pounds per hour unless such process equipment is equipped with control equipment or is installed in accordance with acceptable engineering practices common to the particular industry and as approved by the Commissioner to control the emission of particulate matter.~~

Section 33. That existing Sections 269.01, 269.02, and 269.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 34. That Sections 271.01 and 271.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 271.01 Emission of Sulfur Oxides from Fuel-Burning Equipment

No person shall cause or allow the emission of sulfur dioxide from any stack in excess of the rates specified in Ohio Adm.Code 3745-18-24 for listed facilities or Ohio Adm.Code 3745-18-06 for other facilities.

~~(a) Except as otherwise specified in this section, no person shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified below.~~

~~(1) For fossil fuel-fired steam generating units between ten (10.0) and three hundred fifty(350) x ten (10) BTU's per hour total rated capacity of heat input, the emission rate in pounds in sulfur dioxide per million (1,000,000) BTU actual heat input shall be calculated by the following equation:~~

~~EL = 7.014Q - 0.3014~~

~~where Q is the total rated capacity of heat input in million (1,000,000) BTU per hour and EL is the allowable emission rate in pounds of sulfur dioxide per million (1,000,000) BTU actual heat input.~~

~~(2) For fossil fuel-fired units equal to or greater than three hundred fifty million (350,000,000) BTU per hour total rated capacity, one and two-tenths (1.20) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input.~~

~~(3) The Cleveland Electric Illuminating Company or any subsequent owner or operator of the Lake Shore Power Plant located in Cleveland shall not cause or permit the emission of sulfur dioxide from any stack at the Lake Shore Plant in excess of the following rates:~~

~~A. One and three-tenths (1.30) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input from unit no. 18;~~

~~B. One and nine-tenths (1.90) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input for units 91 through 94.~~

~~(4) The City of Cleveland or any subsequent owner or operator of the Division Pumping Station located at Cleveland shall not cause or permit the emission of sulfur dioxide from any stack at the Division Pumping Station in excess of four and two- tenths (4.20) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input.~~

~~(5) No present or subsequent owner or operator of the fossil fuel-fired steam generating units listed herein shall cause or permit the emission of sulfur dioxide from any stack attached to the identified boilers in excess of one (1.00) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input:~~

~~**Company**~~	~~**Boiler Identification**~~
~~Cleveland Electric Illuminating Co., Hamilton Ave. Steam Plant~~	~~All~~
~~Republic Steel~~	~~234, 1, 2, A, B and C~~
~~Jones and Laughlin Steel~~	~~30~~

~~(6) No present or subsequent owner or operator of the fossil fuel-fired steam generating units listed herein shall cause or permit the emission of sulfur dioxide from any stack attached to the identified boilers in excess of five-tenths (0.50) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input:~~

~~**Company**~~	~~**Boiler Identification**~~
~~Jones and Laughlin Steel~~	~~22, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34 and 35~~
~~United States Steel Cuyahoga-Lorain Works~~	~~1, 2, 3, 4, 5 and 6~~
~~DuPont~~	~~18~~
~~Harshaw Chemical~~	~~7 and 8~~
~~Standard Oil of Ohio~~	~~7, 9 and 10~~

~~(7) The Hupp Company or any subsequent owner or operator of Hupp facilities in Cleveland shall not cause or permit emission of sulfur dioxide from~~ any stack attached to boilers 1 through 3 at this facility in excess of three and ~~five-tenths (3.50) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input.~~

~~(8) No present or subsequent owner or operator of the Medical Center located in Cleveland shall cause or permit the emission of sulfur dioxide from any stack attached to boilers 3 through 8 at the Medical Center in excess of four and six-tenths (4.60) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input.~~

~~(9) The General Motors Corporation or any subsequent owner or operator of the Fisher Body Plant at Cleveland shall not cause or permit the emission of sulfur dioxide from any stack attached to boiler 7, 8 and 9 at this facility in excess of two and one-tenth (2.10) pounds of sulfur dioxide per million (1,000,000) BTU of actual heat input.~~

~~(b) Nothing in subsection (a) hereof shall prohibit the use of fuel in fuel-burning equipment with a sulfur content greater than the maximum amount permitted by this section, provided that the fuel-burning equipment is equipped with such control apparatus as to continually prevent the emission of any sulfur oxides in amounts greater than those that would be emitted from the burning in the same fuel-burning equipment without such control apparatus of fuel containing the maximum amount of sulfur by weight that is permitted in subsection (a) hereof.~~

~~(c) The percentage by weight of sulfur in the fuel shall be determined in accordance with the methods of the American Society for Testing Materials (ASTM).~~

~~(d) For the purpose of this section all emissions of sulfur oxides shall be expressed as concentrations of sulfur dioxide.~~

Section 271.02 Emission of Sulfur Compounds from Process Equipment

No person shall cause or allow the emission of sulfur dioxide from any stack in excess of the rates specified in Ohio Adm.Code 3745-18-24 for listed facilities or Ohio Adm.Code 3745-18-06 for other facilities.

~~(a) In addition to the requirements of Section 277.08, except as otherwise specified in this section, no person shall cause or permit the emission of sulfur dioxide from any stack in excess of six (6.00) pounds of sulfur dioxide per ton of actual process weight input.~~

~~(b) No owner or operator, unless otherwise specified in this section, shall cause or permit the combustion to by-product coke oven gas from any stack containing a total sulfur content expressed as hydrogen sulfide in excess of one hundred seventy (170) grains of hydrogen sulfide per one hundred (100) dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack in excess of eighty-six hundredths (0.86) pounds of sulfur dioxide per million (1,000,000) BTU actual heat input. Fuel-burning equipment subject to Section 271.01(a)(1) and (2) are not subject to this limitation.~~

~~(c) The Republic Steel Corporation or any subsequent owner or operator of Republic Steel facilities located in Cleveland shall not cause or permit the combustion of by-product coke oven gas at the basic oxygen furnace shop, open hearth shop, blast furnaces 1, 4 and 5, foundry, P-Anneals 1-4, and car thaw 1-1 through 1-4, containing a total sulfur content expressed as hydrogen sulfide in excess of two hundred forty (240) grains of hydrogen sulfide per one hundred (100) dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack at the above facilities in excess of one and two-tenths (1.20) pounds of sulfur dioxide per million (1,000,000) BTU actual heat input.~~

~~(d) The Republic Steel Corporation or any subsequent owner or operator of the Republic Steel facilities located in Cleveland shall not cause or permit the emission of sulfur dioxide from any stack attached to the sinter plant at this facility in excess of zero (0.00) pounds of sulfur dioxide per million (1,000,000) BTU actual heat input.~~

~~(e) The DuPont Company or any subsequent owner or operator of the DuPont Company sulfuric acid production units at Cleveland shall not cause or permit the emission of sulfur dioxide in excess of ten (10.0) pounds of sulfur dioxider per ton of one hundred percent (100%) sulfuric acid production.~~

Section 35. That existing Sections 271.01 and 271.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 36. That Sections 277.08, 277.09, and 277.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section ~~277.08~~ 277.01 Nuisance

~~The emission or escape of air contaminants into the open air from any source or sources or control equipment 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 shall cause unreasonable injury or damage to property or interfere with the comfortable enjoyment of property or normal conduct of business, is hereby found and declared to be a public nuisance. No person shall cause, permit or maintain any such public nuisance.~~

(a) No person shall cause, allow or maintain any public nuisance as defined in this Section.

(b) The emission of air contaminants into the ambient air from any air contaminant source or control equipment constitutes a public nuisance where the emission does one (1) or more of the following:

(1) Injures, endangers or has the tendency to injure or endanger the comfort, health, repose, safety or welfare of the public, or is reasonably offensive and objectionable to the public;

(2) Threatens or causes unreasonable injury or damage to property, substantially decreases the value of property, or interferes with the comfortable use and enjoyment of property or normal conduct of business; or

(3) Injures, endangers or has the tendency to injure or endanger any tree(s), shrub(s), crop(s), plant(s) or other forms of vegetation.

(c) To determine whether an emission creates a public nuisance, the Division of Air Quality may consider but is not limited to the following factors:

(1) Proximity of the emission to the nearest point of habitation or public exposure;

(2) Extent and duration of the emission;

(3) Nature of the harm;

(4) Whether the emission is recurrent, intermittent or constant;

(5) Whether emission abatement measures are possible and whether they are used to reduce the emission;

(6) The quality or state of the ambient air; and

(7) If the tendency to injury or injury is to trees, plants or other vegetation, factors for consideration may include the difference in value of the land, trees, plants or other vegetation before the harm and the value after the harm, or whether the damage will require a cost to restore the land, trees, plants or vegetation. Consideration may also include whether the trees, plants or other vegetation provide value in terms of comfort, convenience or environmental benefits such as the reduction of air pollution or flooding. Factor may also include other methods of natural resource damage valuation.

(d) The Commissioner may order the air contaminant source or control equipment to be tightly closed and ventilated so any air contaminant(s) leaving the air contaminant source or control equipment shall be treated by the removal or destruction of the air contaminant(s) before discharge into the ambient air. The owner or operator of an air contaminant source or control equipment may implement the abatement and control methods as set forth in Sections 266.01 and 267.01 of this Code.

(e) Occupants have the right to enjoy the comfort and safety of their homes without outside interference. No occupant or visitor on the premise shall knowingly or unknowingly impede upon an owner's or tenant's right to enjoy their property. For the purposes of this code, such impediment may include excessive use of cleaning products, pesticides, fragrances, and other harmful chemicals that cause fumes, as well as tobacco-containing products used, combusted, or vaped indoors.

Section ~~277.09~~ 277.02 Open Burning

(a) No person shall cause or allow open burning within the City without obtaining a permit to open burn from the Commissioner except as set forth in division

(b) of this Section. ~~subsection (d) hereof~~. The permit fee shall be based on the cost basis as set forth in Section 263.01 of this Code.

(b) The Commissioner shall not require any person to obtain a permit or pay a fee for open burning of the following nature:

(1) Heating tar for use at the location where the tar is being heated, performing welding, utilizing acetylene torches, or deploying highway safety flares.

(2) Burning clean and non-contaminated smokeless fuels (e.g., propane or natural gas but not firewood) for warmth of outdoor workers and similar occupational needs.

(3) Non-commercial cooking of foods for human consumption using campfires, grills, and outdoor fireplace equipment that satisfy the requirements of Section 381.101 of the Fire Prevention Code and the requirements set forth below.

A. They are fueled with clean seasoned firewood, charcoal, propane, natural gas or equivalent;

B. They are not used for waste or yard waste disposal purposes;

C. They have a total fuel limited to the purpose for which the open burning is intended, or a maximum of three (3) feet or less in diameter and two (2) feet or less in height, whichever is smaller; and

D. They are only burning when the non-commercial cooking of food is taking place.

(4) Recognized methods of fire training. Training in the use of fire extinguishing equipment for commercial or industrial fire prevention that satisfies the requirements set forth in Chapter 389 of the Fire Prevention Code and Ohio Adm.Code 3745-19-03(B)(4), or as subsequently amended.

