



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erievue Plaza, Second Floor  
Cleveland, Ohio 44114-1839  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7010 1870 0000 6591 4728  
RETURN RECEIPT REQUESTED

February 10, 2012

Keith Feuerstein  
Ace Demo, Inc.  
2111 Center Street  
Cleveland, Ohio 44113

PROJECT ID: CL 12 345  
NOTICE OF VIOLATION: NESHP Violation

Dear Mr. Feuerstein:

On December 20, 2011, the Cleveland Division of Air Quality (CDAQ) received an Ohio Environmental Protection Agency Notification of Demolition and Renovation for an emergency demolition project located at 2616 East 37<sup>th</sup> Street in Cleveland. The emergency demolition took place between December 9, 2011 and December 19, 2011. This letter serves as notification that you are in violation of the following applicable air statutes, air regulations, or air permit conditions.

Asbestos removal projects are subject to compliance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHP), Title 40 Code of Federal Regulations (CFR) Part 61 Subpart M, the Ohio Administrative Code (OAC) Rule 3745-20, and the Ohio Revised Code Chapter 3704.05(G).

The emergency demolition project at 2616 East 37<sup>th</sup> Street violated 40 CFR Part 61.145(b)(3)(iii), and OAC Rule 3745-20-03(A)(3)(c) for failing to provide CDAQ a notification of demolition within one day of the emergency demolition.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Ace Demo, Inc.:

1. Submit a revised notification that shows the amount of asbestos material removed.
2. Submit a corrective action plan outlining what steps will be taken in the future to prevent this kind of violation from happening again.
3. Submit a copy of the waste shipment record of the asbestos material taken to Minerva Landfill.



Submit all of the above within fourteen (14) days of receipt of this letter to the following enforcement representative:

Bryan Sokolowski  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a written response must be received within fourteen (14) days of receipt of this letter that includes 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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA project identification number: CL 12 345.

Sincerely,

Valencia White  
Chief of Enforcement

VW/BS

cc: Frank Penavic, Owner  
George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Notification Reviews\CL 12 300 - 399\CL 12 345\2012-2-7 NOV.docx

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1. Article Addressed to:

Keith Feuerstein  
 Ace Demo, Inc.  
 2111 Center Street  
 Cleveland, Ohio 44113

2. Article Number

7010 1870 0000 6591 4728

C112345

**COMPLETE THIS SECTION ON DELIVERY**

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 Agent AddresseeD. Is delivery address different from item 1?  YesIf YES, enter delivery address below:  No

3. Service Type

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4. Restricted Delivery? (Extra Fee)

 Yes



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
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**SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7010 1870 0000 6591 4759  
RETURN RECEIPT REQUESTED**

March 7, 2012

Keith Feuerstein  
Ace Demo, Inc.  
2111 Center Street  
Cleveland, Ohio 44113

**PROJECT ID: CL 12 345  
SECOND NOTICE OF VIOLATION: NESHAP Violation**

Dear Mr. Feuerstein:

On December 20, 2011, the Cleveland Division of Air Quality (CDAQ) received an Ohio Environmental Protection Agency Notification of Demolition and Renovation for an emergency demolition project located at 2616 East 37<sup>th</sup> Street in Cleveland. The emergency demolition took place between December 9, 2011, and December 19, 2011. CDAQ issued a Notice of Violation on February 10, 2012. CDAQ has not received a response to the Notice of Violation. This letter serves as notification that you are still in violation of the following applicable air statutes, air regulations, or air permit conditions.

Asbestos removal projects are 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, the Ohio Administrative Code (OAC) Rule 3745-20, and the Ohio Revised Code Chapter 3704.05(G).

The emergency demolition project located at 2616 East 37<sup>th</sup> Street violated 40 CFR Part 61.145(b)(3)(iii), and OAC Rule 3745-20-03(A)(3)(c) for failing to provide CDAQ an Ohio Environmental Protection Agency Notification of Demolition and Renovation within one day of the emergency demolition.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Ace Demo, Inc.:

1. Submit a revised Ohio Environmental Protection Agency Notification of Demolition and Renovation that shows the amount of asbestos material removed.
2. Submit a corrective action plan outlining what steps will be taken in the future to prevent this kind of violation from happening again.



3. Submit a copy of the waste shipment record of the asbestos material taken to Minerva Landfill.

Please, submit all of the above within fourteen (14) days of receipt of this letter to the following enforcement representative:

Bryan Sokolowski  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

If there is insufficient time to correct the alleged violations within this timeframe, a written response must be received within fourteen (14) days of receipt of this letter that includes 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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA project identification number: CL 12 345.

