



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

February 6, 2012

**RE: BEACH EXCAVATING, INC.
NOTICE OF VIOLATION
ILLEGAL C&DD DISPOSAL**

Richard T & Yvonne J Beach
Beach Excavating, Inc.
2253 Brown Road
Ashtabula, Ohio 44004

CERTIFIED MAIL 7011 0470 0002 3496 4406

Cosmo Iamurri
Pro Quality Real Estate, LLC
5053 Struthers Road
Struthers, Ohio 44471

CERTIFIED MAIL 7011 0470 0002 3496 4413

Dear Mr. and Mrs. Beach and Mr. Iamurri:

Pursuant to the attached January 30, 2012 notice of violation to Mr. Cosmo Iamurri from Lake County General Health District (LCGHD), the material illegally disposed at the property located on North Ridge Road East (SR 20), Saybrook Township, in Ashtabula County, is determined to be "regulated asbestos containing material" (RACM) subject to Ohio Administrative Code (OAC) 3745-20-01(B)(42)(d).

As addressed in a January 12, 2012 notice of violation from this office, Ohio EPA, Division of Materials and Waste Management (DMWM), identified the illegal disposal of construction and demolition debris (C&DD) pursuant to OAC 3745-400-04(A) and (B). This material must be removed and properly disposed as C&DD, unless it is determined to be asbestos-containing material as noted above and the waste must be removed, loaded, transported, and properly disposed in accordance with applicable state and federal air regulations.

Please note that pursuant to 40 CFR 61 Subpart M, an individual trained in the provisions of national emissions standards for hazardous air pollutants (NESHAPs) must be on site during loading and transportation operations. Please submit a schedule and the plan to return to compliance to this office within 14 days of receipt of this letter.

The owner(s) of the property and Pro Quality need to immediately take the necessary measures to return to compliance with state and federal environmental laws. Within 14 days of receipt of this letter, the owner(s) of the property and Pro Quality are requested to provide documentation to this office a schedule and a plan to return to compliance. Documentation of steps taken to return to compliance may include written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to colum.mckenna@epa.state.oh.us.

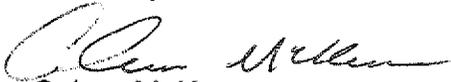
Richard T & Yvonne J Beach, Beach Excavating, Inc.
Cosmo Iamurri, Pro Quality Real Estate, LLC
February 6, 2012
Page 2

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. (or 3714 for C&DD) of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, the owner(s) of the property and Pro Quality are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me by telephone at (330) 963-1268 or by e-mail at colum.mckenna@epa.ohio.gov.

Sincerely,



Colum McKenna
Environmental Specialist
Division of Materials and Waste Management

CM/cl

Attachment: Lake County General Health District - January 30, 2012 NOV

cc: Rich Kolosionek, DAPC, NEDO
Ray Saporito, Ashtabula County Health Department
Bert Mechenbier, Lake County General Health District
File: [Sowers/COUN/Ashtabula/GEN/04]



Public Health
Prevent. Promote. Protect.

Lake County General Health District

33 Mill Street
Painesville, Ohio 44077

Painesville: (440) 350-2543
Cleveland: (440) 918-2543
Madison: (440) 428-4348 x2543
Fax: (440) 350-2548
www.icghd.org

Frank Kellogg, R.S., M.P.H., Health Commissioner

January 30, 2012

Regular/Certified Mail
7010 1060 0000 6640 2430

Mr. Cosmo Iamurri
Pro Quality Real Estate, LLC
5053 Struthers Road
Struthers, OH 44471

RECEIVED

FEB 01 2012

OHIO EPA NEDO

RE: Notice of Violation for Improper Disposal Of Asbestos Containing Demolition Waste

Dear Mr. Iamurri:

On December 12, 2012, Mr. Colum McKenna of the Ohio EPA and I inspected the Beach property on North Ridge Road in Saybrook Township, Ashtabula County, for the presence of asbestos containing waste from your August 2011 demolition of the closed Perry Schools in Perry Village, Lake County. The inspection was in response to a complaint of improper disposal of asbestos and demolition waste from your project.

Upon inspection of the site, it was determined that the hard fill was commingled with small, broken pieces of floor tile, which you acknowledged was from the school demolition project. Mr. McKenna took a sample of the broken floor tile, which was analyzed and determined to contain asbestos greater than one percent (1%). Based on the condition of the floor tile and the results of laboratory analysis, the floor tile has been characterized by both the Lake County General Health District (LCGHD) and Ohio EPA Northeast District Office inspectors as "regulated asbestos containing material (RACM)", as defined in Ohio Administrative Code (OAC) 3745-20-01(B) (42)(d) as "Category II non friable asbestos-containing material that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this chapter." The demolition practices used by Pro Quality appear to have rendered the floor tile material, which had been characterized on your demolition notification as "Category I non-friable material" into RACM.

The above-mentioned disposal by Pro Quality Real Estate LLC at the Beach dump site is in violation of OAC 3745-20-05 Standard for asbestos waste handling, which states:

(A) All asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at:

- (1) A waste disposal site in Ohio operated in accordance with the provisions of rule 3745-20-06 of the Administrative Code, or
- (2) A waste disposal site not in Ohio operated in accordance with the provisions of 40 CFR 61.154, or
- (3) A site that converts regulated asbestos-containing material and asbestos-containing waste material into nonasbestos (asbestos-free) material in accordance with the provisions of rule 3745-20-13 of the Administrative Code.

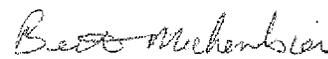
The commingled materials that were dumped at this site must be removed and disposed of as RACM in a landfill licensed to accept that material as soon possible. In addition, the removal, loading and transportation of this material must be conducted in accordance with the applicable state and federal asbestos regulations, and an individual trained in the provisions of NESHAPS (40 CFR 61, Subpart M) must be on-site during removal, transportation and loading operations. We will require copies of transportation manifests and disposal tickets from the landfill as documentation following completion of the removal.

Within 14 days of receipt of this letter, you are requested to provide a response to this office that includes a plan and a schedule for return to compliance. We are requesting prior notification of the removal of the RACM, for the purpose of observing the activity. Also, be advised that the violations will continue until the situation has been properly abated.

This Notice of Violation in no way waives the right of the Lake County General Health District, Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications may be directed to you regarding this violation or additional violations that may be found.

If you have any further questions, please feel free to contact me at 440-350-2543.

Sincerely,
LAKE COUNTY GENERAL HEALTH DISTRICT


Bert Mechenbier, R.S.
Air Pollution Control Supervisor

BM/rak

cc: Mr. Beach
Ohio EPA, Mr. Bob Princic
Ohio EPA, Mr. Colum McKenna