



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 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7003 1010 0004 2923 6080
RETURN RECEIPT REQUESTED**

June 30, 2011

Greg Stevenson
Martini Construction Company
2222 Hamilton Ave.
Cleveland, Ohio 44114

NON-HPV

**FACILITY ID: UNASSIGNED
NOTICE OF VIOLATION: NESHP VIOLATIONS**

Dear Mr. Stevenson:

On June 9, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Sunoco/Hop-In located at 5270 Warrensville Center Road in Maple Heights. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Asbestos removal projects are subject to compliance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHP), 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).

Martini Construction Company (Martini) was conducting renovation work involving a load bearing wall at 5270 Warrensville Center Road site. An asbestos survey was not provided during the inspection to demonstrate if asbestos containing material was disturbed during the renovation work.

Martini is in violation of 40 CFR 61.145(b)(1) and OAC Rule 3745-20-03(A)(1) for failing to provide written notice of intention to renovate. CDAQ did not receive delivery of the Notification of Demolition and Renovation by U.S. Postal Service, commercial delivery service, or hand delivery.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests Martini provides an asbestos survey and Notification of Demolition and Renovation to the following enforcement representative:

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



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 facility name.

Sincerely,

Linda Kimmy

Field Enforcement Manager

LK/ms

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\5270 Warrensville Center Road\5270 Warrensville Center Road.docx



SOLAR TESTING LABORATORIES, INC.

Geotechnical and Environmental Engineering, Materials Testing, and Construction Inspection

1125 Valley Belt Road, Brooklyn Heights, Ohio 44131

Phone: 216-741-7007 • Fax: 216-741-7011

www.stloho.com

July 5, 2011



Mr. Greg Stevenson
Martini Construction Company
2222 Hamilton Avenue
Cleveland, OH 44114

**Re: Asbestos Renovation Survey
Sunoco Gas Station Building
5270 Warrensville Center Road
Maple Heights, Ohio
STL Project No. A11298x24**

Dear Mr. Stevenson:

Solar Testing Laboratories, Inc. (STL) conducted an asbestos renovation survey of the existing Sunoco Gas Station Building located at the above-referenced location on June 23, 2011. At the time of the survey, the gas station building was undergoing renovation activities, and was unoccupied. Suspect asbestos-containing materials within this structure were identified, quantified, and sampled. For each homogeneous material group, a minimum of three samples were taken. These samples were submitted to the laboratory for polarized light microscopy (PLM) bulk analysis to determine asbestos content. PLM bulk analysis was stopped at the first positive detection of asbestos (containing greater than 1% asbestos by PLM) for each homogeneous material sampled and by layer of each of the materials. For any friable or Category II asbestos containing material samples that had asbestos detections between 1% and 10%, further testing by PLM – Point Count analysis was conducted to confirm the initial PLM bulk analysis. See the attached *Asbestos Data & Quantity Summary* table.

Asbestos Survey Results

During the survey, a total of five suspect asbestos-containing materials were visibly identified as part of the subject building. Bulk samples from four of the five homogeneous materials were collected and submitted for asbestos PLM bulk analysis.

Inside the gas station building at ground level, unfinished ceiling plaster (east side of building), skim coated ceiling plaster (west side and former garage portion), synthetic exterior wall panel (front of the building), and drywall/plaster wall debris (inside on-site dumpster) were identified and sampled. The asphaltic shingle and paper roof system was identified as suspect but not sampled. Therefore, these materials will be assumed to be asbestos containing materials. Laboratory results indicated that none of the sampled materials had asbestos detections. See the attached *Asbestos Data & Quantity Summary* table. Therefore, all these materials would be classified as non-asbestos containing materials.

For a complete description of the material samples and their laboratory analysis data, see the attached *Laboratory Analytical Report*.

