



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114-2080  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7001 2030 0001 1808 3409  
RETURN RECEIPT REQUESTED**

January 11, 2007

Sam Cannata  
Snider-Cannata Interstate, LLC  
5595 Transportation Blvd, Suite 100  
Garfield Heights, Ohio 44125

CL 07 117

**NOTICE OF VIOLATION: ASBESTOS NESHAP REGULATION VIOLATIONS**

Ref: Notification CL 07 117

Dear Mr. Cannata:

On 12/20/06, the Cleveland Division of Air Quality (CDAQ) inspected a demolition project on 5472 East 96<sup>th</sup> Street located in Garfield Heights. This letter serves as notification that you are operating or have operated an asbestos demolition project (ADP) in violation of the following applicable air statutes or air regulations.

Demolition 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, and the Ohio Administrative Code (OAC) Rule 3745-20.

Snider-Cannata Interstate, LLC is in violation of OAC Rule 3745-20-03(A)(1), OAC Rule 3745-20-03(A)(3)(a), 40 CFR 61.145(b)(1), 40 CFR 61.145(b)(3)(i) in that CDAQ did not receive written notification 10 working days prior to the beginning of the asbestos removal work. Notification should have been received on December 6, 2006 for this project to occur on December 20, 2006. Notifications for all other demolitions in this project were submitted in a timely manner.

The ADP violated Ohio Revised Code (ORC) 3704.05(G) in that the owner/operator shall not violate any order, rule, or determination of the director issued, adopted, or made under this chapter.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests Snider-Cannata Interstate, LLC submit a notification and provide assurance that future demolition projects will be conducted in full compliance with NESHAP and OAC rules. The requested information should be sent to the following enforcement representative:

Mike Samec  
Cleveland Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114-2080



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.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Baker".

George Baker  
Chief of Enforcement, CDAQ  
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\Asbestos\Sites\5472 East 96th Garfield Heights\2007-01-11 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: CL 07117

Sam Cannata  
Smoler-Cannata Interstate  
5595 Transportation Blvd  
Garfield Hts - OH 44125  
Suite 100

2. Article Number  
(Transfer from service label)

7002 2030 0001 1808 3522

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature X Frost  Agent  Addressee

B. Received by (Printed Name) Frost C. Date of Delivery 1-17-07

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

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

4. Restricted Delivery? (Extra Fee)  Yes

Panzica Construction Company  
Panzica Development Company  
Panzica Realty, Incorporated  
Panzica Investments

Build-to-Suit Leaseback  
Construction Management  
Concrete Construction  
Design/Build  
Facility Assessments  
Feasibility Studies  
General Contracting  
Owner Representation  
Property Management  
Real Estate Development

January 23, 2007

Mr. Mike Samec  
Cleveland Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114-2080

Re; 5472 East 96 Street, Garfield Heights, Ohio  
Notice of Violation CL 07117

Dear Mike:

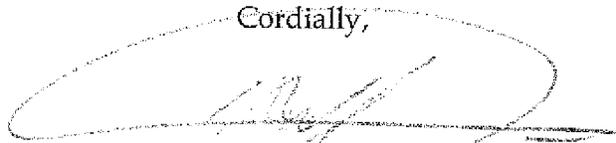
Enclosed please find one (1) letter from Independence Excavating with attachments addressing the above referenced Notice of Violation.

On December 20, 2006, Independence Excavating took immediate action to be in compliance with their operations. The attachment from Independence includes the notice and asbestos survey for this property.

Please advise our office if further information is required regarding this matter.

Should you have any questions or comments, please do not hesitate to contact our office.

