

**Environmental
Protection Agency**

John E. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Ostrow, Director

January 10, 2012

RE: **WARNING LETTER**
DEMOLITION ACTIVITIES AT
11705 OAKVIEW AVENUE, 472 EAST 114TH
STREET, CLEVELAND, OH

CERTIFIED MAIL

Greg McInnerney
McInnerney Construction
15780 Messenger Road
Burton, Ohio 44021

Dear Mr. McInnerney:

On December 10, 2011, the Ohio EPA Northeast District Office (NEDO) Division of Air Pollution Control (DAPC) received two faxed Ohio EPA Notification of Demolition and Renovation notices under the cover letter of McInnerney Construction for demolitions for two residential structures located at 11705 Oakview Avenue and 472 East 114th Street, both of which were located in Cleveland, Ohio. These notifications indicated that there was no asbestos-containing material (ACM) in either structure, nor was any RACM listed as requiring abatement. According to the faxed notifications, demolition activities were to commence on December 27, 2011, for the East 114th Street structure, and January 4, 2012, for the Oakview Avenue structure.

The December 10, 2011, faxed notifications were filled out incorrectly and incompletely. Your company was apparently listed incorrectly as the removal contractor of record. In addition, neither notification had the required name, title and signature of the appropriate representative of your company. You should be aware that Ohio EPA has a policy of accepting faxed original notifications only when they are followed by a mailed, hard copy notification with an original signature, as specified in Ohio Administrative Code (OAC) 3745-20-03(E), which states:

"All notifications required by this rule shall identify the name and title of the person submitting the notification, and shall be signed and dated by the person submitting the notification. The certification required in paragraph (A)(4)(p) of this rule shall acknowledge the existence of laws prohibiting the submission of false or misleading statements and shall certify that the facts contained in the notice are true, accurate and complete."

In view of the above facts, the demolition projects conducted at 11705 Oakview Avenue and 472 East 114th Street, both located in Cleveland, Ohio, were subject to compliance with the OAC 3745-20-03, Standard for notification prior to demolition or renovation, and the Clean Air Act and regulations promulgated there under, setting forth a National Emission Standard for Asbestos 40 CFR 61.140, et seq. (NESHAP Asbestos Standard) specifically section 40 CFR 61.145 (b) Notification Requirements.

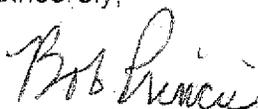
This letter is to inform you that a revised notification, containing the accurate information regarding the role of McInnerney Construction in this project that signature and title of the owner/operator, is to be submitted to our office within 14 days of receipt of this letter.

GREG MCINNERNEY
JANUARY 10, 2012
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This Warning Letter in no way waives the right of 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 questions, or concerns regarding the information being presented to you in this warning letter, please contact the undersigned at (330) 963-1230.

Sincerely,



Bob Princic
Environmental Supervisor
Division of Air Pollution Control

BP:bo

pc: Ed Fasko, DAPC/NEDO
Chris Williams, DAPC/NEDO
Tom Buchan, DAPC/CO
Mark Needham, ODH
Damian Borkowski, City of Cleveland