



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 0860 0006 9070 1257
RETURN RECEIPT REQUESTED**

January 11, 2007

JoAnn Stinziano
St. Mary's Church
15519 Holmes Ave.
Cleveland, Ohio 44110

CL 07 001

NOTICE OF VIOLATION: ASBESTOS DEMOLITION VIOLATIONS

Facility: East 155th Structures

Dear Mrs. Stinziano:

On 10/18/06, the Cleveland Division of Air Quality (CDAQ) inspected East 155th structures number 709, 726, and 728 in Cleveland. As owner of these properties, St. Mary's Church shares responsibility for the work which was conducted there. This letter serves to inform you of violations that occurred during asbestos removal and or demolition at the above addresses.

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

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 that St. Mary's Church 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,

A handwritten signature in black ink, appearing to read "George Baker".

George Baker
Chief of Enforcement, CDAQ

GB/ms

cc: David Barlow, U.S. EPA Criminal Investigation Division
Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7002 2030 0001 1808 3713
RETURN RECEIPT REQUESTED**

February 22, 2007

Rev. John Kumse
St. Mary's Church
15519 Holmes Ave.
Cleveland, Ohio 44110

**FACILITY ID: CL 07 001
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Rev. John Kumse

On January 11, 2007, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring St. Mary's Church to address the asbestos removal issues on East 155th structures number 709, 726, and 728. CDAQ is in receipt of a corrective action plan dated January 29, 2007 and notes that you are not responsible for any asbestos violations that took place on October 18, 2006.

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,

A handwritten signature in black ink, appearing to read "George P. Baker".

George Baker
Chief of Enforcement, CDAQ

GB/ms A small circular stamp or mark next to the initials "GB/ms".

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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