Certified Small Business Enterprise

Mr. Greg Stevenson
Martini Construction Company
STL Project No. A11298X24
Page 2

Required Asbestos Removal

The asbestos survey was conducted pursuant to EPA's National Emission Standards for Hazardous Air Pollutants (NESHAPS): Asbestos (40 CFR Part 61, Subpart M revised November 20, 1990). This rule states that if a facility is demolished or renovated, all regulated asbestos-containing materials (RACM) including friable asbestos-containing material, Category II nonfriable ACM that will become friable during demolition or renovation activities, and Category I nonfriable ACM that will become friable by sanding, grinding, sawing or abrading, must be removed prior to demolition or renovation in accordance with NESHAP if their combined quantities exceed 260 linear feet, 160 square feet, or 35 cubic feet.

On the interior of the subject building, there were no confirmed asbestos containing materials, and thus, there are no regulated asbestos containing materials (RACM). On the exterior of the subject building, there is assumed to be asbestos containing roof shingles and roof paper. These materials will not be disturbed during the renovation; therefore, their removal is not necessary prior to its renovation.

Regulatory Notifications

NESHAPS regulations require that a notification for demolition and renovation on the subject building be filed with the local air pollution control agency at least 10 days prior to demolition or renovation regardless if asbestos-containing materials are present in the structure or not. For Cuyahoga County, the Notification of Demolition and Renovation form is to be sent to Mr. Mike Sarnec at the Cleveland-Division of Air Quality located at 75 Erieview Plaza, Cleveland, Ohio 44114 (phone: 216-420-7682).

If you have any questions regarding this report, please don't hesitate to contact us at our office.

SOLAR TESTING LABORATORIES, INC.



Robert J. Davis, P.E.

Asbestos Hazard Evaluation Specialist #33192

RJD
Attachments

Attachments

Asbestos Data & Quantity Summary

Sunoco Gas Station - 5270 Warrensville Center Road, Maple Heights, Ohio

ASBESTOS DATA AND QUANTITY SUMMARY

Homog. Mat'l #	Homogeneous Material Type	(Location) Sample ID #	P.L.M. Asbestos Content, %	Point Count	Asbestos Category Classification	Friability	Quantity of Material (approximate)	Qty. Unit
1	Ceiling Plaster - no skim coat	(east side of building interior)			Non-Asbestos	NF		sf
		CP1-1 (white layer)	0					
		CP1-1 (gray layer)	0					
		CP1-2 (white layer)	0					
		CP1-2 (gray layer)	0					
		CP1-3 (white layer)	0					
		CP1-3 (gray layer)	0					
2	Skim Coated Ceiling Plaster	(west side of building garage portion)			Non-Asbestos	NF		sf
		CP2-1 (texture)	0					
		CP2-1 (white layer)	0					
		CP2-1 (gray layer)	0					
		CP2-2 (texture)	0					
		CP2-2 (white layer)	0					
		CP2-2 (gray layer)	0					
		CP2-3 (texture)	0					
		CP2-3 (white layer)	0					
		CP2-3 (gray layer)	0					
3	Synthetic Exterior Building Panel	(exterior wall panel front of bldg.)			Non-Asbestos	NF		sf
		ETR-1	0					
		ETR-2	0					
		ETR-3	0					
4	Drywall/Plaster Wall Debris	(on site dumpster)			Non-Asbestos	NF		sf
		DWP-1 (texture)	0					
		DWP-1 (plaster layer)	0					
		DWP-1 (drywall layer)	0					
		DWP-2 (skim coat)	0					
		DWP-2 (drywall)	0					
		DWP-3 (adhesive)	0					
		DWP-3 (plaster layer)	0					
		DWP-3 (drywall)	0					
5	Asphaltic Roof Shingles and Paper	(roof areas)			Cat. I	NF	2,340	sf

Not sampled (will not be disturbed in renovation) Assume asbestos containing

TSI: Thermal System Insulation
 FAM: Friable Asbestos Material
 Cat. I: Category I asbestos containing material
 Cat. II: Category II asbestos containing material

na: not analyzed
 lf: linear ft.
 sf: square ft.
 F: friable / NF: non-friable

Laboratory Analytical Report



EMSL Analytical, Inc.

