



**Environmental  
Protection Agency**

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

April 11, 2012

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

**CERTIFIED MAIL 7010 3090 0000 3936 7488**

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

**CERTIFIED MAIL 7010 3090 0000 3936 2803**

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

Dear Mr. and Mrs. Beach and Mr. lamurri:

On March 9, 2012, the Lake County General Health District (LCGHD) and Ohio Environmental Protection Agency (Ohio EPA) conducted a partial inspection of the property located on North Ridge Road East (SR 20) between Ninevah and Brown Roads (North side), in Saybrook Township, in Ashtabula County. Present during the inspection were Mr. Beach, the property owner, Mr. lamurri, of Pro Quality Real Estate, LLC, Doug Ross, of Daniel Daniluk LLC, Bert Mechenbier (LCGHD), and I, of Ohio EPA - Division of Materials and Waste Management (DMWM). The inspection was conducted at the request of Doug Ross, attorney for Mr. lamurri. On March 12, 2012, LCGHD and Ohio EPA inspected the property. Present for the inspection was Mr. Beach, Bert Mechenbier (LCGHD), Chris Williams and Rick Kolosionek, Ohio EPA - Division of Air Pollution Control (Ohio EPA-DAPC), and I (Ohio EPA-DMWM). Ohio EPA collected samples of floor tile on both dates.

Based on the attached analytical results, Ohio EPA determined that additional "regulated asbestos containing material" (RACM) from at least one Geneva school is subject to Ohio Administrative Code (OAC) 3745-20-01(B)(42)(d) and has been improperly disposed on the property. As RACM, it must be removed, loaded, transported, and properly disposed in accordance with applicable state and federal air regulations. 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.

Richard T & Yvonne J Beach, Beach Excavating, Inc.  
Cosmo Iamurri, Pro Quality Real Estate, LLC  
April 11, 2012  
Page 2

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](mailto:colum.mckenna@epa.state.oh.us).

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](mailto:colum.mckenna@epa.ohio.gov).

Sincerely,



Colum McKenna  
Environmental Specialist  
Division of Materials and Waste Management

CM/cl

Attachment: Analytical Results Proj No 120300259

cc: Rich Kolosionek, DAPC  
Ray Saporito, Ashtabula County Health Department  
Bert Mechenbier, LCGHD  
Doug Ross, Daniel Daniluk LLC  
File: [Sowers/COUN/Ashtabula/GEN/04]  
DMWM #4208