Cordially,

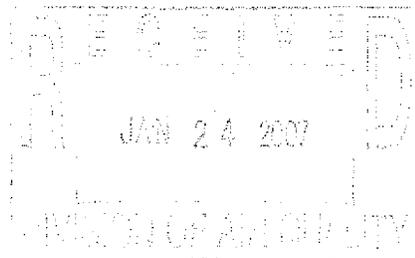


William J. Davis  
Vice President/Sr. Project Manager

WJD:jem

cc: Sam Cannata  
Don DeiGeronimo

INDUSTRIAL  
COMMERCIAL  
INSTITUTIONAL





INDEPENDENCE EXCAVATING, INC.  
5720 Schaaf Road  
Independence, Ohio 44131  
*Setting Innovation into Motion for 50 years.*

Phone 216-524-1700  
Fax 216-524-1701

[www.index.com](http://www.index.com)

January 18, 2007

Attention: Bill Davis  
**The Panzica Companies**  
735 Beta Drive  
Mayfield Village, OH 44143  
Fax: 440-442-4179

Dear Mr. Davis:

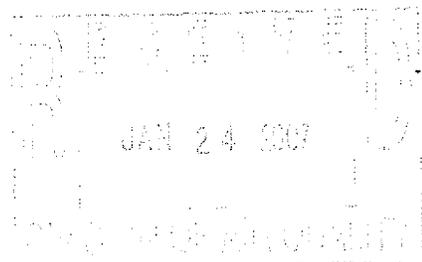
In response to the letter sent to Snider Cannata interests regarding the asbestos Neshap regulations violation, dated January 11, 2007, Independence Excavating takes full responsibility for the lack of coordination in this matter. After realizing there was no notification filed, one was sent to the Ohio EPA immediately. This was handled before Mr. Cannata received his letter notifying him of the violation and is on file with Department of Public Health. Attached to this letter is the permit and the Environmental Survey verifying that there was no asbestos present in the dwelling.

Again, we apologize for the oversight and assure you that the job remains in good standing with the EPA.

If you have any other questions or concerns, please contact me at your convenience.

Sincerely,

Donald M DiGeronimo  
Independence Excavating Inc.



**DiGeronimo, Donnie**

**From:** Keppler, Jill  
**Sent:** Friday, January 19, 2007 1:22 PM  
**To:** DiGeronimo, Donnie  
**Subject:** 5472 E. 96th St.doc

Operator Project #	Postmark	Date Received	Notification #		
I. Type of Notification (check one): <input checked="" type="checkbox"/> Original <input type="checkbox"/> Revised <input type="checkbox"/> Canceled <input type="checkbox"/> Blanket					
II. Facility Description (include building name, and floor or room number) Building Name: <u>Residence</u> Address: <u>5472 East 96<sup>th</sup> St</u> City: <u>Garfield Hts</u> State: <u>OH</u> Zip Code: <u>44125</u> County: <u>Cuyahoga</u> Site Location (specific): <u>Entire</u> Building Size (Square feet): <u>1975</u> # of floors: <u>2</u> Age in years <u>42</u> Present Use: <u>Unoccupied</u> Prior use: <u>Residence</u>					
III. Type of Operation (check one): <input checked="" type="checkbox"/> Demo <input type="checkbox"/> Ordered Demo <input type="checkbox"/> Renovation <input type="checkbox"/> Emergency Renovation <input type="checkbox"/> Fire Training					
IV. Is Asbestos Present? (check one) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
V. Facility Information Owner Name: <u>Snider - Cannata Interstate LLC</u> Address: <u>5595 Transportation Blvd, Suite 100</u> City: <u>Garfield Hts</u> State: <u>OH</u> Zip: <u>44125</u> Contact: <u>Sam Cannata</u> Telephone: <u>216-587-0900</u> Fax: <u>216-587-0999</u> Removal Contractor Name: _____ License # _____ Address: _____ City: _____ State: _____ Zip: _____ Contact: _____ Telephone: _____ Fax: _____ Other Operator (demolition/general): <u>Lightning Demolition</u> License # _____ Address: <u>PO Box 32142</u> City: <u>Euclid</u> State: <u>OH</u> Zip: <u>44132</u> Contact: <u>Bob Deskins</u> Telephone: <u>216-883-0017</u> Fax: <u>440-338-4579</u>					
VI. Procedure, including analytical methods, employed to detect the presence of and to estimate the quantity of RACM and Category I and Category II nonfriable ACM:  Bulk sample analyzed by polarized light and dispersion staining  Ohio Asbestos Hazard Evaluation Specialist <u>Carmen Rocco</u> <u>ES33794</u> Name Certification #					
VII. Approximate Amount of Asbestos Materials:					
	RACM to be Removed	Nonfriable Asbestos Material to be Removed		Nonfriable Asbestos Material NOT to be Removed	
		Category I	Category II	Category I	Category II
Pipes (linear feet)					
Surface Area(square feet)				1056	

