



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 2030 0001 1807 8474
RETURN RECEIPT REQUESTED**

29 July 2008

Frank Nagorney
Grand Avenue Realty Co.
c/o Cowden & Humphrey Co. LPA
4415 Euclid Ave., Ste. 200
Cleveland, OH 44103-3758

NOTICE OF VIOLATION: NESHAP -- ASBESTOS

Dear Mr. Nagorney:

On 5 June and 23 June 2008, the Cleveland Division of Air Quality (CDAQ) inspected the demolition of buildings located at 2801 Grand Avenue¹ in Cleveland. This letter serves to inform Grand Avenue Realty Company (GARC) that demolition and asbestos removal regulation violations were discovered during the investigation.

Demolition projects are subject to compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS), Title 40 Code of Federal Regulations (CFR) Part 61 Subpart M, Ohio Administrative Code (OAC) Chapter 3745-20, and Ohio Revised Code (ORC) Section 3704.05(G). These laws require that accurate and timely notification be provided to Ohio EPA for demolition and renovation projects.

It is our understanding that Grand Avenue Realty Company (GARC) is the owner of the facility, and that Clean CEMP is the supervising contractor. A single response to this notice of violation on behalf of both parties is preferred, but individual responses are also acceptable.

GARC is in violation of 40 CFR 61.145(b), OAC Rule 3745-20-03(A)(1) through (4) and ORC Section 3704.05(G) in that CDAQ did not receive written notification for this demolition project. The powerhouse, warehouse and mechanical plating buildings are believed to have been demolished during 2007. To prevent a violation, the owner or operator needed to submit an Ohio EPA Notification of Demolition and Renovation to CDAQ at least 10 working days prior to beginning abatement or demolition.

¹ These buildings have also been associated with the address of 2800 Grand Avenue. Other addresses on the same (Southeast) side of Grand Avenue have odd numbers. CDAQ will use the 2801 address for this site.



Clean CEMP provided an Asbestos Survey Report prepared by the McCabe Corporation dated September 15, 1998. This survey report was approximately nine years old when the buildings were demolished. Without confirmation prior to demolition, a nine year old survey is insufficient documentation of site conditions at the time of demolition. An additional concern is that one building was fire damaged subsequent to the survey.

The 1998 McCabe Corporation survey report listed 3,133 linear feet of thermal systems insulation (TSI) plus unquantified amounts of boiler hatch insulation and TSI debris as regulated asbestos containing material (RACM). The McCabe report also stated that these materials "... would need to be removed prior to renovation/demolition activities."

CDAQ contacted Grand Avenue Realty Company and Clean CEMP in an attempt to determine the disposition of the identified RACM. Neither GARC nor Clean CEMP provided the required information. Clean CEMP stated that approximately 25% of the material had been removed but provided no supporting data. Clean CEMP provided no information regarding the remaining 75% of the material. It is unknown at this time if any of that material was abated (with or without notification) or if it remained in the buildings when demolished, or remains in buildings still standing at the site. CDAQ has no record of notifications for this site from 1998 through 2008.

Because it has not been demonstrated that all RACM was removed before the demolition activity started, you are in violation of 40 CFR 61.145(c)(1) and OAC 3745-20-04(A)(1). The status of approximately 75% of the 3,133 linear feet of TSI, the boiler hatch insulation, TSI debris, and fire-damaged RACM remains unknown.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Clean CEMP and/or GARC submit a corrective action plan to accomplish the following:

1. Provide assurance that all future renovation/demolition projects will be performed in full compliance with federal, state, and local regulations.
2. Properly dispose of the RACM held in waste containers at 2801 Grand Avenue.
3. Pertaining to the facility at 2801 Grand Avenue, provide the following information:
 - Name and contact information of the contractor(s) who removed RACM for all demolition and renovation projects since September 15, 1998.
 - Exact dates of RACM abatement for all demolition and renovation projects. Identify in which buildings abatement occurred using the drawings included with the 1998 McCabe Corporation Asbestos Survey Report.
 - Name and contact information of the contractor(s) who demolished the buildings.
 - Exact dates of demolition for all buildings. Identify which buildings were wrecked using the drawings included with the 1998 McCabe Corporation Asbestos Survey Report.



CLEVELAND DIVISION OF AIR QUALITY

1925 ST. CLAIR AVENUE • CLEVELAND, OH 44114-2080

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R: 03/11/05

- Names of persons supervising the asbestos abatement and proof of their NESHAP training for all demolition and renovation projects.
- Copies of the waste manifests for RACM already removed from the site for all demolition and renovation projects.