(5) Disposal of hazardous explosive materials, military munitions or explosive devices that require immediate action to prevent endangerment of human health and welfare, public safety, property or the environment by authorized federal, state, or local agents, and that are excluded from the requirement to obtain a hazardous waste permit pursuant to Ohio Adm.Code 3745:50-45(D)(1)(d), or as subsequently amended, and as listed in Chapter 387 of the Fire Prevention Code.

(c) The Commissioner shall not issue a permit to open burn except for the following purposes:

(1) Prevention or control of disease or pests, with written or oral verification from the Ohio Department of Health, the Centers for Disease Control and Prevention, cooperative extension service, Ohio Department of Agriculture, or United States Department of Agriculture, that open burning is the only appropriate disposal method.

(2) Bonfires that are used for ceremonial purposes and are of the following nature:

A. They have a total fuel area no greater than five (5) feet in diameter by five (5) feet in height and burn no longer than three (3) hours;

B. They are not to be used for waste disposal purposes; and

C. They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of clean seasoned firewood.

(3) Instruction in the methods of firefighting, other than fire extinguisher training, or for research in the control of fire as set forth in the State Fire Marshall's guidelines and in the applicable National Fire Protection Association publications.

(4) The burning of any structure is subject to the Asbestos National Emission Standard for Hazardous Air Pollutants. As such it is further subject to the requirements of Section 281.02 of this Code. A permit to open burn a structure for fire training will not be issued unless the applicant has demonstrated to the satisfaction of the Commissioner that all requirements of the asbestos rules are being complied with. These include but are not limited to:

A. Inspection by an Ohio Department of Health Certified asbestos specialist;

B. Submittal of Ohio EPA Notification of Demolition and Renovation; and

C. Proper removal and disposal of all asbestos containing material.

(5) Disposal of ignitable or explosive materials where the Commissioner acting as a delegated agent of Ohio EPA determines that there is no practical alternate method of disposal, excluding those materials identified in division (b)(5) hereof;

(6) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Commissioner. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with verbal permission of the Division of Air Quality;

(7) Recognized horticultural, silvicultural, range or wildlife management practices; and

(8) Fires and/or pyrotechnic effects, for the purpose other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.

(d) An application for a permit to open burn shall be submitted in writing at least ten (10) working days before open burning is to be conducted and shall be made on forms prepared by, or acceptable to, the Commissioner.

(e) Except as provided in division (b) hereof, the application shall contain, as a minimum, information regarding:

(1) The purpose of the proposed burning;

(2) The nature and quantities of material to be burned;

(3) The date or dates when such burning will take place;

(4) The location of the burning site, including a map showing distances to residences, property lines, fences, landscaping, populated areas, roadways, air fields and other pertinent landmarks, transportation facilities, or commercial/shopping areas;

(5) The methods or actions which will be taken to reduce the emission of air contaminants;

(6) Any such additional information the Commissioner may deem necessary; and

(7) Any additional requirements for an application as set forth in Ohio Adm.Code 3745-19, or as subsequently amended.

(f) The permit to open burn shall set forth requirements for the open burning as the Commissioner deems necessary to minimize production of smoke and particulate matter and any requirements set forth in Ohio Adm.Code 3745-19, or as subsequently amended. The issuance of an open burn permit is not approval that the open burning is being conducted in a safe manner consistent with the requirements of the National Fire Protection Association; however, the Division of Fire may require a separate permit for compliance with the local or State fire codes or provide comments that can be included in a permit issued under this Section.

(g) The Commissioner shall not grant permission to open burn unless the applicant demonstrates to his or her satisfaction that:

(1) Open burning is necessary to the public interest;

(2) Open burning will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and

(3) Opening burning will have no serious detrimental effect upon adjacent properties or the occupants thereof.

(h) Except as provided in subdivision (b) hereof, permission to open burn must be obtained for each specific project.

(i) Violation or violations of any of the conditions set forth in this Section in granting permission to open burn shall be grounds for revocation of such permission

and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.

(j) The Division of Air Quality, the Commissioner, and any agents or representatives of the same, shall not be held liable for any damage to property, harm to an individual or loss of life resulting from any open burning conducted.

(k) It shall be prima facie evidence that the person who owns or controls property on which open burning occurs has caused or allowed such open burning. When open burning prohibited by this Section is discovered, the person responsible for the property on which burning occurs shall immediately extinguish or cause the extinguishment of such burning.

(l) All open burning shall comply with any other applicable requirements set forth in Section 3704.11 of the Revised Code, or as subsequently amended, and Ohio Adm.Code 3745-19, or as subsequently amended.

~~(b) No permit to open burn shall be issued by the Commissioner except for the following purposes:~~

~~(1) Prevention or control of disease or pests;~~

~~(2) Ceremonial purposes. Ceremonial fires shall be less than five (5) feet by five (5) feet by five (5) in dimension and shall burn no longer than three (3) hours;~~

~~(3) Instruction in methods of fire fighting or for research in the control of fire;~~

~~(4) In emergency or other extraordinary circumstances for any purpose determined by the Commissioner.~~

~~(c) Application for permit to open burn shall be made on forms prepared by the Commissioner and shall contain such information as the Commissioner may deem necessary.~~

~~(d) A permit to open burn shall not be required from the Commissioner for open burning of the following nature:~~

~~(1) Non-commercial cooking of foods for human consumption;~~

~~(2) Heating tar, welding, acetylene torches and highway flares;~~

~~(3) Heating of clean and noncontaminated smokeless fuels for warmth of outdoor workers.~~

Section ~~277.10~~ 277.07 Other Emissions

~~Air~~ Any air contaminant or contaminants not specifically covered by provisions of this Code may be the subject of tests, studies and orders of abatement by the Commissioner in accordance with Chapter 255 of this Code. ~~Section 255.04~~.

Section 37. That existing Sections 277.08, 277.09, and 277.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 38. That Section 277.01 – Blast Furnace Slips, Section 277.02 – Demolition of Buildings, Section 277.03 – Emissions from By-Product Coke Plant, Section 277.04 – Emission of Chromic Acid from Hard Chrome Electro-Plating Process, Section 277.05 – Emission of Hydrogen Chloride Gas from Hydrochloric Acid Production, Section 277.06 – Emission of Hydrogen Fluoride Gas from Hydrochloric Acid Production, Section 277.07 – Fugitive Emissions, Section 277.11 – Sandblasting and/or Building Cleaning, and Section 277.12 – Spray Applications of Fiberated Cementitious Products, as enacted by Ordinance No. 857-A-76, passed June 27, 1977 are repealed.

Section 39. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 277.03, 277.04, 277.05, and 277.06 to read as follows:

Section 277.03 Rendering Plants

No person shall operate or cause to be operated a rendering plant unless:

(a) All vents to ambient air from such rendering plant are substantially free of any odor causing air contaminants;

(b) Appropriate and suitable air cleaning equipment is so placed and operated and air pollution control measures are so instituted that air contaminants are removed or recycled to the process in such manner that the effluent air will not create air pollution;

(c) Odorous materials are confined, processed, stored, handled and disposed of in such a manner that odors produced within or outside the rendering plant from this source can be controlled;

(d) Excessive accumulations of odorous materials resulting from spillage or escape do not occur;

(e) Air contaminant emissions arising from unit operations or unit processes, as well as from the handling of general materials, are confined at the point of origin; and

(f) All finished products, by-products and waste materials are either odor free or so treated as to eliminate or prevent air pollution.

Section 277.04 Outdoor Wood Burning Boilers

No person shall operate or cause to be operated an outdoor wood-burning boiler. See definition of "Outdoor Wood-Burning Boiler" at Section 251.50 of this Code for other names of these devices.

Section 277.05 Vehicle Emissions

(a) Facility operators and business owners operating more than five (5) vehicles including cars, light-duty trucks, and heavy-duty trucks shall ensure compliance with Section 431.44 of this Code (anti-idling ordinance) when fleet vehicles are operated within the City limits. When fleet vehicles are observed to be in violation of this anti-idling ordinance, the owner or operator may be required to submit a work practice plan describing measures that the business or operation shall enact to assure compliance with the anti-idling ordinance.

(b) Facility operators and business owners must assure that any fleet vehicles, delivery vehicles, and any other vehicles having official business at the facility or business, including employees of the facility or business, remain in compliance with Section 431.44 of this Code (anti-idling ordinance). When vehicles are observed to be in violation of this anti-idling ordinance, the owner or operator may be required to submit a work practice plan describing measures that the business or operation shall enact to assure compliance with the anti-idling ordinance.

Section 277.06 Sham Recycling and C&DD Processing and Emissions from C&DD Processing Facilities Prohibited

(a) No person shall operate a Solid Waste Transfer Facility, recycling facility or other facility as those terms are defined in Chapter 3434 of the Revised Code or a Construction and Demolition Debris ("C&DD") Processing Facility, including a facility that recycles C&DD generated offsite, as those terms are defined in Chapter 3714 of the Revised Code, in the City without obtaining an air contaminant source permit under this Section. In addition, no person shall operate such facility in violation of a permit issued under this Chapter.

(b) C&DD Processing Facilities must obtain appropriate air quality installation and operation permits issued by the Ohio EPA; in addition, the owners or operators of such facilities must receive an air contaminant source permit from the Division of Air Quality evidencing the Division's approval of the installation and operation of the C&DD Processing or Recycling facility.

(c) The applicant must provide the Division of Air Quality information to demonstrate that the air contaminant source permit includes the following:

(1) The owner or operator of the C&DD processing or recycling facility shall identify a responsible contact person and ensure that a responsible operator is at the facility or reasonably available during the operation;

(2) All operations must be conducted on a working surface;

(3) A daily log of operations specifying the weight and description of all materials received, processed, recycled, stored, and removed;

(4) The processing or recycling operation must be operated so it does not create a nuisance, fire hazard, or health hazard;

(5) The processing or recycling operation must be operated so that particulate matter does not become airborne or travel beyond the property line;

(6) Mixed C&DD may not be stored onsite for more than one year; and

(7) Processed or recycled material may not be stored onsite for more than two years.

Section 40. That Sections 279.03, 279.04, and 279.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section ~~279.03~~ 279.01 Circumvention

No person shall ~~install, modify or use~~ cause or allow the installation, modification or use of any air contaminant source or control equipment or any equipment pertaining thereto for the purpose of diluting or concealing an emission without resulting in a reduction in the total release of air contaminants to the atmosphere nor shall a person do anything or commit any act with the intent to distort stack test emission results or visible emission opacity readings.

Section ~~279.04~~ 279.02 Data Registration

(a) The Commissioner may require a periodic data registration and shall prepare appropriate forms for such purpose. The data to be registered shall include plans and specifications for any air contaminant source ~~of~~ or control equipment and the submission required under this section is in addition to the submission of plans and specifications under Chapter 259 of this Code. ~~Sections 257.01 to 259.03~~. The Commissioner may use such information to prepare emission inventories.