Facility Components (cubic feet)							
VIII Scheduled Dates Demolition or Renovation				Start: 12-20-06		Complete: 12-20-06	
IX Dates for Asbestos Removal (MM/DD/YY):				Start: _____		Complete: _____	
Days of the Week:	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of Operation:	7a-3:30p	X	X	X	X		
Complete all unshaded spaces, except demolitions which involve less than 260 linear feet, 160 square feet, or 35 cubic feet of RACM, need not complete spaces VII, XI, XII, XIII, XIV, and XV. Notifications for Emergency Demolition or Emergency Renovation must supply attachments.							
Description of planned Demolition or Renovation work to be performed and method(s) to be employed, including demolition or renovation techniques to be used and description of affected facility components: The project includes the razing of buildings utilizing standard demolition methods with wet methods.							



**Table 2 - 1  
Asbestos Survey Material Summary  
5472 East 96<sup>th</sup> Street**

Material	Material Description	Location	Asbestos	FR	Condition	Quantity
5472-1	Hard Plaster with Skim Coat & Drywall Backing Board (Wall)	Throughout Building	No			
5472-2	Hard Plaster with Skim Coat & Drywall Backing Board (Ceiling)	Throughout Building	No			
5472-3	Drywall with Joint Compound (Walls & Ceiling)	Throughout Building	No			
5472-4	Skim Coat (Rough Pattern, Ceiling)	1 <sup>st</sup> Floor, Bathroom	No			
5472-5	1' x 1' Ceiling Tile	Basement, Game Room	No			
5472-6	Vinyl Sheet Flooring & Mastic (Brown & Light Brown)	Basement, Game Room	No			
5472-7	Vinyl Sheet Flooring & Mastic (White with Tan Square)	1 <sup>st</sup> Floor, Kitchen	No			
5472-10	Roofing Materials (House)	Roof	Assumed	CAT I NF	Fair	1056 SF



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RETURN RECEIPT REQUESTED**

January 11, 2007

Sam Cannata  
Snider-Cannata Interstate, LLC  
5595 Transportation Blvd, Suite 100  
Garfield Heights, Ohio 44125

RECEIVED  
JAN 17 2007

BY: SCI

*Rec'd All  
1/17/07  
[Signature]*

**NOTICE OF VIOLATION: ASBESTOS NESHAP REGULATION VIOLATIONS**

Ref: Notification CL 07 117

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Mike Samec  
Cleveland Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114-2080

RECEIVED  
JAN 17 2007

*per it obtained  
w/ 12/25/06  
no Asbestos?*

BY: \_\_\_\_\_



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Sincerely,

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George Baker  
Chief of Enforcement, CDAQ  
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\Asbestos\Sites\5472 East 96th Garfield Heights\2007-01-11 NOV.doc



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Frank G. Jackson, Mayor

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**SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7002 2030 0001 1808 3683  
RETURN RECEIPT REQUESTED**

February 15, 2007

Sam Cannata  
Snider-Cannata Interstate, LLC  
5595 Transportation Blvd, Suite 100  
Garfield Heights, Ohio 44125

**FACILITY ID: CL 07 117  
NOTICE OF VIOLATION: FOLLOW-UP LETTER**

Dear Mr. Cannata:

On January 11, 2007, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Snider-Cannata Interstate, LLC to send a notification for demolition of house number 5472 East 96<sup>th</sup> street. CDAQ is in receipt of a corrective action plan dated January 24, 2007. CDAQ received the notification along with a survey of the building being demolished.

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.

Sincerely,

George Baker  
Chief of Enforcement, CDAQ

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\Asbestos\Sites\5472 East 96th Garfield Heights\2007-02-15 NEAR.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.
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1. Article Addressed to: 0607117

Sam Cannata  
Snider-Cannata Interstate, LLC  
5595 Transportation Blvd, Suite 100  
Garfield Hts, OH 44125

2. Article Number  
(Transfer from service label)

7002 2030 0001 1808 3683

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Rose Plot  Addressee

B. Received by (Printed Name) Rose Plot C. Date of Delivery 2-21-07

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