If GARC or Clean CEMP can provide proof of submittal of NESHAP notification to CDAQ prior to starting any demolition and renovation projects, that proof will be accepted in lieu of the above information for those specific projects.

Address the corrective action plan and requested information to the following enforcement representative:

David Wagner
Cleveland Division of Air Quality
1925 St. Clair Ave. NE
Cleveland, OH 44114-2080

Your written response to this letter must be received by CDAQ within 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 \$25,000 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. If you have any questions, please call David Wagner at (216) 664-3004.

Sincerely,

George P. Baker
Chief of Enforcement, CDAQ

GPB/dlw

cc: Wade Balser, Ohio EPA NEDO, Division of Hazardous Waste Management
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\2801 Grand Ave aka DLH
Plating\2008-06-23 NOV_grand ave realty.docx

GRAND AVENUE REALTY COMPANY, INC.
2801 GRAND AVENUE
CLEVELAND, OHIO 44104

August 20, 2008

George P. Baker
City of Cleveland
Department of Public Health
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114

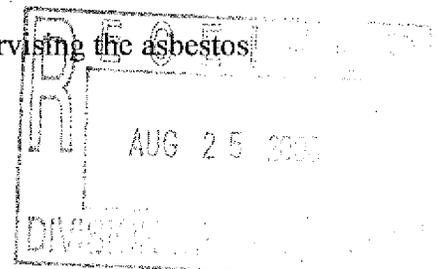
RE: Notice of Violation

Dear Mr. Baker:

In response to your letter, Grand Avenue Realty Company, Inc. ("GARC") submitted a Notification of Demolition and Renovation (the "Notice"). The Notice also was signed by Clean Cemp Engineering, the contractor for the project. The RACM is scheduled to be transported on August 21, 2008 off site to Menerva Enterprises, a licensed disposal site. A copy of the manifest will be provided to you.

The following is submitted as a corrective action plan by GARC:

1. GARC commits that all future renovation/demolition projects will be performed in full compliance with federal, state and local regulations.
2. The RACM held in waste containers will be disposed of per the Notice.
3. No RACM has been removed from the property. The only demolition project was the 2007 Clean Cemp work.
4. Clean Cemp will provide the names of the persons supervising the asbestos abatement, which included Ed Haddad, P.E.



C 1 08 426

Received 8/6/2008

Removal of brass

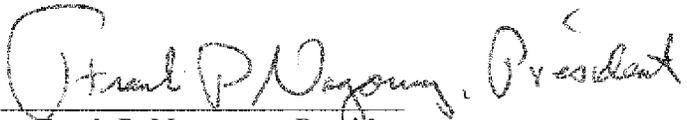
8/20 to 8/25 2008

5. Clean Cemp is preparing A demolition permit for upcoming work which will involve the demolition of Building #1 and the office building. Clean Cemp will submit a 10 day notice for any additional demolition work involving RACM prior to commencement of any such work.

Please confirm that this corrective action and the removal of the RACM resolves the Notice of Violation letter.

Very truly yours,

GRAND AVENUE REALTY COMPANY, INC.

