



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, Ohio 44114-1839
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 18
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7003 1010 0004 2923 2969
RETURN RECEIPT REQUESTED

January 5, 2010

Bob Wermelskircahen
Paul Davis Restoration & Remodeling
424 Pearl Road
Brunswick, Ohio 44212

CL NUMBER: CL 10 129
NOTICE OF VIOLATION: ASBESTOS NOTIFICATION VIOLATIONS

Dear Mr. Wermelskircahen:

On December 16, 2009, the Cleveland Division of Air Quality (CDAQ) inspected 2956, 2958 and 2966 East 116th Street site. This letter serves as notification that you conducted asbestos removal activities in violation of the following applicable air statutes or regulations.

Asbestos removal projects are subject to compliance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), Title 40 Code of Federal Regulations (CFR) Part 61 Subpart M, the Ohio Administrative Code (OAC) Rule 3745-20, and the Ohio Revised Code Chapter 3704.05(G).

Paul Davis Restoration & Remodeling (PD) violated 40 CFR Part 61.145(b) and OAC Rule 3745-20-03(A) for not submitting a notification to CDAQ for asbestos removal. The notification needed to be submitted at least 10 working days prior to any activity that would break up, dislodge or similarly disturb asbestos material. [Observed on December 16, 2009]

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ acknowledges receiving the Notification on December 16, 2009. [See CL 10 129]

CDAQ requests that Paul Davis Restoration & Remodeling submit a corrective action plan to the following enforcement representative:

Mike Samec
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839



The corrective action plan must include, but need not be limited to, procedures Paul Davis will implement to ensure future notifications will be submitted in a timely manner.

Your written response to this letter must be received by CDAQ within fourteen (14) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars or imprisonment for not more than one year, or both, for each violation.

CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA CL number for 2956, 2958 and 2966 East 116th Street: CL 10 129.

Sincerely,

George Baker
Chief of Enforcement

GB/ms

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ

John Paulian, Ohio EPA Central Office

Lisa Holscher, U.S. EPA Region V

Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\2966 East 116th\2009-12-21
NOV.doc

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: **CR 129**

Bob Wermels Kirchman
Paul Davis Restoration
424 Pearl Rd
Danvers, OH 44212

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) **Robin Rosario** Yes
 C. Date of Delivery **1/14** No

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) **7003 1010 0004 2923 2969**

January 22, 2010

Mike Samec
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

RE: CL 10 129

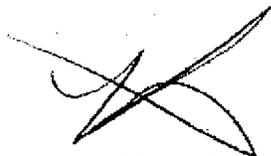
Dear Mr. Samec,

As a result of the referenced compliance issue, Paul Davis Restoration has implemented procedures regarding 10-day notification that includes one of the two delivery options:

1. Hand delivery to the Cleveland office
2. Certified mail to the Cleveland office

Additionally, no work subsequent to the submittal of the 10-day notice will begin without confirmation or receipt of the respective receipt and acknowledgement form from Cleveland Division of Air Quality.

Respectfully Submitted,



Robert J. Wermelskirchen
Paul Davis Restoration of Cleveland Metro West, Ltd.

RJW/rmr

cc: File

424 Pearl Road
Brunswick, OH 44212
(330) 220-2002 Offices
(330) 220-2022 Fax

Paul Davis Restoration

Fax

To: Mike Samec	From: Bob Wermelskirchen
Fax: 216-420-8047	Pages: 2 (including cover page)
Phone:	Date: 1/27/10
Re: CL 10 129	cc: FILE

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

Please contact me with any questions.

Thanks in advance

Bob Wermelskirchen
216-533-4329 Mobile



City of Cleveland
Frank G. Jackson, Mayor

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Division of Air Quality
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SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7003 1010 0004 2923 3034
RETURN RECEIPT REQUESTED

February 2, 2010

Bob Wermelskircahen
Paul Davis Restoration & Remodeling
424 Pearl Road
Brunswick, Ohio 44212

CL NUMBER: CL 10 129
NOTICE OF VIOLATION FOLLOW-UP LETTER

Dear Mr. Wermelskircahen:

On January 5, 2010, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Paul Davis Restoration & Remodeling (Paul Davis) to submit a corrective action plan to provide procedures to ensure future notifications will be submitted in a timely manner. CDAQ is in receipt of a faxed corrective action letter dated January 27, 2010. Paul Davis will submit notifications by hand delivery or by certified mail and no work will begin without a confirmation receipt from CDAQ.

The corrective action plan was received in a timely manner and appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

CDAQ issues this letter with Ohio EPA's concurrence and does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA facility identification number for 2956, 2958 and 2966 East 116th Street: CL 10 129.

Sincerely,

George Baker
Chief of Enforcement, CDAQ

GB/ms



cc: John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\2966 East
116th\2010-01-05 NEAR.docx

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bob Wermelskocher
Paul Davis Restoration
424 Pearl Road
Brunswick, OH 44212
CL 10129

2. Article Number

(Transfer from service label)

7003 1010 0004 2923 3034

PS Form 3811, August 2001

Domestic Return Receipt

CL 10129

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

Agent

Addressee

B. Received by (Printed Name)

Adam Symons

C. Date of Delivery

2-8-10

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

No

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes