



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

September 3, 2008

RE: NOTICE OF VIOLATION
RESIDENTIAL STRUCTURE
3148 & 3142 W. 44TH ST.
CLEVELAND, OHIO

CERTIFIED MAIL

Ms. Hollis Dellasondi
Cleveland Municipal School District
1380 East 6th Street
Cleveland, Ohio 44114

Dear Ms. Dellasondi:

The purpose of this letter is to inform you of state and federal asbestos violations that occurred during the demolition that Great Lakes Crushing, Ltd. (GLC) conducted on two residential structures located at 3148 and 3142 W. 44th St., Cleveland, Ohio. These structures were two of a number of residential buildings that were going to be demolished for the Thomas Jefferson Middle School demolition project.

Specifically, on June 18, 2008, GLC telephoned our office to inform us that one of their crews inadvertently demolished the residential structures at the above-referenced addresses, and that the buildings contained regulated asbestos-containing material (RACM).

Below is a summary of the details regarding these demolitions and a description of the violations that occurred.

DEMOLITION DETAILS

- On June 4, 2008, our office received original "Ohio Environmental Protection Agency Notification of Demolition and Renovation" forms from A&D Contracting, Inc., stating, in part, that they were going to remove 5,950 square feet of RACM from the structure at 3148 W. 48th St. and 100 square feet from the structure at 3142 W. 44th St. The removal was to begin on June 18, 2008, and end on June 27, 2008. The RACM included plaster and duct tape. The notifications also stated that Great Lakes Crushing (GLC) would demolish the structures after the asbestos removal completion dates.
- The Ohio EPA Northeast District Office received copies of April 2008, "Asbestos Survey" reports that were conducted in these structures by PSI, Inc. for the Cleveland Municipal School District (CMSD) construction manager, Ozanne-Hammond-Gilbane-Regency (OHGR). The reports showed that laboratory sample analysis confirmed the plaster and duct tape in these structures contained greater than one percent (1%) asbestos.

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- OAC Rule 3745-20-05(C)(1), "Standard for Asbestos Waste Handling," because the ACWM that was originally transported off the facility site was not properly labeled and wrapped with the name of the waste generator and the location at which the waste was generated.
- OAC Rule 3745-20-05(E), "Standard for Asbestos Waste Handling," and the Federal NESHAP in 40 CFR Part 61, Subpart M, Section 61.150(d), "Standard for Waste Disposal," because waste shipment records (WSR's) were not being maintained when the ACWM was originally transported off the demolition site to the construction and demolition debris landfill.

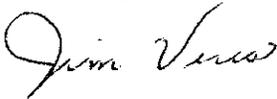
Within ten (10) days after receipt of this letter, please submit to this office any clarifications, explanations or evidence on your behalf, pertaining to these violations.

Also, please note that the acceptance by the Ohio EPA of any requested information, and of any actions taken to correct the violations, does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code for any past or future violations of applicable requirements. The decision to pursue or decline to pursue penalties in this matter will be made by the Ohio EPA at a later date.

A Notice of Violation is also being sent to GLC regarding this matter.

If you have any questions regarding this letter, please contact me at (330) 963-1288.

Sincerely,



Jim Veres
District Representative
Division of Air Pollution Control

JV:bo

pc: Dennis Bush; NEDO; DAPC
Bob Princic; NEDO; DAPC
Tom Kalman; CO; DAPC
Lisa Holscher; USEPA; Region V