By:  President
Frank P. Nagorney, President

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

Operator Project #	Postmark	Date Received	Notification #																												
I. Type of Notification (check one): <input checked="" type="checkbox"/> Original <input type="checkbox"/> Revised <input type="checkbox"/> Canceled																															
II. Facility Description (include building name, number, and floor or room number) Building Name: <u>DLH Plating--aka Empigard</u> Address: <u>2801 Grand Ave.</u> City: <u>Cleveland</u> State: <u>OHIO</u> Zip Code: <u>44104</u> County: <u>Cuyahoga</u> Site Location (specific): <u>Old Building No. 1 formerly Carriage Warehouse</u> Building Size (square feet): <u>130ft X250</u> # of Floors: <u>multiple</u> Age in Years: <u>90+</u> Present Use: <u>closed down & condemned by court order</u> Prior Use: <u>plating</u>																															
III. Type of Operation (check one): <input checked="" type="checkbox"/> Demo <input type="checkbox"/> Ordered Demo <input type="checkbox"/> Renovation <input type="checkbox"/> Emergency Renovation <input type="checkbox"/> Fire Training																															
IV. Is Asbestos Present? (check one): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																															
V. Facility Information Owner Name: <u>Grand Avenue Realty Company</u> Address: <u>2800 Grand Ave</u> City: <u>Cleveland</u> State: <u>Ohio</u> Zip Code: <u>44104</u> Contact: <u>Frank Nagorney President</u> Telephone: <u>216) 233-9802</u> Fax: <u>216) 231-7030</u> Removal Contractor Name: <u>Clean CEMP Engineering / E J Haddad, P.E.</u> License # <u>Ohio P.E. 046246</u> Address: <u>3619 Walton Ave. Suite 5</u> City: <u>Cleveland</u> State: <u>Ohio</u> Zip Code: <u>44113</u> Contact: <u>Edward J. Haddad Jr. P.E.</u> Telephone: <u>216) 651-3000</u> Fax: <u>216) 651-1840</u> Other Operator (demolition/general): <u>Clean CEMP Eng / American Heavy Metals</u> License # _____ Address: <u>3619 Walton Ave. Suite 5</u> City: <u>Cleveland</u> State: <u>Ohio</u> Zip Code: <u>44113</u> Contact: <u>Edward J. Haddad Jr. P.E.</u> Telephone: <u>216) 651-3000</u> Fax: <u>216) 651-1840</u>																															
VI. Procedure, including analytical methods, employed to detect the presence of and to estimate the quantity of RACM and Category I and Category II nonfriable ACM: <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <u>1998 Asbestos Survey by Ed McCabe P.E. previously submitted to GAPB by EJH</u> </div> Ohio Asbestos Hazard Evaluation Specialist: <u>Tommy Dille/ Clean CEMP Eng</u> <u>22386</u> <div style="display: flex; justify-content: space-between;"> Name Certification # </div>																															
VII. Approximate Amount of Asbestos Materials: <table border="1" style="width:100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th rowspan="2"></th> <th rowspan="2">RACM to be Removed</th> <th colspan="2">Nonfriable Asbestos Material to be Removed</th> <th colspan="2">Nonfriable Asbestos Material NOT to be Removed</th> </tr> <tr> <th>Category I</th> <th>Category II</th> <th>Category I</th> <th>Category II</th> </tr> </thead> <tbody> <tr> <td>Pipes (linear feet)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Surface Area (square feet)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Facility Components (cubic feet)</td> <td><u>30 cu. yards - already removed</u></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					RACM to be Removed	Nonfriable Asbestos Material to be Removed		Nonfriable Asbestos Material NOT to be Removed		Category I	Category II	Category I	Category II	Pipes (linear feet)						Surface Area (square feet)						Facility Components (cubic feet)	<u>30 cu. yards - already removed</u>				
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VIII. Scheduled Dates Demolition or Renovation: Start: <u>January 1999</u> Complete: <u>January 2008</u>																															
IX. Dates for Asbestos Removal (MM/DD/YY) Start: _____ Complete: _____																															
Days of the Week:	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday																								
Hours of Operation:				As needed																											
Complete all unshaded spaces, except demolitions which involve less than 260 linear feet, 160 square feet, or 35 cubic feet of RACM, need not complete spaces VII, XI, XII, XIII, XIV, and XV. Notifications for Emergency Demolition or Emergency Renovation must supply attachments.																															

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

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:

Completed New building # 1 - to be appended later.

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:

Loading of asbestos containing bags into an approved 40 yard lined roll-off for transport to an approved facility

XII. Waste Transporter #1

Name: Ace Roll-off LLC

Address: 9000 Menerva Road

City: Waynesburg

State: Ohio

Zip Code: 44688

Contact: Jeff Powers

Telephone: (330) 866-3435

Fax: (330) 866-3488

Waste Transporter #2

Name: N/A

Address: _____

City: _____

State: _____

Zip Code: _____

Contact: _____

Telephone: (_____) _____

Fax: (_____) _____

XIII. Waste Disposal

Name: Menerva Enterprises

Address: 9000 Menerva Road

City: Waynesburg

State: Ohio

Zip Code: 44688

Contact: Jeff Powers

Telephone: (330) 866-3435

Fax: (330) 866-3488

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: N/A 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 _____

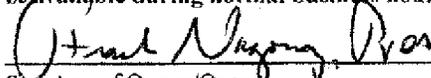
2. Description of the Sudden, Unexpected Event N/A

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. All storage material for removal is properly bagged.

No additional material is expected at this time.

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

8-05-08
Date

Frank Nagorney President/ David Harper Sr.
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

8-5-2008
Date

Edward J. Haddad Jr. P.E.
Type or Print Name and Title

Original Notification must be mailed or hand delivered at least ten working days (Monday-Friday excluding weekends) before demolition or renovation begins, except emergency demolitions and emergency renovations (see regulation) which must be submitted as soon as possible before operations begin. (Form Revised 11/12/97)