2001 East 52nd St., Indianapolis, IN 46205

Phone: (317) 803-2997 Fax: (317) 803-3047 Email: indianapolislab@emsl.com

Attn: **Robert Davis**
Solar Testing Laboratories, Inc.
1125 Valley Belt Road

Customer ID: STL193
Customer PO: 3881
Received: 06/24/11 9:50 AM
EMSL Order: 161110665

Brooklyn Heights, OH 44131

Fax: (216) 741-7011 Phone: (216) 741-7007
Project: **Sunoco Station Bldg, 5270 Warrensville Center Rd, Maple Heights**

EMSL Proj:
Analysis Date: 7/1/2011

Test Report: Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Sample	Description	Appearance	Non-Asbestos		Asbestos
			% Fibrous	% Non-Fibrous	% Type
CP1-1-Plaster 161110665-0001		White Non-Fibrous Homogeneous		90% Non-fibrous (other) 10% Quartz	None Detected
CP1-1-Plaster 161110665-0001A		Gray Non-Fibrous Homogeneous		95% Non-fibrous (other) 5% Quartz	None Detected
CP1-2-Plaster 161110665-0002		White Non-Fibrous Homogeneous		90% Non-fibrous (other) 10% Quartz	None Detected
CP1-2-Plaster 161110665-0002A		Gray Non-Fibrous Homogeneous		100% Non-fibrous (other)	None Detected
CP1-3-Plaster 161110665-0003		White Non-Fibrous Homogeneous		85% Non-fibrous (other) 15% Quartz	None Detected
CP1-3-Plaster 161110665-0003A		Gray Non-Fibrous Homogeneous		100% Non-fibrous (other)	None Detected

Initial report from 07/01/2011 10:05:34

Analyst(s)

Nathan Husted (26)

Richard Harding, Laboratory Manager
or other approved signatory

EMSL maintains liability limited to cost of analysis. This report relates only to the samples reported and may not be reproduced, except in full, without written approval by EMSL. EMSL bears no responsibility for sample collection activities or analytical method limitations. Interpretation and use of test results are the responsibility of the client. This report must not be used by the client to claim product certification, approval, or endorsement by NVLAP, NIST or any agency of the federal government. Non-triable organically bound materials present a problem matrix and therefore EMSL recommends gravimetric reduction prior to analysis. Samples received in good condition unless otherwise noted.

Samples analyzed by EMSL Analytical, Inc. Indianapolis, IN NVLAP Lab Code 200188-0, AZ0939, CA 2575, CO AL-15132, TX 300262



EMSL Analytical, Inc.

2001 East 52nd St., Indianapolis, IN 46205

Phone: (317) 803-2997 Fax: (317) 803-3047 Email: indianapolians@emsl.com

Attn: Robert Davis
Solar Testing Laboratories, Inc.
1125 Valley Belt Road

Brooklyn Heights, OH 44131

Fax: (216) 741-7011 Phone: (216) 741-7007
Project: Sunoco Station Bldg, 5270 Warrensville Center Rd, Maple Heights

Customer ID: STL193
Customer PO: 3881
Received: 06/24/11 9:50 AM
EMSL Order: 161110665

EMSL Proj:
Analysis Date: 7/1/2011

Test Report: Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Table with 6 columns: Sample, Description, Appearance, % Fibrous, % Non-Fibrous, % Type. Rows include CP2-1-Texture, CP2-1-Plaster, CP2-2-Texture, and CP2-2-Plaster with various appearance and composition details.

Initial report from 07/01/2011 10:05:34

Analyst(s)

Nathan Husted (26)

Richard H. Harding (signature)

Richard Harding, Laboratory Manager
or other approved signatory

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EMSL Analytical, Inc.

2001 East 52nd St., Indianapolis, IN 46205

Phone: (317) 803-2997 Fax: (317) 803-3047 Email: indianapolislaboratory@emsl.com

Attn: **Robert Davis**
Solar Testing Laboratories, Inc.
1125 Valley Belt Road

Brooklyn Heights, OH 44131

Fax: (216) 741-7011 Phone: (216) 741-7007
Project: **Sunoco Station Bldg, 5270 Warrensville Center Rd, Maple Heights**

Customer ID: STL193
Customer PO: 3881
Received: 06/24/11 9:50 AM
EMSL Order: 161110665

