



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114-2080  
216/564-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

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

**CERTIFIED MAIL 7002 0860 0006 9070 1233  
RETURN RECEIPT REQUESTED**

January 9, 2007

Bob Deskins  
Lightning Demolition and Excavating  
P.O. Box 32142  
Euclid, Ohio 44132

**NOTICE OF VIOLATION: ASBESTOS DEMOLITION VIOLATIONS**

**Facility: East 155<sup>th</sup> Structures**

Dear Mr. Deskins:

On 10/18/06, the Cleveland Division of Air Quality (CDAQ) inspected East 155<sup>th</sup> structures number 709, 726, and 728 in Cleveland. This letter serves as notification that you are operating/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.

The ADP violated OAC 3745-20-03(A)(3)(a) and 40 CFR 61.145(b)(3)(i) in that removal operations of asbestos containing material took place on October 11, 2006, before the allowed removal start date of October 17, 2006 stated on the notification.

The ADP violated OAC 3745-20-03(D)(1) and 40 CFR 61.145(b)(2) in that no revised notification was sent to CDAQ for the additional regulated asbestos-containing material (RACM) discovered on October 18, 2006 that was over 20% of the original amount stated on the notification.

The ADP violated OAC 3745-20-04(A)(1), OAC 3745-20-04(C), and 40 CFR 61.145(c)(1) in that RACM was not removed from structure number 726 prior to demolition on October 11, 2006.

The ADP violated OAC 3745-20-04(B)(2)(c) in that RACM was removed from structure number 726 prior to sending a notification to CDAQ on October 18, 2006.

The ADP violated OAC 3745-20-05(B)(2) in that RACM which had been removed from structure number 726 were not in leak tight containers and kept adequately wet to prevent visible emissions from October 11, 2006 - October 20, 2006.



The ADP violated OAC 3745-20-03(A)(4)(c) and 40 CFR 61.145(b)(4)(ii) in that the owner/operator did not send a revised notification to CDAQ on who the new removal contractor would be for structure number 709 on October 18, 2006.

The ADP violated 40 CFR 61.145(b)(4)(viii) in that the owner/operator did not send a revised notification to CDAQ on the new start date of asbestos removal being done to structure number 726 that would break up or disturb asbestos material on October 18, 2006.

The ADP violated 40 CFR 61.150(b)(1) in that the owner/operator did not transport RACM directly to a waste generator site on October 11, 2006, from structure number 726 until October 20, 2006, stated on the waste shipment records.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Lightning Demolition and Excavation provide assurance that future demolition and renovation 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 NE  
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,

George Baker  
Chief of Enforcement, CDAQ

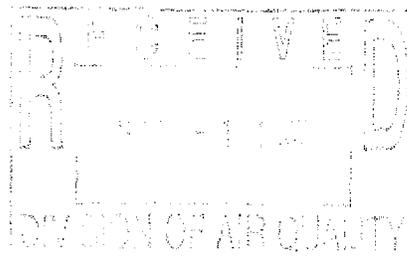
GB/ms

## **LIGHTNING DEMOLITION AND EXCAVATING**

A Division of KATANAS Corp.  
P.O. Box 32142  
Euclid, OH 44132  
February 1, 2007

Office 216-883-0017  
Cell 216-403-0147  
Fax 440-338-4579

George Baker  
Mike Samec  
Department of Public Health Services  
Division of Air Quality  
1925 St. Clair Ave.  
Cleveland, Ohio 44114



1. Violation OAC 3745-20-03 (A) (3) (a)
  - Mistake on dates. Materials i.e. whole house was sent to asbestos landfill. All debris was kept wet during demolition. There were no pipes in basement or furnace! Piping and furnace was scraped out by unknown persons prior to demolition. Operator was suspended for ten days.
2. Violation OCA 3745-20-03 (D) (1) and etc.
  - Lightning Demolition did not perform abatement and Mike Semac is aware. No Violation on part of Lightning Demolition, Mike Semac should have requested this from American Abatement.
3. Violation OAC 3745-20-04(A) (1)
  - Refer to answer one. We have a new system in place to make sure dates are correct. This includes training and a system which does not allow demolition until approved by the Division of Air Quality and the office staff at Lightning Demolition.
4. Violation OAC 3745-20-04(B) (2) (c)
  - We did not remove any asbestos at any time
5. Violation OAC 3745-20-05(B) (2)
  - Structure was put in bladder bags and kept wet.
6. Violation OAC 3745-20-03-(A) (4) (c)
  - American Abatement was always the abatement contractor.

7. Violation 40 CFR 61.145(b) (4) (viii)

- Again new systems are in place to make certain that we do not wreck prior to EPA date.

8. Violation 40 CFR 61.150(b) (1)

- The assumed asbestos was sealed in leak tight bladder bags and saturated in water, awaiting transport by special trucking to Minerva. Lightning Demolition does not hazard transport.

We have set up training for all employees to ensure that Lightning Demolition and Excavating is always in compliance with the Department of Public Health.

All these answers have been given during the course of this project. I hope this letter answers and resolves the issue.

Sincerely,



Bob Deskins, President

BD/da

Cc: David Leneghan, Attny  
Damian Borkowski, Demolition Manager

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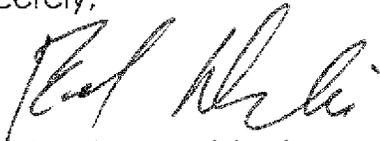
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