Plans and specifications for an air contaminant source or control equipment shall show type of installation, the form and dimension of such equipment, the location of sources or emissions, dimensions of the building or part thereof in which equipment is located, amount ~~of~~ or work to be accomplished by such equipment, type of fuel used, and means of ~~limited~~ limiting emissions to conform to limitations set forth in this Code. Written ~~and written~~ evidence ~~to substantiate~~ shall be included to substantiate required information ~~required~~, such as test data, calculated values, material balance, maximum quantity of fuel to be burned per hour, operating requirements, purpose and use of equipment, means of ventilating the room in which equipment is located, raw material used, products produced, operating schedules and such other information as may be required by the Commissioner.

(b) No person shall fail to timely supply the Commissioner with required information, data, reports or other documentation as and when required.

Section ~~279.05~~ 279.03 Right of Entry

The Commissioner or his or her authorized representative or representatives may upon presentation of proper credentials, enter upon private or public property, including improvements thereon, at any reasonable time or when a source is being operated or when a violation of the applicable provisions of this Code has occurred, is occurring, or may occur~~;~~. Entry shall be for the purpose of making inspections, conducting tests, conducting analyses, collecting samples, examining records or reports, and obtaining copies of ~~and examining~~ records or reports pertaining to any emission of air contaminants and ~~of~~ for determining if there are any actual or potential emissions from such premises, and if so, to determine the sources, amounts, contents and extent of such emissions or to ascertain compliance with ~~sections~~ provisions of this Code, any orders or regulations adopted thereunder or any other determination of the Commissioner. Inspections may include the recording of photographic, video-graphic, thermal imaging, and digitally analyzed opacity representations of the operation, effects of, outlet of, and/or the actual air contaminant source or control equipment regulated by this Code. If entry or inspection authorized by this section is refused, hindered or thwarted, the Commissioner or his or her authorized representative or representatives may by affidavit apply for, and any judge of a court of record may issue, an appropriate inspection warrant necessary to achieve the purposes of this Code within the court's territorial jurisdiction.

Section 41. That existing Sections 279.03, 279.04, and 279.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 42. That Section 279.01 – Breakdown of Equipment (Malfunctions) and Section 279.02 – Source Operation Without Control Equipment and Exceptions, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 43. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 279.04, 279.05, 279.06 and 279.07 to read as follows:

Section 279.04 Interference

No person shall obstruct, delay, prevent, or in any way interfere with the Commissioner or his or her authorized representative or representatives performing his or her duties.

Section 279.05 False or Misleading Statements; Unlawful Reproduction or Alteration of Records

(a) No person shall willfully make a false or misleading statement to the Commissioner or his or her designee relative to any matter regulated by this chapter.

(b) No person shall falsely state that any pollution control device has been approved by the Commissioner.

(c) No person shall make, reproduce, or alter or cause to be made, reproduced, or altered a permit, certificate, or other document issued by the Commissioner or required by this Code or any other ordinance under this title except as produced by or delegated to be produced by the Commissioner.

(d) No person shall knowingly submit a false or misleading record, document, transcript, or other information to the Commissioner or his or her designee relative to any matter regulated under this chapter.

(e) No person shall obfuscate, delete, obscure, or deny the existence of records used to determine emissions from an emissions source or any production records or records used to determine quantities, compositions, or origins of materials used in production. Such production records shall be provided to the Commissioner or his or her designee upon request. The responsible official may submit a claim of confidentiality for records in accordance with to Chapter 255.05(a) of this Code.

Section 279.06 Electric Vehicle Charging Stations – Condominium or Home Owners Association

(a) A unit owner or homeowner may submit an application to install, at his or her expense, an electric vehicle charging station for the personal, noncommercial use of the unit owner, in compliance with the requirements of this section and all applicable building codes and fire codes:

(1) In a space assigned to the unit and used for the parking or storage of automobiles, trucks, boats, campers or other vehicles or equipment; or

(2) In a limited common element with the written approval of the unit owner of each unit to which use of the limited common element is reserved.

(b) The application to install must be submitted to the association of unit owners who may not prohibit the installation or use of a charging station installed and used in compliance with the requirements of this section.

(c) The association of unit owners, or a declarant in lieu of the association, shall approve a completed application within sixty (60) days after the unit owner submits the application unless the delay in approving the application is based on a reasonable request for additional information.

(d) An association of unit owners:

(1) May require a unit owner to submit an application before installing a charging station;

(2) May require the charging station to meet the reasonable architectural standards of the condominium or homeowners association; and

(3) May impose reasonable charges to recover costs of the review and permitting of a charging station.

(4) May impose reasonable restrictions on the installation and use of the charging station that do not significantly increase the cost of the charging station or significantly decrease the efficiency or performance of the charging station.

(e) The charging station must be installed by a person that holds a license to act, at a minimum, as a journeyman electrician.

(f) The unit owner is responsible for all costs associated with installation and use of the charging station, including:

(1) The cost of electricity associated with the charging station;

(2) The cost of damage to general common elements, limited common elements and areas subject to the exclusive use of other unit owners that results from the installation, use, maintenance, repair, removal or replacement of the charging station; and

(3) Disclosure to a prospective buyer of the unit of the existence of the charging station and the related responsibilities of the unit owner under this section.

(g) If the association of unit owners reasonably determines that the cumulative use of electricity in the condominium or homeowners association attributable to the installation and use of charging stations requires the installation of additional infrastructure improvements to provide the condominium or homeowners association with a sufficient supply of electricity, the association may assess the cost of the additional improvements against the unit of each unit owner that has, or will, install a charging station.

(h) Unless the unit owner and the association of unit owners, or the declarant in lieu of the association, negotiate a different outcome:

(1) A charging station installed under this section is deemed to be the personal property of the unit owner of the unit with which the charging station is associated; and

(2) The unit owner must remove the charging station and restore the premises to the condition before installation of the charging station before the unit owner may transfer ownership of the unit, unless the prospective buyer of the unit accepts ownership and all rights and responsibilities that apply to the charging station under this section.

Section 279.07 Electric Vehicle Charging Stations – Residential Rental Property

(a) A lessee may submit an application to install, at his or her expense, an electric vehicle charging station for the personal, noncommercial use of the lessee, in compliance with the requirements of this section and all applicable building codes:

(1) In a space assigned to the lessee and used for the parking or storage of automobiles, trucks, boats, campers or other vehicles or equipment; or

(2) In a common parking area.

(b) The application to install must be submitted to the lessor who may not prohibit the installation or use of a charging station installed and used in compliance with the requirements of this section and any other applicable laws.

(c) The lessor shall approve a completed application within sixty (60) days after the lessee submits the application unless the delay in approving the application is based on a reasonable request for additional information.

(d) The lessor:

(1) May require a lessee to submit an application before installing a charging station;

(2) May require the charging station to meet the architectural standards of the property;

(3) May impose reasonable charges to recover costs of the review and permitting of a charging station; and/or

(4) May impose reasonable restrictions on the installation and use of the charging station that do not significantly increase the cost of the charging station or significantly decrease the efficiency or performance of the charging station.

(e) The charging station must be installed by a person that holds a license to act, at a minimum, as a journeyman electrician.

(f) The lessee is responsible for all costs associated with installation and use of the charging station, including:

(1) The cost of electricity associated with the charging station; and

(2) The cost of damage to general common elements that results from the installation, use, maintenance, repair, removal or replacement of the charging station.

(g) If the lessor reasonably determines that the cumulative use of electricity attributable to the installation and use of charging stations requires the installation of additional infrastructure improvements to provide the property with a sufficient supply

of electricity, the lessor may assess the cost of the additional improvements against all rental units at the property that has, or will, install a charging station.

Section 44. That Sections 281.01, 281.03, 281.04 and 281.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 281.01 ~~Definition and~~ Designation

~~(a) "Hazardous air pollutants" mean any air contaminants which may cause or contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible, illness to the public and have been so designated as hazardous pollutants pursuant to Section 112 of the Clean Air Act, by this Code, or by the Commissioner by rule and regulation.~~

~~(b)~~ (a) Asbestos, beryllium and mercury are hereby designated as hazardous air pollutants.

(b) Air pollutants listed under Section 112 of the Clean Air Act as amended are also designated as hazardous air pollutants for the purposes of this Code.

Section ~~281.03~~ 281.02 Asbestos Emission Standard

(a) No person shall cause or allow the discharge into the atmosphere of any visible emission from any air contaminant source or control equipment engaged in the processing or manufacturing of any asbestos-containing product.

(b) No person shall cause or allow the demolition or renovation of any existing building, structure or portion thereof within the City without obtaining a permit to demolish or renovate from the Department of Building and Housing of the City. Application for permit to demolish or renovate shall be made on forms prepared by the Department of Building and Housing and shall include such information as the Department of Building and Housing and the Commissioner of Air Quality deem necessary. Persons receiving a permit from the Department of Building and Housing shall forward a copy of such permit to the Commissioner of Air Quality. In addition:

(1) Any person who causes or allows a demolition or renovation shall take adequate precautions as prescribed in Chapter 3745-20 of the Ohio Adm.Code to prevent or reduce asbestos dust emissions.

(2) Any person who causes or allows a demolition or renovation shall determine if such operation is regulated under the Asbestos National Emission Standard for Hazardous Air Pollutants ("Asbestos NESHAP"), and Ohio Adm.Code 3745-20.

(3) No person shall cause or allow a demolition or renovation regulated under the Asbestos NESHAP until demonstrating to the satisfaction of the Commissioner of Air Quality that the operation will comply with all applicable Federal and State asbestos regulations.

(4) Any person causing or allowing a demolition or renovation regulated under the Asbestos NESHAP within the City shall submit to the Commissioner of Air Quality a written notification that complies with the requirements as set forth in the Asbestos NESHAP and Ohio Adm.Code 3745-20-03, or as subsequently amended.

(5) Notification shall be made using the Ohio EPA "Notification of Demolition and Renovation" form, most recent update, available from Ohio EPA or the Division of Air Quality. Division (b)(11) of this section specifies information required for completion of the Ohio EPA notification form.

(6) The "Notification of Demolition and Renovation" must be submitted no less than ten (10) working days prior to starting the operation, unless the operation meets the criteria of an ordered demolition or emergency renovation contained in the Asbestos NESHAP 40 CFR 61.145. Such operations may begin immediately, but notification must be submitted by the next working day.

(7) Upon receipt of an original "Notification of Demolition and Renovation" the Commissioner or his or her representative shall perform a review of every section of the notification to determine if it has been completely and correctly filled out, and shall maintain a written or electronic copy of the review. Subsequently, the Commissioner or his or her representative shall:

A. For a deficient notification, inform the submitter of the deficiencies requiring correction, and any mandated changes to the starting date; or

B. For a satisfactory notification, inform the submitter that the operation may begin on the specified starting date.

(8) When circumstances require a revised notification to be submitted, per the Ohio Adm.Code or Asbestos NESHAP, such notification must explicitly indicate each section of the notification that is being revised, and shall be submitted by hard copy, fax, e-mail, or other means prescribed by Ohio EPA.

