



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: 216/420-6047
www.clevelandhealth.org

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

**CERTIFIED MAIL 7002 2080 0001 1808 4598
RETURN RECEIPT REQUESTED**

October 22, 2007

Gary Thomas
Former Cleveland Trencher Company
2860 Marcia Blvd
Cuyahoga Falls, Ohio 44223

**FACILITY ID: FORMER CLEVELAND TRENCHER BUILDING
CL 07 427**

NOTICE OF VIOLATION: ASBESTOS REMOVAL AND DEMOLITION VIOLATIONS

Dear Mr. Thomas:

On August 30, September 25, 26, & 27, 2007, the City of Cleveland Department of Public Health, Division of Air Quality (CDAQ), inspected the Former Cleveland Trencher Company site located at 20100 St. Clair Ave. in Euclid, Ohio. This letter serves to inform Gary Thomas, a representative of the owner of the Former Cleveland Trencher Company site, of asbestos removal and demolition violations that were discovered during the investigation stated on the above dates.

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 projects.

Owner of the Former Cleveland Trencher Company is responsible for the violations of ORC Section 3704.05(G), OAC rule 3745-20-03 (A)(4)(g), and 40 CFR 61.145(b)(4)(vi) by failing to report the correct amount of regulated asbestos containing material (RACM) on the notification for the Former Cleveland Trencher Company site.

Owner of the Former Cleveland Trencher Company is responsible for the violations of ORC Section 3704.05(G), OAC rule 3745-20-03 (A)(4)(h), and 40 CFR 61.145(b)(4)(x) by failing to describe the planned demolition work to be performed and methods employed, including demolition techniques to be used and a description of affected facility components, on the notification for the Former Cleveland Trencher Company site.

Owner of the Former Cleveland Trencher Company is responsible for the violations of ORC Section 3704.05(G), OAC rule 3745-20-03 (A)(4)(p), and 40 CFR 61.145 (b)(4)(xiii) by failing to provide an individual trained in the NESHAPS (40 CFR PART 61, SUBPART M) who



would be on-site during demolition at the Former Cleveland Trencher Company site.

Owner of the Former Cleveland Trencher Company is responsible for the violations of ORC Section 3704.05(G), OAC rule 3745-20-04 (A)(1), and 40 CFR 61.145(c)(1) by failing to remove all RACM before demolition activity began that would break up, dislodge, or similarly disturb the ACM at the Former Cleveland Trencher Company site.

Owner of the Former Cleveland Trencher Company is responsible for the violations of ORC Section 3704.05(G), OAC rule 3745-20-04 (A)(4), and 40 CFR 61.145(c)(4) by failing to contain the RACM after it was removed as a unit or in sections that were kept in leak tight wrapping at the Former Cleveland Trencher Company site.

Owner of the Former Cleveland Trencher Company is responsible for the violations of ORC Section 3704.05(G), OAC rule 3745-20-05 (B)(1)(c), and 40 CFR 61.150(a)(1)(iii) by failing to maintain the RACM in an adequately wet condition and by failing to dispose of the RACM into leak tight containers while wet at the Former Cleveland Trencher Company site.

Owner of the Former Cleveland Trencher Company is responsible for the violations of 40 CFR 61.150(a)(1)(iv) by failing to label the containers with warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA).

Owner of the Former Cleveland Trencher Company is responsible for the violations of OAC 3745-20-04 (A)(2) and 40 CFR 61.145 (c)(2). During the demolition ACM located in the building were dropped, crushed, and pulverized which created asbestos fiber exposure to the outside air. No wet methods were used or proper containment established to prevent exposure.

Owner of the Former Cleveland Trencher Company is responsible for the violations of OAC 3745-20-04(A)(6)(a), OAC 3745-20-05 (B)(2), 40 CFR 61.145(c)(6)(i), and 40 CFR 61.145 (c)(9). ACM did not remain adequately wet and was not properly handled after demolition operations were ceased once unexpected RACM was discovered.

Owner of the Former Cleveland Trencher Company is responsible for the violations of OAC 3745-20-05 (B) and 40 CFR 61.150 (a). During demolition visible emissions were exposed to the outside air when asbestos containing materials were placed in debris piles & scrap piles through out the site. No signs of keeping the ACM adequately wet or properly covered were witnessed.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. Please respond to this letter and provide assurance that future demolition and renovation projects will be conducted in full compliance 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 216-280-1357. All correspondence with CDAQ must include the Ohio EPA facility identification number for Former Cleveland Trencher Building: CL 07 427.

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
Julianne Kurdila, Department of Law
Facility File and L:\Data\Facilities\Asbestos\Sites\Former Cleveland Trencher
Company

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: 07 427

Gary Thomas
2860 Marcin Blvd
Cuyahoga Falls, OH 44323

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
B. Received by ("Printed Name") C. Date of Delivery
Judy Ascarelli 10/23
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
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2. Article Number
(Transfer from service label)

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