



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 8481
RETURN RECEIPT REQUESTED**

29 July 2008

Edward Haddad
Clean CEMP
3619 Walton Ave.
Cleveland, OH 44113-4949

NOTICE OF VIOLATION: NESHAP -- ASBESTOS

Dear Mr. Haddad:

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 Clean CEMP 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.

Clean CEMP 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.

Clean CEMP is in violation of 40 CFR 61.150(a) and OAC 3745-20-05(C)(2) in that RACM that was collected for disposal was improperly packaged for disposal. On 5 June 2008, CDAQ observed RACM in bags about 1 mil thick rather than the required 6 mil. On 23 June 2008, CDAQ observed that the RACM had been repackaged in bags of the proper thickness.

Clean CEMP is in violation of 40 CFR 61.150(a)(1)(iv) and OAC 3745-20-05(C)(1) in that the bags of RACM collected for disposal did not have the warning labels specified by OSHA. On 5 June 2008, CDAQ observed bags of RACM without labels. On 23 June 2008, CDAQ observed that proper labels had been affixed after the RACM had been repackaged.

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.
- 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 Clean CEMP or GARC 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,

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

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
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