(9) The fee for review of original and revised notifications shall be on the cost basis established at Chapter 263 of this Code.

(10) Unless expressly excluded by Ohio EPA, a notification shall contain, at a minimum, the following information, and any additional information deemed necessary by the Commissioner of Air Quality, Ohio Adm.Code, or the Asbestos NESHAP:

A. An indication of whether the notice is the original or a revised notification;

B. Description of the facility or affected part of the facility, including the size in square meters or square feet and number of floors, age, and present and prior use of the facility;

C. Description of the facility or affected part of the facility, including the size in square meters or square feet and number of floors, age, and present and prior use of the facility;

D. Type of operation: demolition, ordered demolition, renovation, emergency renovation, or fire training;

E. An indication of whether asbestos is present;

F. Name, address, and telephone number of both the facility owner and operator and the asbestos removal contractor owner or operator;

G. Procedure, including analytical methods, employed to detect the presence of regulated asbestos containing material ("RACM") and Category I and Category II non-friable asbestos containing material ("ACM"); Name and certification number of the Asbestos Hazard Evaluation Specialist certified by the Ohio Department of Health who performed the sampling and evaluation;

H. The approximate amounts of RACM, Category I non-friable ACM, and Category II non-friable ACM to be removed from the facility in terms of length of pipe in linear meters, or linear feet, surface area in square meters or square feet on other facility components, or volume in cubic meters or cubic feet if off the facility components. Also, an estimate of the approximate amount of Category I and Category II non-friable ACM in the affected part of the facility that will not be removed before demolition;

I. Scheduled starting and completion dates of demolition or renovation;

J. Scheduled starting and completion dates of asbestos removal work or any other activity, such as site preparation that would break up, dislodge, or similarly disturb asbestos material in a demolition or renovation; planned renovation operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period, typically a calendar year;

K. Description of planned demolition or renovation work to be performed and method or methods to be employed, including demolition or renovation techniques to be used and description of affected facility components;

L. Description of work practices and engineering controls to be used to comply with the requirements of this subpart, including asbestos removal and waste-handling emission control procedures;

M. Name, address, and contact information for the waste transporter or transporters;

N. Name, address, and contact information for the waste disposal site where the asbestos-containing waste material will be deposited;

O. For ordered demolitions, the name, title, and authority of the State or local government representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification;

P. For emergency renovations, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or an unreasonable financial burden;

Q. Description of procedures to be followed in the event that unexpected RACM is found or non-friable ACM becomes crumbled, pulverized, or reduced to powder;

R. A certification by signature of a responsible party that at least one person trained as required by paragraph Section 61.145(c)(8) of the Asbestos NESHAP will supervise the stripping and removal described by the notification; and

S. A certification by signature of a responsible party that acknowledges the existence of laws prohibiting the submission of false or misleading statements, and certifies that facts contained in the notification are true, accurate, and complete.

(c) Spraying of Asbestos Containing Products.

(1) No person shall cause or allow the spraying of asbestos containing products within the City of Cleveland without complying in full with the requirements of the Ohio Adm.Code 3745-20-15 “Standard for Spraying.”

(2) Any person intending to cause or allow the spraying of asbestos containing products within the City of Cleveland shall notify the Commissioner concurrently with the notification that must be provided to the Director of the Ohio EPA. A copy of such notification is sufficient.

(3) The Commissioner shall neither demand nor collect a fee for receiving a notification of spraying of asbestos containing products.

~~(b) No person shall cause or allow the demolition of any building or structure, or parts thereof, where a risk of public exposure to asbestos fibers from the dislodging of asbestos containing materials is present, or without obtaining a permit to demolish from the Commissioner of Building, as required by Section 277.02(a). Adequate precautions to prevent or reduce asbestos dust emissions shall be taken as prescribed in Section 277.02(a).~~

~~(c) *Spraying of Asbestos Containing Products.*~~

~~(1) No person shall cause or allow the use of asbestos containing spray products for outdoor application to surfaces.~~

~~(2) No person shall cause or allow the use of any asbestos-containing spray product for the indoor application to surfaces without obtaining a permit to spray such product from the Commissioner. The permit fee shall be based on the cost basis as set forth in Section 263.01.~~

~~(3) Application for permit to spray any asbestos containing spray product for the indoor application to surfaces shall be made on forms prepared by the Commissioner and shall contain such information as the Commissioner deems necessary.~~

~~(4) No permit for the spraying of any asbestos-containing spray product for the indoor application to surfaces shall be granted until the applicant proves to the satisfaction of the Commissioner that:~~

~~A. Adequate containment of dust and overspray shall be furnished;~~

~~B. Provisions for complete clean-up after spraying shall be provided;~~

~~C. Sufficient and approved respiratory devices and clothing shall be used by all workers and other persons present;~~

~~D. One (1) person shall be assigned full time supervisory authority for all aspects of the operation.~~

~~(5) Failure of a person to comply with any of the requirements of subsection (c)(4) hereof shall be sufficient grounds for the Commissioner to revoke any permit.~~

Section ~~281.04~~ 281.03 Beryllium

This section shall apply only to those sources whose Beryllium emissions are not regulated by a U.S. EPA or Ohio EPA air pollution permit or applicable rule which shall sovereign such emissions.

(a) Except as set forth in this section, no person shall cause or allow the discharge into the atmosphere from any air contaminant source or control equipment the emission of Beryllium that will result in an ambient air Beryllium concentration in excess of the Maximum Allowable Ground Level Concentration ("MAGLC") calculated as:

MAGLC = (4) x (TLV) / (X) x (Y), where

(TLV) = Threshold Limit Value for Beryllium established by the American Council of Governmental Industrial Hygienists (ACGIH).

(X) = Hours of operation per day.

(Y) = Days of operation per week.

The Beryllium TLV as of enactment date of this Code was 0.002 milligrams Beryllium per cubic meter (0.002 mg Be/m3) averaged over an eight (8) hour workshift, but ACGIH was considering a lower value. When calculating the MAGLC, the most up to date TLV shall be used.

(b) From sources located within 1,500 feet of a school, child care facility, or playground, no person shall cause or allow the discharge into the atmosphere of Beryllium that will result in an ambient air Beryllium concentration in excess of eighty (80%) of the MAGLC as calculated above.

~~(a) *Emission Standard.* No person shall cause or allow the discharge to the atmosphere from any air contaminant source or control equipment the emission of greater than ten (10) grams of beryllium in any twenty-four (24) hour period, except as provided in subsection (b) hereof.~~

~~(b) In lieu of the requirement in subsection (a) hereof, an owner or operator may request written approval from the Commissioner to meet an ambient air concentration limit, at the property line where the emissions originate, of one-hundredth (0.01) micrograms per cubic meter, averaged over any consecutive thirty (30) day period. Approval of such tests may be granted by the Commissioner provided that:~~

~~(1) At least three (3) years of data is available which demonstrates to the satisfaction of the Commissioner that the ambient limit shall not be exceeded;~~

~~(2) The owner or operator submits a report to the Commissioner within ninety (90) days after the effective date of the Code as provided in Section 281.02, and such report includes the following additional information: a complete description of sampling methods and analysis; averaging technique; factors affecting dispersion; and air sampling data, including concentration and location where measurements were made.~~

~~(c) No person shall cause or allow the burning of beryllium and/or beryllium containing waste except in incinerators, which shall comply with the emission standards in subsection (a) hereof and all applicable provisions of the Code.~~

~~(d) *Ambient Air Monitoring for Beryllium.*~~

~~(1) Air contaminant sources or control equipment subject to subsection (b) hereof shall locate air monitoring sites in accordance with a plan approved by the Commissioner. Such sites shall be located in such a manner as is calculated to detect maximum concentrations of beryllium in the ambient air.~~

~~(2) Monitoring sites shall be operated continuously except for reasonable allowance for maintenance, calibration, changing filters or repair.~~

~~(3) Filters shall be analyzed and concentrations calculated within thirty (30) days after filters are collected. Records shall be retained for a minimum of~~

~~two (2) years and shall be made available for inspection by the Commissioner or his or her representative.~~

~~(4) Concentrations measured at all monitoring sites shall be reported to the Commissioner every thirty (30) days.~~

Section ~~281.05~~ 281.04 Mercury Emission Standard

This section shall apply only to those sources whose Mercury emissions are not regulated by a U.S. EPA or Ohio EPA air pollution permit or applicable rule.

(a) Except as set forth in this section, no person shall cause or allow the discharge into the atmosphere from any air contaminant source or control equipment the emission of Mercury that will result in an ambient air Mercury concentration in excess of the Maximum Allowable Ground Level Concentration ("MAGLC") calculated as:

MAGLC = (4) x (TLV) / (X) x (Y), where

(TLV) = Threshold Limit Value for Mercury established by the American Council of Governmental Industrial Hygienists (ACGIH).

(X) = Hours of operation per day.

(Y) = Days of operation per week.

The Mercury TLV as of enactment date of this Code was 0.025 milligrams Mercury per cubic meter (0.025 mg Hg/m3) averaged over an eight (8) hour workshift. When calculating the MAGLC, the most up to date TLV shall be used.

(b) From sources located within 1,500 feet of a school, child care facility, or playground, no person shall cause or allow the discharge into the atmosphere of Mercury that will result in an ambient air Mercury concentration in excess of eighty (80%) of the MAGLC as calculated above.

~~(a) No person shall cause or allow the discharge into the atmosphere from any air contaminant source or control equipment the emission of greater than two thousand three hundred (2,300) grams of mercury in any twenty-four (24) hour period, except as set forth in subsection (b) hereof.~~

~~(b) No person shall cause or allow the discharge into the atmosphere from sludge incineration plants, sludge drying plants or a combination thereof that processes wastewater treatment plant sludges, greater than three thousand two hundred (3,200) grams of mercury per twenty-four (24) hour period.~~

Section 45. That existing Sections 281.01, 281.03, 281.04 and 281.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 46. That Section 281.02 – Source Reporting, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is repealed.

Section 47. That Sections 283.01, 283.02, 283.04, 283.05 and 283.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 283.01 Episode Prevention

This chapter is designed to prevent the excessive buildup of air ~~pollutants~~ contaminants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these ~~pollutants~~ air contaminants on the health of persons.

Section 283.02 Declaration of an Air Pollution Episode

(a) ~~Pursuant to RC~~ Under Section 3704.032 of the Revised Code, or as subsequently amended, and ~~pursuant to~~ under regulations issued thereunder, the Governor of the State of Ohio may declare that an air pollution alert, air pollution warning or air pollution emergency exists affecting any or all sources within the City of Cleveland.

(b) The Commissioner of Air Quality, or his or her designee, may declare that an air pollution alert, air pollution warning, or air pollution emergency exists affecting any or all sources within the City of Cleveland.

~~(b)~~ (c) Orders ~~pursuant to~~ under the declaration of an air pollution alert, air pollution warning or air pollution emergency shall take effect upon issuance. No ~~, and no~~ person to whom an order is directed shall fail to initiate compliance measures immediately upon receiving notice.

