



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 1240
RETURN RECEIPT REQUESTED**

January 19, 2007

Ebenezer Scott
3416 Seymour Ave
Cleveland, Ohio 44113

NOTICE OF VIOLATION: NESHAP AND OAC – ASBESTOS REMOVAL VIOLATIONS

**Facility: Structure Number 709 East 155th
CL 07 001**

Dear Mr. Scott:

On 10/18/06, the Cleveland Division of Air Quality (CDAQ) inspected structure number 709 East 155th street located 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.

Asbestos removal is 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 asbestos removal project (ARP) violated OAC 3745-20-04(A)(2)(a) and 40 CFR 61.145 (c)(2)(i) in that during removal of asbestos containing material (ACM) no wet methods were used when removing the transite paneling.

The ARP violated OAC 3745-20-04(A)(2)(b), 40 CFR 61.145(c)(2)(ii), and 40 CFR 61.145(c)(6)(ii) in that transite paneling was dropped during the removal process and paneling already removed were damaged from other dropped panels which created fiber exposure to the outside air.

The ARP violated OAC 3745-20-04(A)(6)(a) and 40 CFR 61.145(c)(6)(i) in that ACM did not remain adequately wet until collected, contained, or treated in preparation for disposal.

The ARP violated OAC 3745-20-04(B)(2)(d) in that no emission control procedures for ACM were used when removing transite paneling.

The ARP violated OAC 3745-20-05(C)(2), and 40 CFR 61.150(a)(1)(iii) in that asbestos-containing waste materials were not sealed in leak tight containers having a thickness of at least 0.006 inch (six-mils).



Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Ebenezer Scott provide assurance that future asbestos removal 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

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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To whom it may concern:

2/10/07

My name is Ebenezer Scott and responding to the notice of violation with NESHAP and OAC, which occurred on the date of 10/19/06 at the location 709 EAST 155th street. at the time I was employed by Lightning Demolition Company to removed transite from that structure, all of the equipment and supplies were provided by Lightning demolition. before I started removing the transite I polyed the perimeter with 0.006 inches of (5 mils) poly. during the removal of the transite the slabs came off in full pieces which I put in burjap sacks and placed in the structure on 6mm poly and wet with the two pump sprayers I was provided. It was Lightning responsibility to provided water, disposal, containers and transportation for the removal of the transite. I don't feel that I'm liable for creating any fiber exposure, when I was doing as the owner told me to do with the equipment he provided. I am not an owner, contractor nor was I the supervisor on that job. I was told the job had to be done A.S.A.P. and if I didn't finish I wasn't going to get paid. I will give my full compliance with NESHAP and OAC rules to correct any problems or any future jobs if its God's will

Respectfully
Ebenezer Scott

St. Mary
OF THE
Assumption
ROMAN CATHOLIC CHURCH



Sv. Marija
Vnebozeta
KIJELSKA KATOLIČKA CCKEVA

January 25, 2007

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

CONCERNING: ASBESTOS DEMOLITION VIOLATIONS

Dear Sir,

Having received your letter concerning your reported violations let me state these facts:

St. Mary's entered into a contract with Lightning Demolition, for demolition of the properties, which were stated in your letter. Lightning Demolition came highly recommended from the Collinwood-Nottingham Development Corporation, since they had done numerous demolition work for them as well as for the City of Cleveland – and continues to do so.

Lightning Demolition stated an asbestos study would have to be taken of the properties. Considering the firm's prior experience in this area, L&S Consulting, Inc. of Shaker Heights (Telephone 216-691-0700) was recommended. This company performed an asbestos check of the properties and the report was then sent to Lightning Demolition, with a copy and invoice for payment to us (invoice 20121104). This was paid in full on October 10, 2006.

Lightning Demolition proceeded in procuring the necessary permits and informed us that work would commence only when everything was in order.

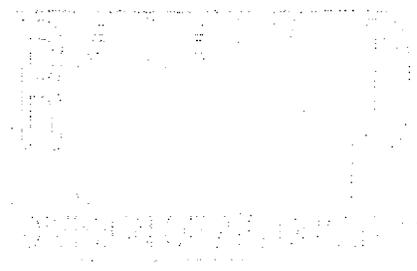
Lightning Demolition was responsible for subcontracting the removal of asbestos. If there were problems with asbestos removal, that issue is with Lightning Demolition. Any further issues that you may have with asbestos removal from the properties, which you indicated in your letter, should be taken up with Lightning Demolition since this matter was in their expertise and management. Also of note, in our conversation with Lightning Demolition, all measures that had to be undertaken to rectify this matter have been taken care of.

If you have any further concerns, you can reach me at 216-761-7740.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Kumse".

Rev. John Kumse
Pastor





City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
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May 8, 2007

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

Ebenezer Scott
3416 Seymour Ave
Cleveland, Ohio 44113

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

Dear Mr. Scott:

On October 18, 2006, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation to Ebenezer Scott for operating improper removal of an asbestos demolition project. CDAQ is in receipt of a corrective action plan dated February 10, 2007. CDAQ is aware that other parties were involved during the operation of the asbestos demolition project at 709 East 155th street.

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. All correspondence with CDAQ must include the Ohio EPA facility identification number for Ebenezer Scott: CL 07 001.

Sincerely,

A handwritten signature in cursive script that reads "Valencia White for GB".

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
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