Sincerely,

Valencia White  
Chief of Enforcement

VW/BS

cc: Frank Penavic, Owner  
George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Notification Reviews\CL 12 300 - 399\CL 12 345\2012-2-7 NOV2.docx

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1. Article Addressed to:

Kieth Feuerstein  
 Ace Demo, Inc.  
 2111 Center Street  
 Cleveland, Ohio 44113

2. Article Number:

7010 1870 0000 6591 4759

C1 12-345

**COMPLETE THIS SECTION ON DELIVERY**A. Received by (*Please Print Clearly*)

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- Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (*Extra Fee*) Yes



500 Broadway Avenue  
Bedford, Ohio 44146

**2111 Center Street**  
**Cleveland, Ohio 44113**  
phone (216) 443-0440 fax (216) 443-0442  
info@theacedemoinc.com

5880 State Route 82  
Hiram, Ohio 44234

Bryan Sokolowski  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

March 7, 2012

Reference: 2616 East 37<sup>th</sup> Street  
Cleveland, Ohio

Dear Mr. Solokowski;

Regarding the above and per your request, enclosed please find our response to your letter dated February 10, 2012.

**Item 1 Request: Submit a revised Notification that shows the amount of asbestos material removed.**

Item 1 Response: Please be advised that as there was no asbestos present, no asbestos was removed. Please see copy of notification submitted December 12, 2011 which includes confirmation from our asbestos supervisor that no asbestos was present. Asbestos Supervisor, Tim Meder, Certification # AS30677 certified that during demolition no asbestos was present. Tim Meder was also the equipment operator during the entire demolition process.

**Item 2 Request: Submit a corrective action plan outlining what steps will be taken in the future to prevent this kind of violation from happening again.**

Item 2 Response: Our corrective action plan includes all Emergencies, Notifications, Notices to Proceed, Permits and Manifests be presented to me before any work begins and all procedures be processed through me and my department thereby assuring all policies are followed.

**Item 3 Request: Submit a copy of the waste shipment record of the asbestos material taken to Minerva.**

Item 3 Response: As the structure contained no asbestos and was constructed of steel, exterior concrete block walls, concrete floors and roof, we took this material to Kurtz Brothers C & D Landfill.

page two  
sokoloski  
march 7, 2012

I hope this information is helpful. I apologize for any inconvenience and/or lack of procedure this may have generated. I assure this will not happen again. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Feuerstein". The signature is fluid and cursive, with a large initial "K" and "F".

Keith Feuerstein

Ace Demo, Inc.

Cell Anytime: 440-454-2681



City of Cleveland  
Frank G. Jackson, Mayor

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Division of Air Quality  
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**SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7010 1870 0000 6591 4766  
RETURN RECEIPT REQUESTED**

March 16, 2012

Keith Feuerstein  
Ace Demo, Inc.  
2111 Center Street  
Cleveland, Ohio 44113

**PROJECT ID: CL 12 345  
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Feuerstein:

On February 10, 2012, the Cleveland Division of Air Quality (CDAQ) issued Ace Demo, Inc. a Notice of Violation, for an emergency demolition project located at 2616 East 37<sup>th</sup> Street in Cleveland, for failing to submit an Ohio Environmental Protection Agency Notification of Demolition and Renovation within one day of an emergency demolition. A Second Notice of Violation was issued on March 7, 2012. The Notice of Violation required Ace Demo, Inc. to:

1. Submit a revised notification that shows the amount of asbestos material removed.
2. Submit a corrective action plan outlining what steps will be taken in the future to prevent this kind of violation from happening again.
3. Submit a copy of the waste shipment record of the asbestos material taken to Minerva Landfill.

CDAQ received a corrective action plan on March 7, 2012. The corrective action plan states that there was no asbestos present, and the materials were taken to Kurtz Brothers C & D Landfill. Ace Demo, Inc. also states that in the future an Ohio Environmental Protection Agency Notification of Demolition and Renovation will be submitted prior to an Emergency Demolition.

The corrective action plan was received 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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA project identification number: CL 12 345.

Sincerely,

Valencia White  
Chief of Enforcement, CDAQ

VW/BS **LK**

cc: Frank Penavic, Owner  
John Paulian, Ohio EPA Central Office  
William MacDowell, U.S. EPA Region V  
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Notification  
Reviews\CL 12 300 - 399\CL 12 345\2012-2-7 NEAR.docx

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1. Article Addressed to:

Kieth Feuerstein  
 Ace Demo, Inc.  
 2111 Center Street  
 Cleveland, Ohio 44113

2. Article Number

7010 1870 0000 6591 4766

C112345

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Robert Andrew

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