Section ~~283.03~~ 283.04 Emission Control Action Programs

(a) Any person responsible for the operation of ~~a source of~~ an air contaminant source which emits twenty-five hundredths (0.25) tons per day or more of air contaminants for which air quality standards have been adopted shall prepare emission control action programs consistent with good industrial practice and safe operating ~~procedure~~ procedures for reducing the emission of air contaminants into the outdoor atmosphere during periods of an air pollution Alert, air pollution Warning and air pollution Emergency as those terms are defined in Ohio Adm.Code 3745-25-03, or as subsequently amended, and Section 283.03. Emission control action programs shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere. ~~in accordance with the objectives set forth in Tables IV to VIII which are made a part of this section.~~

(b) Emission control action programs as required under ~~subsection (a) hereof~~ this section shall be in writing and show the source of air contamination, the approximate amount of reduction of contaminants, the approximate time required to

effect the program, a brief description of the manner in which the reduction will be achieved during each stage of an air pollution episode and such other information as the Commissioner deems pertinent.

(c) Emission control action programs shall be filed with the Commissioner at the following times:

(1) Existing sources; not later than ninety (90) days after adoption of this Code;

(2) New sources; with application for permit to operate; ~~install or modify;~~

(3) The provisions of ~~subsection (c)(1) hereof~~ division (c)(1) of this section shall not apply if an emission control action program was filed with the Division of Air Quality ~~Air Pollution Control~~, as agent for the Ohio Environmental Protection Agency in Cuyahoga County, prior to the adoption of this Code.

(d) During a condition of air pollution Alert, air pollution Warning and air pollution Emergency, emission control action programs as required by ~~subsection (a) hereof~~ this section shall be made available on the premises to the Commissioner or his or her authorized representative.

(e) Emission control action programs shall be subject to review and approval by the Commissioner. ~~If , and in the opinion of the Commissioner, such emission control action programs do not effectively carry out the objectives as set forth in Tables IV to VIII, the~~ The Commissioner may disapprove such emission control action programs, state his or her reasons for disapproval, and order the preparation of amended emission control action programs within the time period specified in the order.

(f) All City departments will develop Emission Control Action Programs that are specific to their departmental operational needs. The Department plans will include:

(1) Specific actions and/or procedures that will be suspended on Alert and Action Days; and

(2) A communication plan demonstrating how City employees will be trained on the Department's Emission Control Action Program, and how employees will be notified of when either an Alert or Action has been declared.

Section ~~283.04~~ 283.05 Emergency Orders

When the Governor of the State of Ohio declares an air pollution Alert, air pollution Warning or air pollution Emergency the following procedures shall immediately be put into effect:

(a) *Air Pollution Alert.*

(1) ~~Any one or combination of air contaminants: "~~ Any person responsible for the operation of a source of air contamination shall take all air

pollution air Alert actions as required for such source of air contamination; and shall ~~take all air pollution alert actions as required for such source of air contamination; and shall~~ particularly put into effect~~,~~ the emission control action programs for an air pollution Alert.~~"~~

~~(2) Suspended particulate matter:~~

~~A.~~ (2) ~~"~~There shall be no open burning by any person ~~of tree waste, vegetation, refuse or debris~~ in any form.~~"~~

~~B.~~ (3) ~~"~~The use of incinerators for the disposal of any form of solid waste will be limited to the hours between 12:00 noon and 4:00 pm.~~"~~

~~C.~~ (4) ~~"~~Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 pm."

(5) Persons operating motor vehicles shall be strongly encouraged to eliminate the unnecessary use of automobiles, motorcycles, light-duty trucks and vans, and recreational vehicles.

~~(3) Nitrogen oxides, carbon monoxide and hydrocarbons:~~

~~A. "There shall be no open burning by any person of tree waste, vegetation, refuse or debris in any form."~~

~~B. "The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 noon and 4:00 pm."~~

(b) *Air Pollution Warning*.

(1) ~~Any one (1) or combination air contaminants: "~~ Any person responsible for the operation of a source of air contamination shall take all air pollution Warning actions as required for such source of air contamination~~;~~ and shall particularly put into effect the emission control action programs for an air pollution Warning.~~"~~

(2) Any person responsible for the operation of a source of air contamination shall satisfy the requirements set forth in this section including those provided in divisions (a)(2) through (5).

(3) Citizens who travel to and from work between the hours of 6:00 am and 6:00 pm are urged to carpool or utilize public transportation.

(4) For carbon monoxide "Warnings", persons operating motor vehicles shall be encouraged to avoid the air pollution "Warning" area.

~~(2) Suspended particulate matter:~~

~~A. "There shall be no open burning by any person of tree waste, vegetation, refuse or debris in any form."~~

~~B.~~ ~~"The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited."~~

~~C.~~ ~~"Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 pm."~~

(c) *Air Pollution Emergency*.

~~(1) Any one or combination of air contaminants:~~

~~A.~~ (1) ~~"~~Any person responsible for the operation of a source of air contamination shall take all air pollution Emergency actions as required for such source of air contamination and shall particularly put into effect the emission control action programs for an air pollution Emergency.~~"~~

~~B.~~ (2) ~~"~~All manufacturing establishments shall institute such action as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing or postponing operations which emit air contaminants to the extent possible without causing injury to persons or damage to equipment.~~"~~

(3) Any person responsible for the operation of a source of air contamination shall satisfy the requirements set forth in division (a)(2) through (5) and (b)(3) to (4) of this section.

~~C.~~ (4) ~~"~~All places of employment described below shall immediately cease operations:~~"~~

A. ~~"~~Mining and quarrying of non-metallic minerals.~~"~~

B. ~~"All contract~~ Contract construction work except that which must proceed to avoid physical harm.~~"~~

C. ~~"~~Wholesale trade establishments, including places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users or to other wholesalers or acting as agents in buying merchandise for or selling merchandise to such persons or companies.~~"~~

D. ~~"All offices~~ Offices of local, County and State government including authorities, joint meetings and any other public body, except to the extent that such offices must continue to operate in order to enforce the requirements of this order or are vitally essential to the preservation of order, safety, health utility services and other related services, pursuant to City ordinance or State statute.~~"~~

E. ~~"All retail~~ Retail trade establishments, except pharmacies and stores, primarily engaged in the sale of food.~~"~~

F. ~~"~~Banks; credit agencies other than banks; securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers; real estate offices.~~"~~

G. ~~"~~Wholesale and retail laundries; laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops.~~"~~

H. ~~"~~Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blue-printing, photocopying, mailing, mailing list and stenographic services, equipment rental services; commercial testing laboratories.~~"~~

I. Automobile repair, automobile services, garages, body shops and automobile painting operations.

J. ~~"~~Establishments rendering amusement and recreation services, including motion picture theaters.~~"~~

K. ~~"~~Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools and public and private libraries.~~"~~

~~D. "There shall be no open burning by any persons of tree waste, vegetation, refuse or debris in any form."~~

~~E. "The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited."~~

~~F.~~ (5) ~~"~~The use of motor vehicles is prohibited except in emergencies with the approval of City or State police."

Section ~~283.05~~ 283.06 Breakdowns (Malfunctions) During an Episode

(a) ~~Pursuant to~~ Under the declaration of an air pollution Alert, air pollution Warning or air pollution Emergency by the Governor of the State of Ohio, if emissions exceeding any of the limits established under this Code are being discharged into the atmosphere as a direct result of breakdown of any emission source or control equipment, the Commissioner may order the owner or operator of such a source or control equipment to immediately discontinue operation of such source or ~~equipment~~ control or to substantially reduce emissions for the duration of the air pollution episode.

(b) No person shall fail to comply with any order issued by the Commissioner in accordance with ~~subsection (a) hereof~~ division (a) of this section without prior written approval of the Commissioner.

Section ~~283.06~~ 283.07 Scheduled Maintenance of Control Equipment During an Episode

(a) ~~Pursuant to~~ Under the declaration of an air pollution Alert, air pollution Warning or air pollution Emergency by the Governor of the State of Ohio, the Commissioner may order temporary suspension of any approved proffered planned maintenance schedule, that necessitates the shutdown of any control equipment unaccompanied by the shutdown of the emission source. In the event that it would be impossible to restore such control equipment to immediate operation, the

Commissioner may, at his or her discretion, order the owner or operator of the emission source to immediately discontinue operation of such source or to substantially reduce emissions for the duration of the air pollution episode.

(b) No person shall fail to comply with any order issued by the Commissioner in accordance with ~~subsection (a) hereof~~ division (a) of this section without prior written approval of the Commissioner.

Section 48. That existing Sections 283.01, 283.02, 283.04, 283.05 and 283.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 49. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 283.03 to read as follows:

Section 283.03 Air Pollution Emergencies and Episodes Criteria

(a) Conditions that justify the proclamation and declaration of an air pollution "Alert," air pollution "Warning," or air pollution "Emergency" shall be deemed to exist whenever the Commissioner determines that the accumulation of air contaminants in any place is attaining, has attained, or may attain levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Commissioner will be guided by measured air quality data, air quality and meteorological forecasts, and the Air Quality Index prepared by US EPA.

(b) "Alert" means the condition where first stage control actions are to begin. An "Alert" may be declared when measurements of any criteria pollutant or other pollutant of concern is reached at any monitoring site or meteorological conditions are such that the air contaminant concentrations can be expected to remain at the specified level or may be forecast to occur during the next twenty-four (24) hours unless control actions are taken. The forecast air quality may be projected to be unhealthy where some members of the general public may experience health effects; members of sensitive groups may experience more serious health effects.

(c) "Warning" means the condition where air quality is continuing to degrade and additional control measures are necessary. A "Warning" will be declared when measurements of any criteria pollutant or other pollutant of concern is reached at any monitoring site or meteorological conditions are such that the air contaminant concentrations can be expected to remain at the specified levels or reoccur during the next twenty-four (24) hours unless control actions are taken. The forecast air quality may be projected to be very unhealthy where the risk of health effects is increased for the general population.

(d) "Emergency" means the condition where air quality is continuing to degrade to a level that should never be reached and that most stringent control actions are necessary. An "Emergency" will be declared when any one (1) of the levels specified in paragraphs (E) (1) to (E) (5) in Ohio Adm.Code 3745-25-03, or as subsequently amended, is reached at any monitoring site. The forecast air quality may be projected to

be hazardous and require a health warning of emergency conditions where everyone is more likely to be affected.

(e) "Termination," once declared, any episode stage reached by application of these criteria will remain in effect until the criteria for that episode stage are no longer met. At such time, the next lower episode stage will be assumed or the episode may be terminated completely if no episode stage criteria are met.

Section 50. That Sections 285.01, 285.02, 285.03 and 285.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are amended to read as follows:

Section 285.01 Emission Test Methods

Emission tests shall be undertaken by standard methods or accepted alternate methods as published and prescribed in the Ohio Adm.Code 3745-21-10 "Compliance Test Methods and Procedures," effective March 27, 2022, or as amended or modified; or US EPA Test Methods issued under 40 CFR parts 60, 61, or 63. ~~Federal Register dated December 23, 1971, Volume 36, Number 247, Part II, entitled "Standards of Performance for New Stationary Sources" or as amended or modified~~. The above specifications may be modified or adjusted by the Commissioner to suit specific sampling conditions or needs based upon practice, judgment or experience. Updating of these standards and modifications thereof shall be published in rules and regulations of the Commissioner.