EMSL Proj:
Analysis Date: 7/1/2011

Test Report: Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Sample	Description	Appearance	Non-Asbestos		Asbestos
			% Fibrous	% Non-Fibrous	% Type
CP2-3-Texture 161110665-0006		White Non-Fibrous Homogeneous		100% Non-fibrous (other)	None Detected
CP2-3-Plaster 161110665-0006A		White Non-Fibrous Homogeneous		85% Non-fibrous (other) 15% Quartz	None Detected
CP2-3-Plaster 161110665-0006B		Gray Non-Fibrous Homogeneous		100% Non-fibrous (other)	None Detected
ETR-1 161110665-0007		Gray Non-Fibrous Homogeneous		75% Non-fibrous (other) 25% Quartz	None Detected
ETR-2 161110665-0008		Gray Fibrous Homogeneous	<1% Cellulose	75% Non-fibrous (other) 25% Quartz	None Detected
ETR-3 161110665-0009		Gray Fibrous Homogeneous	<1% Cellulose	75% Non-fibrous (other) 25% Quartz	None Detected

Initial report from 07/01/2011 10:05:34

Analyst(s)

Nathan Husted (26)

Richard Harding, Laboratory Manager
or other approved signatory

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Samples analyzed by EMSL Analytical, Inc. Indianapolis, IN NVLAP Lab Code 200188-0, AZ0939, CA 2575, CO AL-15132, TX 300262



EMSL Analytical, Inc.

1001 East 52nd St., Indianapolis, IN 46205

Phone: (317) 803-2997 Fax: (317) 803-3047 Email: indianapolislab@emsl.com

Attn: **Robert Davis**
Solar Testing Laboratories, Inc.
1125 Valley Belt Road

Customer ID: STLI93
Customer PO: 3881
Received: 06/24/11 9:50 AM
EMSL Order: 161110665

Brooklyn Heights, OH 44131

Fax: (216) 741-7011 Phone: (216) 741-7007
Project: **Sunoco Station Bldg, 5270 Warrensville Center Rd, Maple Heights**

EMSL Proj:
Analysis Date: 7/1/2011

Test Report: Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Sample	Description	Appearance	Non-Asbestos		Asbestos
			% Fibrous	% Non-Fibrous	% Type
DWP-1-Texture 161110665-0010		White Non-Fibrous Homogeneous		100% Non-fibrous (other)	None Detected
DWP-1-Skim Coat 161110665-0010A		White Non-Fibrous Homogeneous		100% Non-fibrous (other)	None Detected
DWP-1-Drywall 161110665-0010B		Brown/White Fibrous Heterogeneous	20% Cellulose	5% Non-fibrous (other) 75% Gypsum	None Detected
DWP-2-Skim Coat 161110665-0011		White Non-Fibrous Homogeneous		100% Non-fibrous (other)	None Detected
DWP-2-Drywall 161110665-0011A		Brown/White Fibrous Heterogeneous	25% Cellulose	5% Non-fibrous (other) 70% Gypsum	None Detected
DWP-3-Adhesive 161110665-0012		Tan Non-Fibrous Homogeneous		100% Non-fibrous (other)	None Detected

Initial report from 07/01/2011 10:05:34

Analyst(s)

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Richard Harding, Laboratory Manager
or other approved signatory

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Samples analyzed by EMSL Analytical, Inc. Indianapolis, IN NVLAP Lab Code 200198-0, AZ0939, CA 2575, CO AL-15132, TX 300262



EMSL Analytical, Inc.

2001 East 52nd St., Indianapolis, IN 46205

Phone: (317) 803-2997 Fax: (317) 803-3047 Email: indianapolisl@emsl.com

Attn: **Robert Davis**
Solar Testing Laboratories, Inc.
1125 Valley Belt Road

Customer ID: STL193
Customer PO: 3881
Received: 06/24/11 9:50 AM
EMSL Order: 161110665

Brooklyn Heights, OH 44131

Fax: (216) 741-7011 Phone: (216) 741-7007
Project: **Sunoco Station Bldg, 5270 Warrensville Center Rd, Maple Heights**

