



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](http://www.clevelandhealth.org)

SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7003 1010 0004 2923 2945  
RETURN RECEIPT REQUESTED

January 5, 2010

Andy Kiss  
Andy's Empire Construction  
4321 Pearl Road  
Cleveland, Ohio 44109

CL NUMBER: 10 062  
NOTICE OF VIOLATION: FAILURE TO NOTIFY

Dear Mr. Kiss:

On December 22, 2009, the Cleveland Division of Air Quality (CDAQ) inspected Marycrest located at 7800-8010 Brookside Road in Independence. This letter serves as notification that you conducted an illegal demolition in violation of the National Emission Standard for Hazardous Air Pollutants.

Andy's Empire Construction is in violation of Code of Federal Regulations (CFR) 61.145(b)(3)(iv)(B)(2) and Ohio Administrative Code (OAC) Rule 3745-20-03(A)(3)(d)(i)(b) for failing to provide written notice of a new start date at least ten working days before commencement of demolition. [Observed December 22, 2009]

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Andy's Empire Construction submit a revised notification to CDAQ and a corrective action plan to the following enforcement representative:

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

The corrective action plan must include, but need not be limited to, procedures Andy's Empire Construction 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 Marycrest: CL 10 062.

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\Andy's Empire Construction\2009-12-22 NOV.doc

| SENDER: COMPLETE THIS SECTION                                                                                                                                                                                                                                                                                              | COMPLETE THIS SECTION ON DELIVERY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> | <p>A. Signature <input checked="" type="checkbox"/> Agent<br/> <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Andrew Kiss</u></p> <p>C. Date of Delivery <u>1-27-10</u></p>                                                                                                                                                                                                                                                                                                                             |
| <p>1. Article Addressed to:</p> <p><u>Andy Kiss</u><br/> <u>Andy's Empire Construction</u><br/> <u>4321 Pearl Rd</u><br/> <u>Cleveland, OH 44109</u></p>                                                                                                                                                                   | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/> <input checked="" type="checkbox"/> No<br/>         If YES, enter delivery address below:</p> <p>3. Service Type<br/> <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br/> <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br/> <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
| <p>2. Article Number<br/>         (Transfer from service label)</p>                                                                                                                                                                                                                                                        | <p>7003 1010 0004 2923 2945</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

City of Cleveland  
Department of Public Health  
Division of Air Quality  
75 Erie view Plaza, Suite 200  
Cleveland, Ohio 44114-1839  
Attention: George Baker

Dear Sir,

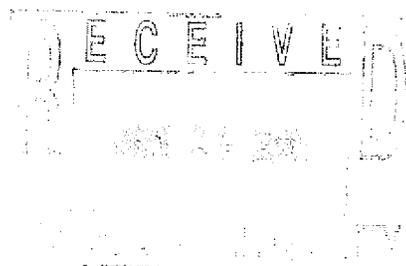
In regard to your letter dated January 5<sup>th</sup>, 2010  
CL NUMBER 10 062 NOTICE OF VIOLATION: FAILURE TO NOTIFY.

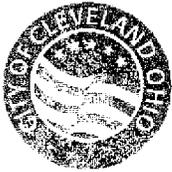
We are sorry that we did not send in a revision prior to starting demolition activities for the back building at the Marycrest facility located at 7800-8010 Brookside drive in Independence, Ohio. We were under the impression that the ten day notification provided by the asbestos removal contractor E.L. Environmental also served as our 10 day notification. We believed that as long as the waiting period for the asbestos removal and clean-up was sent in that and our name was listed as the demolition contractor that when the asbestos contractor informed us that all the asbestos had been removed we were allowed to proceed with the demolition. Our contract with the owner St Maron Church states that we proceed with demolition within two days of the completion of asbestos removal activities. We were informed by E.L. Environmental that all Asbestos had been removed so we started wrecking the building.

In order that this does not happen again. In the future we will provide our own ten day notification or provide a revision based on the environmental contractors to Mr. Mike Samec. We will call and make sure that it has been received prior to demolition of any other structures.

Sincerely Yours

Andy Kiss  
Andy's Empire Construction  
4321 Pearl Road  
Cleveland, Ohio 44109





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Frank G. Jackson, Mayor

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SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7003 1010 0004 2923 2983  
RETURN RECEIPT REQUESTED

February 9, 2010

Andy Kiss  
Andy's Empire Construction  
4321 Pearl Road  
Cleveland, Ohio 44109

FACILITY ID: CL 10 062  
NOTICE OF VIOLATION FOLLOW-UP LETTER

Dear Mr. Kiss:

On January 5, 2010, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Andy's Empire Construction to submit a revised Notification and a corrective action plan to ensure future notifications will be submitted in a timely manner. CDAQ is in receipt of the corrective action plan and Notification dated January 29, 2010. Andy's Empire Construction submitted the revised demolition dates for the Marycrest facility located at 7800-8010 Brookside Drive in Independence, Ohio

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 Marycrest: CL 10 062.

Sincerely,

George Baker  
Chief of Enforcement, CDAQ

GB/ms