Section 285.02 Sampling and Testing

(a) The Commissioner is hereby authorized to conduct, or cause to be conducted, at the expense of any person owning, operating or in charge of any source or control equipment, any test or tests of any new or existing source or control equipment which in his or her judgment may result in emissions in excess of the limitations contained in this Code or when the emissions from any such source or control equipment may exceed the limits of emissions provided for herein. All tests shall be conducted in a manner approved by the Commissioner and a complete detailed test report of such test or tests shall be submitted to him or her. When tests are taken by the owner or independent testers employed by the owner, the Commissioner shall require that the tests be conducted by reputable, qualified personnel and shall stipulate that a qualified representative or representatives of the Division of Air Quality be allowed to observe the ~~Pollution Control be present during the~~ conduct of such tests. The Commissioner may stipulate a reasonable time limit for the completion of such test and submission of test reports.

(b) Nothing in this section concerning tests conducted by and paid for by any person or his or her authorized agent shall be deemed to abridge the rights of the Commissioner or his or her representatives to conduct separate or additional tests of any source or control equipment on behalf of the City, whether or not such tests relate to emissions controlled by specific limitations under this Code.

Section 285.03 Test Facilities and Access

(a) It shall be the responsibility of the owner or operator of the source or control equipment tested to provide, at his or her expense, utilities, facilities and reasonable and necessary openings in the system or stack, and safe and easy access thereto, to permit samples and measurements to be taken.

(b) ~~All~~ The Commissioner may require all new sources of air contaminants created after the effective date of this Code ~~may be required by the Commissioner~~ to provide utilities, facilities and adequate openings in the system or stack, and safe and easy access thereto, to permit measurements and samples to be taken.

Section 285.04 Source Monitoring and Recoding Equipment

(a) When a source has on two (2) or more occasions violated any section of this Code, the Commissioner may require that the source be equipped with monitoring and recording devices within a reasonable period of time that will provide a satisfactory measure of performance. Monitoring programs or devices for parameters that control a specific emission may be used in lieu of direct monitoring of the specific air contaminant with the consent of the Commissioner. Monitoring records so required shall be retained for ~~two (2)~~ three (3) years and shall be made available to the Commissioner or his or her authorized representative upon request. At such time that the source demonstrates reliable performance, the owner or operator of such source may petition the Commissioner to have this requirement lifted.

(b) All sources of air contaminants~~,~~ installed or constructed after the effective date of this Code, may be required to install monitoring and recording devices that will provide a satisfactory measure of performance. Monitoring programs or devices for parameters that control a specific emission may be used in lieu of direct monitoring of the specific air contaminant with the consent of the Commissioner. Monitoring records so required shall be retained for ~~two (2)~~ three (3) years and shall be made available to the Commissioner or his or her authorized representative upon request. At such time as this source demonstrates continuing compliance with emission limitation, the owner or operator of such source may petition the Commissioner to have this requirement lifted.

(c) When requiring monitoring and recording devices, the Commissioner shall give consideration to technical feasibility and economic reasonableness.

Section 51. That existing Sections 285.01, 285.02, 285.03 and 285.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 52. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 285.05 to read as follows:

Section 285.05 Compliance Testing

(a) The Commissioner, or his or her designees, is hereby authorized to determine and preserve the option to witness any emissions and compliance tests of any

new or existing source or control equipment before he or she issues a permit to operate under Chapter 259 of this Code.

(b) No person shall fail to submit a timely, appropriate and complete written notification of intent to test or retest a source. Delivery shall occur no less than thirty (30) days prior to the scheduled test date, except as provided herein:

(1) When a retest is scheduled for a mutually agreeable date less than thirty (30) days in the future, notification shall be submitted as soon as the date has been determined.

(2) When a retest is an emergency, delivery of notification shall occur as early as possible before, but not later than the first working day following the start of the retest.

(c) The intent to test notification shall include:

(1) A statement indicating the purpose of the proposed compliance test. If being performed as an Ohio EPA requirement, the applicable Ohio EPA permit number that requires the compliance test must be included;

(2) A detailed description of the source to be tested;

(3) A detailed description of the test procedures, equipment and sampling sites;

(4) A timetable, setting forth the dates on which:

A. The testing will be conducted; and

B. The final test report will be submitted, not later than thirty (30) days after completion of on-site sampling; and

(5) Any reasonable and pertinent information that may be required by the Commissioner.

(d) Fees for the witnessing of all initial emissions and compliance tests are included as part of the fee required for the issuance of permits to operate under Chapter 259 of this Code. Individual tests conducted on different parts of one (1) source or control equipment unit constitute different parts of one (1) initial test.

(e) The witnessing of any emissions or compliance retest requires an additional fee per Section 263.03 of this Code. If a retest is conducted either the day of or following day of the initial test on the same equipment, an additional fee is not required but the retest shall be categorized as a retest on the equipment.

(f) The following tests, when required by Ohio EPA to be performed at a gasoline dispensing facility, are included in the category of compliance tests and are subject to the notification retest fee requirements:

(1) Static Leak Test;

(2) Dynamic Pressure Test; and

(3) Air-to-Liquid Ratio Test.

Section 53. That existing Section 289.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is amended to read as follows:

Section 289.01 Severability

If any clause, sentence, paragraph or part of this Code or its application to any person or circumstances is held by a court to be invalid, such invalidity shall not affect, impair or invalidate the remainder of this Code and the application of such provisions to other persons or circumstances, but shall be confined in its operation to the controversy in which such judgment shall have been rendered and to the person, firm, corporation or circumstances involved.

Section 54. That Section 289.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is repealed.

Section 55. That Section 291.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is amended to read as follows:

Section 291.01 Establishment; Members Term, Vacancy and Duties

(a) The Cleveland Industrial Air Pollution Advisory Committee is dissolved.

~~(a)~~ (b) There is hereby established the Cleveland Air Pollution Control Advisory Committee (the "Committee") to be composed of not more than ~~ten (10)~~ five (5) members. A quorum for the Committee must be in attendance in-person, virtually, or through written proxy in order for the Committee to conduct any business. Decisions of the Committee shall be by simple majority vote of those members in attendance (in-person or virtually) or represented by their written proxy.

~~(b)~~ (c) The purpose of such Committee shall be to meet, discuss, make recommendations and issue advisory opinions regarding matters relating to the Air ~~Pollution~~ Code of the City of Cleveland, State of Ohio or Federal Codes, or any rules and regulations adopted pursuant thereto, as they may affect ~~industrial and commercial enterprises~~ air quality in the City.

~~(c)~~ (d) The committee shall meet at least once every ~~three (3)~~ six (6) months or more often at the call of the ~~chairman~~ chairperson.

~~(d)~~ (e) Two (2) members of the Committee shall be appointed by Council~~;~~ and three (3) members shall be appointed by the Mayor. Members shall be representatives from businesses, industries, associations, and citizens groups operating in the City. ~~and the remaining five (5) members shall be representatives from business, industrial and~~

~~commercial enterprises or associations and citizens groups operating in the City. These five (5) members shall be appointed by the Mayor, with the approval of Council.~~

~~(e)~~ (f) All members shall serve for a term of ~~one (1) year~~ two (2) years and may be reappointed at the end of their respective terms. Members shall serve without compensation. If any member resigns, or otherwise is unable to continue to serve as a member of the Committee, such vacancy shall be filled in the same manner as the original appointment for the unexpired term thereof.

(g) The Commissioner of the Division of Air Quality shall advise the committee in a nonvoting capacity and may direct staff of the Division of Air Quality to provide technical assistance to the Committee subject to requests by the Committee.

~~(f)~~ (h) The Committee may, at any time, report to Council any matters or suggested changes relating to the ~~Air Pollution~~ Quality Code of the City or the rules and regulations adopted pursuant thereto.

~~(g)~~ (i) The Committee ~~shall~~ may issue an annual report no later than ~~December~~ March 31 of ~~each year regarding matters discussed during the previous year, including~~ the following year. Such report shall include any recommendations regarding the Air ~~Pollution~~ Quality Code of the City or any other law, rule or regulation affecting air pollution in the City, and in addition may advise the Mayor or Council, upon their request, concerning any matter involving air pollution in the City, and shall include any other information discussed by and deemed pertinent by the Committee.

~~(h)~~ (j) A majority of all the members of such Committee shall constitute a quorum to transact business and to issue any report, recommendation or advisory opinion. A ~~chairman~~ chairperson shall be selected by a majority of the members of such Committee, at the first meeting thereof and shall serve for ~~one (1) year.~~ two (2) years, or until cessation of the chairperson's membership on the Committee, whichever occurs sooner. The number of consecutive terms the chairperson may serve shall not be limited.

(k) A member whose term of service has expired, and whose reappointment or replacement is pending, may continue to serve as if formally reappointed.

Section 56. That existing Section 291.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 857-A-76, passed June 27, 1977, is repealed.

Section 57. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 266.01 to 266.07 to read as follows:

Chapter 266
Fugitive Emissions

Section 266.01 General Provisions

(a) No person shall cause or allow any materials to be handled, transported or stored, or a building or its appurtenances or a road to be used, constructed, altered, repaired, renovated, or demolished without taking all necessary and reasonable precautions to prevent particulate matter from becoming airborne, unless exempted from these provisions by Section 266.02 of this Code. Such precautions shall include but not be limited to the following:

(1) Use, where possible, and as weather conditions allow, water or approved fugitive emissions suppression chemicals for the control of fugitive emissions from the demolition or renovation of existing buildings or structures, construction operations, the grading of roads or parking areas, or the clearing of land. Such use must not create water pollution or any nuisance to surrounding property or the environment;

(2) Application of asphalt, water or suitable chemicals for the suppression of fugitive emissions on unpaved roadways, parking areas, materials stockpiles and other surfaces which can create fugitive emissions;

(3) Installation and use of hoods, fans and control equipment to enclose, contain, capture and vent the handling of dusty materials;

(4) Use of adequate containment methods during operations where material is applied to a surface at high velocities for the use in abrading the surface, such as abrasive blasting or other similar activities;

(5) Covering at all times when in use on public roadways open-bodied vehicles transporting materials likely to create fugitive emissions;

(6) Conduct of agricultural practices such as the tilling of land or application of fertilizers, in such a manner as to minimize the fugitive emissions produced;

(7) The paving of unpaved roadways and parking areas;

(8) The maintenance and cleaning of unpaved roadways and parking areas to remove buildup of materials that cause fugitive emissions;

(9) The prompt removal of earth or other material from paved streets and parking areas onto which earth or other material has been deposited by trucking or earth moving equipment or erosion by water or other means;

(10) Application of water or other approved, suitable chemicals for the suppression of fugitive emissions, installation of storage silos, bins or other enclosed structures, or the use of canvas or other suitable coverings, for all materials, stockpiles and stockpiling operations; or

(11) Application of water, or other approved, suitable chemicals for the suppression of fugitive emissions, adequate enclosures, and/or minimization of the height materials are dropped for the transfer of any materials that are formed into or increase material stockpiles.