EMSL Proj:
Analysis Date: 7/1/2011

Test Report: Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Sample	Description	Appearance	Non-Asbestos		Asbestos
			% Fibrous	% Non-Fibrous	% Type
DWP-3-Skim Coat 161110665-0012A		White Non-Fibrous Homogeneous		100% Non-fibrous (other)	None Detected
DWP-3-Drywall 161110665-0012B		Brown/White Fibrous Heterogeneous	25% Cellulose	5% Non-fibrous (other) 70% Gypsum	None Detected

Initial report from 07/01/2011 10:05:34

Analyst(s)

Nathan Husted (26)

Richard Harding, Laboratory Manager
or other approved signatory

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Samples analyzed by EMSL Analytical, Inc. Indianapolis, IN NVLAP Lab Code 200188-0, AZ0938, CA 2575, CO AL-15132, TX 300252

Ohio EPA – Notification of Demolition and Renovation

**OHIO ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF DEMOLITION AND RENOVATION**

Page 2 of 2

X. 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:

Demolition and renovation techniques will include mechanical methods.

XI. Description of work practices and engineering controls to be used to comply with the requirements, including asbestos removal and waste handling emission control procedures:

Engineering controls will include piecemeal removal, use of wet methods, and respiratory protection when appropriate.

XII. Waste Transporter #1

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Contact: _____ Telephone _____ Fax: _____

Waste Transporter #2

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Contact: _____ Telephone _____ Fax: _____

XIII. Waste Disposal

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Contact: _____ Telephone _____ Fax: _____

XIV. Emergency Demolition (complete Item XIV and all other sections, only if this project is an Emergency Demo.)

1. Attach a copy of the Order to this notice.
2. Name of Authority Issuing Order: _____ Title: _____
3. Authority of Order (Citation of Code): _____
4. Date of Order (MM/DD/YY): _____ Date Ordered to Begin: _____

XV. Emergency Renovation (Attach separate sheet with the following information if project is Emergency Reno.)

1. Date and Hour of the Emergency
2. Description of the Sudden, Unexpected Event
3. Explanation of how the event caused unsafe conditions or equipment damage or an unreasonable financial burden.

XVI. Description of procedures to be followed in the event that unexpected RACM is found or nonfriable ACM becomes crumbled, pulverized or reduced to powder.

If there is unexpected encounter of further ACBM, a contingency plan will include: Isolation/containment, area sampling and analysis for confirmation, removal by licensed abatement contractor.

XVII. I certify that an individual trained in the provisions of NESHAPS (40 CFR PART 61, SUBPART M) will be on-site during the Demolition or Renovation and evidence that the required training has been accomplished by this person will be available during normal business hours.

Signature of Owner/Operator Date Type or Print Name and Title

XVIII. I acknowledge the existence of laws prohibiting the submission of false or misleading statements and I certify that facts contained in this notification are true, accurate, and complete.

Signature of Owner/Operator Date Type or Print Name and Title

Original notification must be mailed or hand delivered at least ten working days (Monday-Friday excluding weekends) before the demolition or renovation begins, except emergency demolitions and emergency renovations (see regulation) which must be submitted as soon as possible before operations begin.



City of Cleveland
Frank G. Jackson, Mayor

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

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7003 1010 0004 2923 6325
RETURN RECEIPT REQUESTED

July 11, 2011

Greg Stevenson
Martini Construction Company
2222 Hamilton Ave.
Cleveland, Ohio 44114

**FACILITY ID: UNASSIGNED
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Stevenson:

On June 30, 2011, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Martini Construction Company to submit an asbestos survey and Notification of Demolition and Renovation for Sunoco/Hop-In located at 5270 Warrensville Center Road in Maple Heights. CDAQ is in receipt of the asbestos survey dated July 5, 2011.

After reviewing the asbestos survey Martini Construction Company is not required to submit a Notification of Demolition and Renovation because the required amount of regulated asbestos containing material is below the threshold.

The asbestos survey 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 facility name.

Sincerely,

A handwritten signature in cursive script that reads "Linda Kimmy".

Linda Kimmy
Field Enforcement Manager, CDAQ

LK/ms



cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\5270
Warrensville Center Road\2011-06-09 NEAR.docx