

**Environmental
Protection Agency**

Ohio Department of Health, Governor

Ohio Department of Health, Lt. Governor

Ohio Department of Health, Director

November 3, 2011

RE: **NOTICE OF VIOLATION
DEMOLITION OF
1435 EAST 108 STREET
CLEVELAND, OHIO**

CERTIFIED MAIL

Mr. James Crawford
C&J Contractors Inc.
866 Addison Road
Cleveland, Ohio 44103

Dear Mr. Crawford:

On September 30, 2011, the Ohio EPA Northeast District Office (NEDO), Division of Air Pollution Control (DAPC), received an asbestos demolition notification postmarked September 29, 2011. The notification indicated the abatement of 10 square feet of duct tape as regulated asbestos-containing material (RACM) and the removal of 836 square feet of stucco ceiling tile as nonfriable asbestos material. The date for asbestos removal listed on the notification was October 14 through 18, 2011. There was no date listed for demolition of the structure. The demolition of this structure was part of the City of Cleveland urban demolition activity.

On October 17, 2011, Mr. Allan Richards of the Ohio Department of Health (ODH) informed this office that he found the structure to be demolished when he arrived to perform an ODH inspection. He also stated that representatives of Arick's Environmental Management Services, Inc., the removal contractor indicated on the notification, arrived while he was on-site to perform abatement activities. They indicated that they had not performed abatement activities at a prior date.

In view of the above facts, this demolition project conducted at 1435 East 108 Street, Cleveland, Ohio prior to October 17, 2011, was subject to compliance with 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). These types of operations are also subject to Ohio Administrative Code (OAC) chapter 3745-20, "Ohio Asbestos Emission Control Rules."

The asbestos standard applies to, among other things, a demolition operation. Pursuant to 40 CFR 61.145 all facilities must be inspected for the presence of asbestos prior to commencement of a renovation. Paragraphs (b), "Notification Requirements," and (c), "Procedures for Asbestos Emission Control" of this section would apply if the

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accumulative or total amount of friable asbestos materials in the structure was found to be equal to or greater than 260 linear feet on pipes and/or equal to or greater than 160 square feet on any other component. Paragraph (b), "Notification Requirements," of this section also applies if no friable asbestos materials were found, or if the accumulative or total amount of friable materials in the structure were less than 260 linear feet on pipes and/or less than 160 square feet on any other component. (Similar requirements are also stated in OAC rules 3745-20-02, 3745-20-03 and 3745-20-04, "Ohio Asbestos Emission Control Rules.")

Pursuant to 40 CFR 61.141, an "owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls or supervises the facility being demolished or renovated, or any person who owns, leases, operates, controls or supervises the demolition or renovation operation, or both." Any owner or operator is prohibited under 40 CFR 61.19 from circumvention of a visible emission standard or notification requirements by the piecemeal carrying out of an operation.

Finally, pursuant to Section 112 (KK), the authority to implement and enforce the NESHAP has been delegated to the State of Ohio Environmental Protection Agency's Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of U.S. EPA for any violations for which Ohio is unable to initiate a required enforcement action.

In accordance with the above stated delegation of authority, you are hereby notified that the demolition conducted on 1435 East 108 Street ., prior to October 17, 2011, by C&J Contractors Inc, was in violation of the NESHAP requirements in 40 CFR 61.145(a) and (b), "applicability" and "notification requirements" in the "Standard for Demolition and Renovation." This was also a violation of OAC rule 3745-20-02, "Standard for Notification" in the Ohio Asbestos Emission Control Rules.

Within fourteen (14) days of receipt of this letter, you are requested to submit the following information. This request for information is made pursuant to OAC Rule 3745-15-03.

- 1) The name, address, phone number and contact person of all contractors involved in the renovation project and an explanation of each company's involvement.
- 2) The name, address, phone number and contact person of all contractors involved in the disposal of both construction demolition and debris (CD&D) waste along with RACM from the site of the demolition project and an explanation of the involvement.
- 3) The locations of the site where both construction demolition and debris (CD&D) waste along with RACM from the demolition was disposed including a copy of any manifests or receipts.
- 4) A copy of any asbestos survey reports of the building.
- 5) The actual beginning and ending dates of the abatement and demolition projects.
- 6) Copy of a revised asbestos notification form.

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This Notice of Violation 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.

Clarification, explanation or evidence pertaining to this violation should be brought to our immediate attention. If you have any questions, please contact me at (330) 963-1241 or Bob Princic at (330) 963-1230.

Sincerely,



Richard Kolosionek
District Representative
Division of Air Pollution Control

RK:bo

pc: Ed Fasko, DAPC, NEDO
Bob Princic, DAPC, NEDO
Tim Fischer, DAPC, NEDO
Tom Buchan, DAPC, CO
Tom Kalman, DAPC, CO
Bill MacDowell, U.S. EPA, Region 5
Edward Rybka, City of Cleveland, Dept. of Housing
Damian Borkowski, City of Cleveland