(b) Fugitive emissions suppression chemicals cannot include any used oil as defined in Ohio Adm.Code 3745:279-01(A)(12), or as subsequently amended.

Section 266.02 Exemptions

The requirements of Sections 266.01 and 266.03 shall not apply to sources of fugitive emissions exempted from the requirements by Chapter 261 of this Code.

Section 266.03 Visible Emissions From Fugitive Emission Sources

No person shall cause or allow the discharge into the atmosphere of any visible air contaminant resulting from a fugitive emission source in excess of the limitations set forth in Section 265.01 of this Code, or beyond the property line of the property on which the emissions originate. The observations required by Section 265.01 shall be conducted upon the area where the fugitive emissions enter the ambient air and conducted in accordance with the applicable regulations regarding the conducting of visible emissions observations contained within Title 40 of the Code of Federal Regulations, Part 60, and Ohio Adm.Code Rule 3745-17-03, or as subsequently amended.

Section 266.04 Emission of Air Contaminants from Buildings, Equipment, Storage Areas or Material Handling Operations

When dust, fumes, gases, mist, odorous material, vapors, smoke or other particulate matter or any combination thereof escape from a building, equipment, storage area or material handling operation in such a manner and amount as to cause a nuisance or to violate any provision of this Code, the Commissioner may issue a written order in accordance with Chapter 255. The order shall require that the building, equipment, storage area or material handling operation, in which processing, handling and storage are done, be tightly closed, ventilated, hooded or controlled in such a way that all air and gases and airborne or gas-borne material leaving the building, equipment, storage area or material handling operation are treated by removal or destruction of air contaminants before discharge into the ambient air.

Section 266.05 Abrasive Blasting and/or Building Cleaning

(a) No person shall cause or allow the abrasive blasting and/or cleaning of a building, structure, or architectural surface without obtaining a permit to blast and/or clean from the Commissioner. The permit fee is set at Section 263.01(b)(2) of this Code. A permit shall not be required for abrasive blasting or cleaning performed inside equipment designed for that function (e.g., abrasive blasting chambers) or inside confined spaces (e.g., tanks) where access to the public is restricted and the structure itself provides containment. However, escape of particulate matter from the blasting operation must be prevented.

(b) Application for a permit to blast and/or clean shall be made on forms prepared by the Commissioner, shall include reasonable and pertinent information that may be required by the Commissioner, and shall be submitted at least ten (10) working days prior to starting the operation unless emergency conditions necessitate an earlier start. “Working days” include the period of Mondays through Fridays, including any holidays occurring therein. If an applicant claims an emergency condition exists, the application must be submitted no later than the next working day after the activity starts, and shall include the date and hour that the emergency occurred, a description of the sudden unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or would pose an unreasonable financial burden if not immediately corrected. The Commissioner is not required to accept the explanation as constituting an emergency, but shall evaluate the facts provided.

(c) No permit for the abrasive blasting and/or cleaning operation shall be granted unless the applicant demonstrates to the satisfaction of the Commissioner that:

(1) Adequate containment on site of particulate matter, dust, and water droplets, generated by the activity, shall be furnished;

(2) Provisions for a complete clean-up after blasting and/or cleaning shall be provided, including steps to remove particulate matter from adjacent streets, alleys and property to prevent it from being re-entrained in the air;

(3) Full time supervisory authority for all aspects of the operation shall be assigned to one (1) person; and

(4) Appropriate measures will be taken to comply with any additional requirements of the Division of Air Quality.

(d) A permit shall expire on either the operation completion date identified in the application, any expiration date identified on the issued permit, or one (1) year after the date of issuance, whichever is sooner. If the abrasive blasting and/or cleaning operation lasts longer than one (1) year, the owner or operator must reapply for the permit.

(e) Each person causing or allowing abrasive blasting and/or cleaning operation shall satisfy the notification requirements specified as follows:

(1) General notice shall be submitted to all owners and occupants of the building, structure or architectural surface where the abrasive blasting and/or cleaning will occur, and to all owners and occupants of buildings adjacent to the work site or within a distance likely to be impacted should an uncontrolled released of particulate matter occur from the activity.

(2) Delivery of general notice is to occur:

A. At least five (5) working days before the beginning of any abrasive blasting and/or cleaning operation; or

B. As early as possible before, but no later than, the following working day if the operation is an emergency.

(3) General notice shall include:

A. The name and telephone number of the person responsible for supervising the activity;

B. Type of operation: abrasive blasting or cleaning;

C. The location and street address (including building number or name and floor or room number, if appropriate), where abrasive blasting and/or cleaning will occur. If necessary in order to identify the location of the activity, notification any site plans, floor plans or other pertinent information must be attached;

D. Scheduled starting and completion dates of operation or any other activity, such as site preparation. Planned operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period; and

E. A description of the blasting and/or cleaning to be performed and method(s) to be employed including techniques to be used and a description of affected facility components.

(f) Each person submitting an application shall include their name and title, and shall sign and date the appropriate form. The signature shall constitute an agreement that the person assumes responsibility for the abrasive blasting and/or cleaning operation in accordance with this Code and with all other applicable rules and regulations, and terms and conditions.

(g) In addition to the requirements of this section, the Commissioner may require any additional control methods deemed necessary to adequately control excessive particulate matter and other air contaminants during abrasive blasting and/or cleaning operations.

(h) The Commissioner has authority to regulate, at his or her discretion, the times and hours of blasting and/or cleaning operations as requirements of the permit.

(i) All painted surfaces to be blasted and/or cleaned for the removal of paint shall be tested for lead prior to abrasive blasting and/or cleaning. The sampling and analysis of paint shall be conducted in accordance with methods approved in advance by the Commissioner to indicate the lead content, if any, of the paint to be removed. Documents of lead test results shall be submitted with the application for a permit to blast and/or clean.

(j) If the activity will occur at a home, childcare facility, kindergarten, or child-occupied facility built before 1978, all persons required to comply with U.S. EPA's Lead Renovation, Repair, and Painting Rule. Applicant must comply with all requirements of the U.S. EPA rule as well as City requirements.

(k) The abrasive blasting of buildings and/or structures shall be of "wet-method" application wherein water is mixed with the cleaning medium to prevent dust during cleaning operations, except as provided in this section.

(l) No person shall cause or allow any dry blasting methods to be utilized unless such methods permit the nozzle to be operated within a tarpaulin enclosure equipped with suitable means of funneling the dispersed abrasive material and debris into a suitable container to prevent the waste materials from becoming airborne.

(m) Where abrasive blasting and/or cleaning occurs, adequate protection to prevent injurious exposures shall be taken in compliance with Ohio Adm.Code 4123:1-7-12, or as subsequently amended.

(n) Failure to comply with any request for information made by the Commissioner or any of the requirements of this section shall be cause for rejection of an application, and may constitute grounds for the denial or revocation of a permit for abrasive blasting and/or cleaning operations.

(o) The Commissioner shall notify the person applying for the permit of his or her approval or reasons for rejection of the application in writing. Upon approval of the application, the Commissioner shall issue a permit for abrasive blasting and/or cleaning operations.

(p) The following events require the owner/operator or responsible party to notify the Commissioner as soon as possible, but no later than the next working day:

(1) Any change in the abrasive blasting and/or cleaning operation schedule; or

(2) Any change in the method(s) to be used; or

(3) Any change in the owner or operator.

The notification may be made in writing, by telephone, by facsimile, or by e-mail of which method is preferred. The Commissioner has the discretion to request a new or revised application, or to revoke the permit, based on the magnitude of the changes.

Section 266.06 Spray Application of Non-Asbestos Fiberated Cementitious Products

(a) Spray application of non-asbestos fiberated cementitious products may require a permit from the Department of Building and Housing. In such case, no person shall cause or allow the use of a cementitious product or compounds containing mineral fibers, whenever such product or compounds are applied to a surface utilizing a spray or pneumatic means of application, excluding the spraying or other use of refractory materials in ovens, furnaces, ladles or other metallurgical process equipment, without obtaining a permit for the spraying of such product or compounds from the Department of Building and Housing. The person receiving such permit shall forward to the Commissioner a copy of each permit for the spraying of such product or compounds and obtain the permission of the Commissioner of Air Quality upon submission of such information as the Commissioner deems necessary.

(b) Regardless of whether a permit is required from the Department of Building and Housing, no person shall cause or allow the spraying of fiberated cementitious products or compounds without obtaining the approval of the Commissioner and unless the following procedures are taken:

(1) Provisions are made for adequate containment of dust and overspray;

(2) Provisions are made for complete cleanup after spraying;

(3) All workers and other persons present are provided with, and use appropriately, approved respiratory devices and clothing; and

(4) Any additional requirement stipulated by the Commissioner in the issued permit.

(c) A person shall be assigned supervisory authority for all aspects of the spraying operation and shall be available at the spraying site at all times during the operation.

(d) Failure of any person to comply with any of the requirements of this section shall be sufficient grounds for the Department of Building and Housing or the Division of Air Quality to revoke any permit or deny any permit application.

(e) This section does not apply to the spraying of cementitious products or compounds containing mineral fibers that are subject to Section 281.02 of this Code.

Section 266.07 Non-Commercial Spray Coating Operations with or without an Enclosure

Surface coating or paint stripping performed by individuals on personal vehicles, possessions, or property, either as a hobby or for maintenance of personal vehicles, possessions, or property are subject to the following restrictions:

(a) An individual may only apply surface coating to fewer than two motor vehicles or pieces of mobile equipment per year without obtaining the necessary permits under Chapters 257 and 259 of this Code;

(b) The requirement to obtain permit(s) apply regardless of whether compensation is received for the application of surface coating or paint stripping; and

(c) Any individual applying surface coating to more than two motor vehicles, pieces of mobile equipment, or more than two items in a given year must also comply with Chapter 267 of this Code.

Section 58 That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 268.01 to read as follows:

Section 59. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 268.01 to read as follows:

Ordinance No. 387-2025

Chapter 268
Indoor Air Quality Informational Program

Section 268.01. Indoor Air Quality Informational Program Established

(a) An Indoor Air Quality Informational (IAIQ) program for the City is hereby established to be administered by the Commissioner of Air Quality subject to the provisions of the Charter and ordinances of the City, and under the direction of the Director of Public Health.

(b) The IAIQ program shall be designed to be an educational process to provide information to residents to assist them in identifying, removing, and controlling sources of indoor air pollution in order to restore an indoor space to a healthy environment for occupants, visitors, and guests.

