



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Suite 200  
Cleveland, Ohio 44114-1839  
216/564-2297 • Fax: 216/470-8047  
www.clevelandhealth.org

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

**CERTIFIED MAIL : 7003 1010 0004 2923 4956  
RETURN RECEIPT REQUESTED**

February 4, 2010

Pat Moran  
Midtown Demolition, Inc.  
2401 Carnegie Avenue  
Cleveland, Ohio, 44115

**CL Number: CL 10 107, CL 10 111, and CL 10 113  
NOTICE OF VIOLATION: ASBESTOS NOTIFICATION VIOLATIONS**

Dear Mr. Moran:

On December 21, 2009, the Cleveland Division of Air Quality (CDAQ) spoke with you in regards to the demolition of multiple structures located at 5106 Joseph Street, 5091 Greenhurst Avenue, and 6301 Dunham Road located in Maple Heights. 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).

Midtown Demolition Inc. violated:

40 CFR Part 61.145(b)(3)(i) and OAC Rule 3745-20-03(A)(3)(a) for failing to wait at least 10 workings days prior to any activity that would break up, dislodge or similarly disturb asbestos material.

40 CFR Part 61.145(b)(4)(vi) and OAC Rule 3745-20-03(A)(4)(g) for failing to list the estimated amount of RACM to be removed.

40 CFR Part 61.145(b)(4)(viii) and OAC Rule 3745-20-03(A)(4)(i) for failing to list the scheduled starting and completion dates of asbestos removal work.

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 corrected notifications on January 7, 2010.



CDAQ requests that Midtown Demolition Inc. submit a corrective action plan to the following enforcement representative:

Bryan Sokolowski  
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 Midtown Demolition will implement to ensure future notifications will be submitted in a timely/complete 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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the appropriate Ohio EPA CL number: CL 10 107 (5106 Joseph), CL 10 111 (6301 Dunham), and CL 10 113 (5091 Greenhurst).

Sincerely,

George Baker  
Chief of Enforcement

GB/BS

cc: Mike J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Notification Reviews\CL 10 107\2010-1-21 NOV.docx

encl: Asbestos Notification Guidance

**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:

Pat Moran  
Midtown Demolition, Inc.  
2401 Carnegie Avenue  
Cleveland, Ohio, 44115

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

2/9/10

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

2. Article Number

7003 1010 0004 2923 4956

(Transfer from s)

CI 107

Midtown Remodeling  
and  
Demolition

March 12, 2010

Pat Moran  
Midtown Demolition, Inc.  
2401 Carnegie Avenue  
Cleveland, Ohio 44115

Bryan Sokolowski  
Cleveland Division of Air Quality  
75 Erieview Plaza 2nd Floor  
Cleveland, Ohio 44114

Dear Mr. Sokolowski,

Thank you for taking time out of your busy schedule to speak with me today regarding the violation letter that was sent to me.

First and foremost I would like to advise that Midtown Properties strives to complete our demolitions on a timely basis while also completing them in accordance with all local, state and federal laws.

Beginning now and going forward I will submit notifications in a timely and complete manner to the appropriate office.

I will also wait the required ten (10) business days to proceed with work.

Going forward, the submitted information will be correctly and completely given to the best of my knowledge.

Again, thank you for your time and please let me know if there are any other issues that need to be addressed.

I may be reached at 216/255-2525.

Sincerely,

  
Patrick Moran

