



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 7002 2030 0001 1808 4416
RETURN RECEIPT REQUESTED**

June 27, 2007

Mike Frangos
Rascal House
2064 Euclid Ave.
Cleveland, Oh 44115

**FACILITY: S.R. RESTAURANT CORP., dba RASCAL HOUSE PIZZA (CL 07 204)
SECOND NOTICE OF VIOLATION: NOTIFICATION, ASBESTOS, AND EMISSION
VIOLATIONS**

Dear Mr. Frangos:

On March 2, 5, 6, & 8, 2007, the City of Cleveland Department of Public Health, Division of Air Quality (CDAQ), inspected Rascal House Pizza located at 2064 Euclid Avenue in Cleveland. During the initial inspection, the CDAQ investigator observed violations as described in this letter. CDAQ understands that under order from the City of Cleveland, the S.R. Restaurant Corporation (SRR Corp.) ceased preparation of food at the 2064 Euclid Avenue location and retained the services of a licensed asbestos abatement contractor to remediate the hazardous conditions. SRR Corp. and the City of Cleveland entered into a settlement agreement on March 8, 2007. In keeping with that agreement, SRR Corp. did not resume food preparation at the facility until the clean-up was inspected and approved by CDAQ and the City of Cleveland, Department of Public Health, Division of Environment.

Although SRR Corp. took corrective actions, CDAQ is required to provide written notification of the violations to SRR Corp. This letter serves as notification that you operated an asbestos renovation project (ARP) in violation of the following applicable air statutes or regulations.

Renovation 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 Ohio Administrative Code (OAC) Chapter 3745-20. The ARP violated OAC Rule 3745-20-03(A)(1) and 40 CFR 61.145(b) by not notifying CDAQ in writing 10 working days prior to the beginning of the asbestos removal and renovation work.

SRR Corp. violated OAC Rule 3745-20-04(B) and 40 CFR 61.145(b)(4)(xiii) in that the owner did not have at least one authorized representative, trained in the provisions of the asbestos NESHAP, present at the location of operation.

SRR Corp. violated OAC Rules 3745-20-04(A)(3), 3745-20-04(A)(6), and 3745-20-05(B), as well as 40 CFR 61.145(c) and 40 CFR 61.150(a), by not taking measures to control visible emissions during renovation work inside Rascal House during normal business hours.



SRR Corp. violated OAC Rules 3745-20-05(C)(1) and 3745-20-05(D), and 40 CFR 61.150(a)(1)(iv) by not displaying signs around the construction area and dumpster containing ACM to protect employees, customers, and the general public from exposure to asbestos fibers that were discharged inside the restaurant and outside from the dumpster.

CDAQ received a work plan dated March 29, 2007, from Cardinal Environmental for Rascal House Pizza renovations. CDAQ requests that SRR Corp. affirm that future renovation projects will be conducted in full compliance with NESHAP rules. The response should be sent within fourteen days to the following enforcement representative:

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

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,

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
Julianne Kurdila, Chief Asst. Director of Law, City of Cleveland
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**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7002 2030 0001 1808 3782
RETURN RECEIPT REQUESTED**

June 1, 2007

Mike Frangos
Rascal House
2064 Euclid Ave.
Cleveland, Oh 44115

**FACILITY: S.R. RESTAURANT CORP., dba RASCAL HOUSE PIZZA (CL 07 204)
NOTICE OF VIOLATION: NOTIFICATION, ASBESTOS, AND EMISSION VIOLATIONS**

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George Baker
Chief of Enforcement, CDAQ
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cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Julianne Kurdiia, Chief Asst. Director of Law, City of Cleveland
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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: CL07 204

Mike Frangos
2064 Euclid Ave
Cleveland OH 44115

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Pauline Singant Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

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) 7002 2030 0001 1808 3782