(c) The objectives of the IAIQ program include the following:

(1) To prevent illness, injury, and adverse health symptoms associated with poor indoor air quality,

(2) To respond to indoor air quality complaints effectively and to make recommendations for improvement,

(3) To empower the maintenance of indoor air quality within acceptable levels according to consensus guidelines,

(4) To provide information to residents about indoor air quality, and

(5) To refer residents to appropriate City divisions, programs, or community resources who will further aid residents in resolving their issue(s).

(d) The Commissioner of Air Quality or designee is authorized access to residential spaces or common areas for the purposes of assessing the indoor air quality of a residence upon permission by the resident.

(e) Information and data collected through indoor air quality assessments including complaints and inquiries of indoor air quality are subject to Ohio's Public Records Act and other public records laws.

(f) Nothing in this chapter is intended in this Chapter to impose liability on any officer or employee acting under this Chapter or to relieve any owner or operator of an air contaminant source or control equipment of the responsibility to comply with the provision of other applicable sections of this Code, or these Codified Ordinances.

Section 60. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 299.01 to 299.03 and 299.99 to read as follows:

Chapter 299
Penalties

Section 299.01 Sealing

(a) Any person who violates any provision(s) of this Code three (3) or more times within a twelve (12) month period shall, within ten (10) calendar days from the date written notification arrives at its intended location, show cause before the Commissioner as to why the offending source, equipment, or premise should not be sealed. The notice to show cause shall be sent by registered or certified mail, directed to the last known address of the person to be notified. If the person or his whereabouts is unknown, the notice shall be posted on or reasonably near the premises at which the violation or violations occurred. If upon the hearing, at which the violator or his or her agent or attorney may appear and be heard, the Commissioner finds that adequate corrective measures have not been taken after the third violation, the Commissioner may seal the source, equipment, or premise until such time as the offender provides an adequate compliance schedule and inspection by the Division of Air Quality demonstrates that the offender has taken adequate corrective measures to remedy the violation(s).

(b) Sealing may also be ordered by the Commissioner and affected after reasonable notice under the following circumstances:

(1) Any air contaminant source or control equipment is being operated without a permit to operate or variance as required by this Code;

(2) Any necessary repair(s) or alteration(s) are not accomplished within the specified time limit;

(3) The operation of any air contaminant source or control equipment is or may reasonably be dangerous to the health, safety or general welfare as to require the immediate abatement to eliminate the threat of serious harm, or actual harm to human health, property or the environment. Such operation shall be sealed without notice or without additional time for compliance.

(4) Control equipment has been installed to enable an operation or process to meet the conditions of a permit to operate, and such control equipment is not being operated;

(5) Test facilities and access required under Chapter 285 of this Code are not provided;

(6) Source monitoring and/or recording equipment required under Chapter 285 of this Code has not been provided; or

(7) Any information, data, reports or programs required under provisions of this Code or by the Commissioner have not been provided.

(c) Pursuant to Section 259.07 of this Code, prima-facie evidence of any violation(s) will support the action of the Commissioner in sealing certain source, equipment, or premise as provided therein.

(d) Sealing of equipment shall not bar other legal action against the owner or operator thereof.

(e) No person shall tamper with a seal or operate any air contaminant source or control equipment sealed by the Commissioner, or enter any premise that has been sealed by the Commissioner, unless such action or operation is authorized in writing by the Commissioner.

(f) Nothing in this Section shall be interpreted to limit the authority of the Commissioner to immediately Order an air contaminant sealed under Section 255.02(b) of this Code.

Section 299.02 Written Warnings

(a) For residential violations of Sections 266.03, 266.04, 266.05, 267.01, 277.02, 277.03, and 277.05 of this Code, at least one (1) written warning will be given to the owner, agent, or occupant prior to issuance of a violation. If the violations for which a written warning was issued continue, or a new violation occurs within twelve (12) months subsequent to the written warning, residential violations of the above sections are subject to being issued a notice of violation.

(b) For commercial, industrial, or any other non-residential violations of the above sections, a written warning is not required prior to issuing a Notice of Violation.

Section 299.99 Penalties

(a) In addition to any other remedies under this Air Pollution Control Code, no person shall violate any provision of this Code nor participate in the violation of its provisions.

(b) Whoever violates Sections 266.02, 266.03, 266.04, 266.05, or Chapter 267 of this Code shall be guilty of a misdemeanor of the fourth degree on a first offense. On a second offense, they shall be guilty of a misdemeanor of the third degree, and on a third or subsequent offense a misdemeanor of the first degree. If the offender has been previously convicted of violating any section of this chapter, the offender is guilty of a misdemeanor of the first degree. Each day of such violation shall constitute a separate offense.

(c) Whoever violates Section 277.05 “Vehicle Emissions” of this Code shall be guilty of a minor misdemeanor.

(d) Whoever violates any other provision of this Code, or any order of Commissioner; or who makes any false material statement, representation, or certification in, or omits material information from, any record, report, plan or other document required either to be filed or submitted or maintained pursuant to this chapter; or who falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under this chapter; or fails to pay a fee established under this chapter shall be guilty of a misdemeanor of the first degree. Each day of such violation shall constitute a separate offense.

(e) In addition to the fees provided in Chapter 263 of this Code, any person who violates or fails to comply with any provision of this chapter, including any fee or filing requirement; or any duty to allow or carry out inspection, entry, or monitoring activities; or who violates the terms and conditions of any permit or certificate of operation issued pursuant to the provisions of this Chapter; or who violates any order of the Commissioner, shall be subject to a civil penalty of up to twenty-five thousand dollars ($25,000) per separate violation, as hereinafter provided, to be imposed by the Commissioner after a hearing if a hearing is requested by the offender. Provided, however, that the Commissioner may, at his or her discretion and for good cause shown, reduce the amount of a civil penalty or suspend the payment of all or part of the civil penalty imposed. Upon a civil penalty assessed by the Commissioner or other order of the Commissioner becoming final, the Commissioner may institute a civil action to enforce the order of the Commissioner and/or to recover the amount of the civil penalty, plus interest, from the date of the assessment of the penalty. In imposing such civil penalty, the Commissioner shall give due consideration to all pertinent factors as justice may require, including, but not necessarily limited to:

(1) The character and degree of injury to, or interference with, the protection of the health, general welfare and physical property of people;

(2) The social and economic value of the air pollutant source;

(3) The technical practicability and economic reasonableness of reducing or eliminating the emission of air pollutants;

(4) The economic benefit gained by the air pollutant source through any failure to comply with the provisions of this chapter or any permit, certificate, or order issued pursuant to the provisions of this Chapter;

(5) The amount or degree of effort put forth by the responsible official of the air pollutant source to attain compliance;

(6) Any prior violations of this chapter, violations of orders of the Commissioner, or violations of conditions imposed upon any permit, certificate, or variance and payment by the violator of penalties previously assessed for the same violation;

(7) The type and character of a violation, including the duration of the violation as established by any credible evidence, and the extent to which the same is in excess of the permissible limits or permissible activity or action;

(8) The past history of pollution control efforts in regard to the taking of appropriate action to control emissions or abate pollution on the part of the person found to be in violation or others subject to entry of any order of the Commissioner; and

(9) The size of the commercial business and the economic impact of the penalty on the business.

The plea of financial inability to prevent, abate or control air pollution by any person shall not be a valid defense to liability for a violation of any provision of this Chapter.

(f) Each day of any violation shall constitute a separate offense and shall be subject to the penalties set forth in this Section.

Section 61. That Chapter 273 of the Codified Ordinances of Cleveland, Ohio, entitled Hydrocarbon Limitations, comprising Section 273.01; Chapter 275 entitled Carbon Monoxide Limitations, comprising Section 275.01, and Chapter 287 entitled Penalties, comprising Sections 287.01, 287.02, and 287.03 as enacted by Ordinance No. 857-A-76, passed June 27, 1977, are repealed.

Section 62. That in the Air Pollution Control Code of the Codified Ordinances of Cleveland, Ohio, 1976, Appendices, A, B, C, D and and their respective tables and figures are repealed.

Section 63. That as stated in Section xxx of this ordinance, that the repeal of existing Section 263.01, Fees, and the enactment of new Section 263.01, Fees for Permits to Operate and Variances, shall be effective on or after January 1, 2026.

Section 64. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

ST:KR:nl
3-24-2025
FOR: Director Margolius

Ord. No. 387-2025

By Council Members Conwell and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

That various sections throughout Chapters 251 to 291 of the Air Pollution Control Code are amended and repealed as enacted or amended by various ordinances; supplementing new sections throughout those chapters; and enacting new Chapters 266, 268 and 299 of the Air Pollution Control Code relating to fugitive emissions, indoor air quality and penalties.

READ FIRST TIME on MARCH 24, 2025 **REPORTS**
and referred to DIRECTORS of Public Health, Finance, Law;
COMMITTEES on Health Human Services and the Arts,
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **112** Page_____

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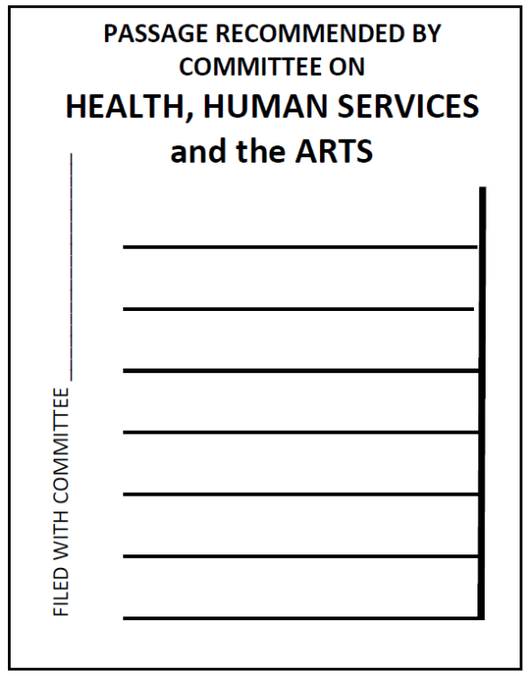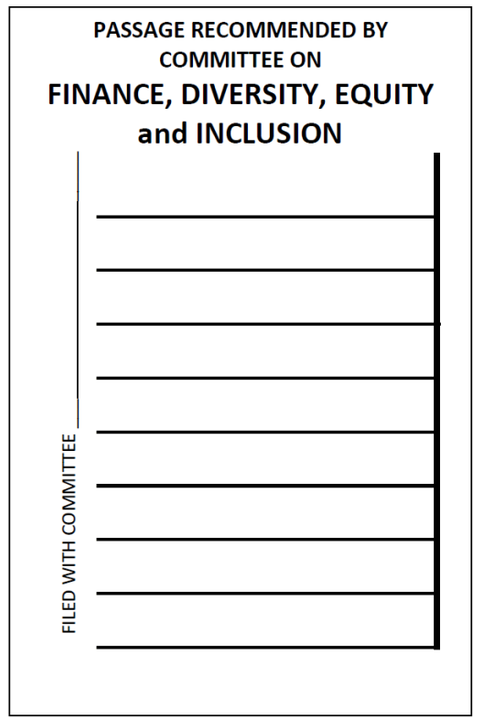
REPORT
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