



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview 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 3790
RETURN RECEIPT REQUESTED

January 9, 2012

Pete D' Agostino
PS Construction Group
P.O. Box 14533
Copley, Ohio 44321

PROJECT ID: CL 12 315
NOTICE OF VIOLATION: NESHAP Violation

Dear Mr. D' Agostino:

On December 19, 2011, the Cleveland Division of Air Quality (CDAQ) inspected the City of East Cleveland's asbestos removal/renovation project located at 1314-16 East 141st Street in East Cleveland. 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 (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 abatement project at 1314-16 East 141st Street violated 40 CFR Part 61.145(b)(3)(i), and OAC Rule 3745-20-03(A)(3)(a) for failing to provide CDAQ with an Ohio EPA Notification of Demolition and Renovation at least ten (10) working days before asbestos removal activity.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that PS Construction Group submit a corrective action plan outlining what steps will be taken in the future to avoid the violation that is above noted to the following enforcement representative:

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



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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA project identification number: CL 12 315.

Sincerely,

A handwritten signature in cursive script that reads "Linda Kimmy".

Linda Kimmy
Field Enforcement Manager

LK/BS

cc: 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 12 315\2011-12-19 NOV PS Construction.docx



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SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL : 7010 1870 0000 6591 3783
RETURN RECEIPT REQUESTED

January 9, 2012

Joseph Mazzola
City of East Cleveland
14340 Euclid Avenue
East Cleveland, Ohio 44112

PROJECT ID: CL 12 315
NOTICE OF VIOLATION: NESHAP Violation

Dear Mr. Mazzola:

On December 19, 2011, the Cleveland Division of Air Quality (CDAQ) inspected the City of East Cleveland's asbestos removal/renovation project located at 1314-16 East 141st Street in East Cleveland. 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 (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 demolition/abatement project at 1314-16 East 141st Street violated 40 CFR Part 61.145(b)(3)(i), and OAC Rule 3745-20-03(A)(3)(a) for failing to provide CDAQ with an Ohio EPA Notification of Demolition and Renovation at least ten (10) working days before asbestos stripping, or demolition activity.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that City of East Cleveland submit a corrective action plan outlining what steps will be taken in the future to avoid the violation that is above noted to the following enforcement representative:

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



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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA project identification number: CL 12 315.

Sincerely,

A handwritten signature in black ink that reads "Linda Kimmy".

Linda Kimmy
Field Enforcement Manager

LK/BS

cc: 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
12 315\2011-12-19 NOV East Cleveland.docx

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:

Joseph Mazza
 City of East Cleveland
 14340 Euclid Avenue
 East Cleveland, Ohio 44112

2. Article Number

7010 1870 0000 6591 3783

CL 12 315

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) _____ B. Date of Delivery _____

C. Signature NANTHINI RAMAO AgentX Nanthini Ramao AddresseeD. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

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

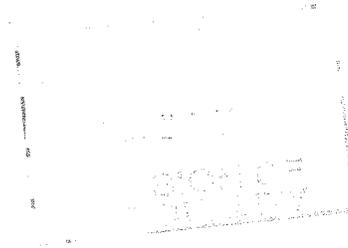
4. Restricted Delivery? (Extra Fee)

 Yes

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Received by (Please, Print Clearly) <u>P. D'AGOSTINO</u> B. Date of Delivery <u>1-21-12</u></p> <p>C. Signature: <u>[Signature]</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><u>Pete D'Agostino</u> <u>PS Construction Group</u> <u>P.O. Box 14533</u> <u>Copley, Ohio 44321</u></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number</p>	<p><u>7010 1870 0000 6591 3790</u> <u>CL 12 315</u></p>



Bryan Sokolowski
Cleveland Division of Air Quality
75 Erievue Plaza, 2nd Floor
Cleveland, OH 44114-1839



January 23, 2012

Re: Notice of Violation
Project ID: CL 12 315

Dear Mr. Sokolowski –

Please accept this letter in response to the above referenced notification of violation dated January 9, 2012.

As I indicated during our discussion today, I was unaware that this project was subject to the **Region 5 – Asbestos Notification Guidance, 40 C.F.R. Part 61, SUBPART M (REVISED November 20, 1990)** mandating prior notification of removal for RACM amounts even if they are *under* 260 linear feet on pipes, 160 square feet on other facility components or 35 cubic feet off facility components.

Corrective Action

Armed with this information (and your helpful explanation of its applicability) I assure you that PS Construction Group will adhere strictly to these notification regulations and guidelines for all future projects.

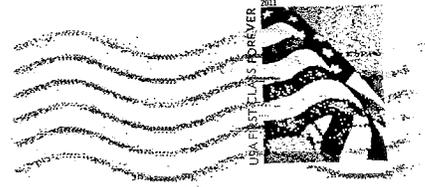
Thank you again for your assistance.

Sincerely,

Pete D'Agostino
President
PS Construction Group

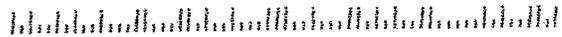
PO Box 14533
Copley, Oh 44321
www.pscg.us

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24 JAN 2012 PM 5 T



Bryan Sokolowski
Cleveland Division of Air Quality
75 Erievue Plaza, 2nd Floor
Cleveland, OH 44114-1839

4411481839





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 4704
RETURN RECEIPT REQUESTED

January 26, 2012

Pete D' Agostino
PS Construction Group
P.O. Box 14533
Copley, Ohio 44321

PROJECT ID: CL 12 315
NOTICE OF VIOLATION FOLLOW-UP LETTER

Dear Mr. D' Agostino:

On January 9, 2012, the Cleveland Division of Air Quality (CDAQ) issued PS Construction Group a Notice of Violation for failing to submit an Ohio EPA Notification of Demolition and Renovation at least ten (10) working days before asbestos removal. The Notice of Violation required PS Construction Group to submit a corrective action plan outlining what steps will be taken in the future to avoid the violation. CDAQ is in receipt of a corrective action plan dated January 23, 2012, which states that PS Construction has reviewed the *Region 5 – Asbestos Notification Guidance* document, and will adhere strictly to the notification requirements in the future.

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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA project identification number: CL 12 315.

Sincerely,

A handwritten signature in cursive script that reads "Linda Kimmy".

Linda Kimmy
Field Enforcement Manager, CDAQ



LK/BS

cc: 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 12 315\2011-12-19 NEAR PS Construction.docx



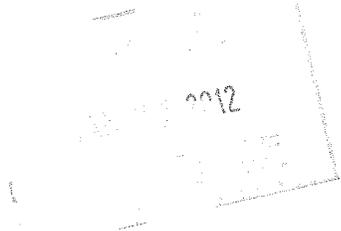
The City of East Cleveland

Gary A. Norton Jr., Mayor
"Working To Build a Better Community"



January 24, 2012

Mr. Bryan Sokolowski
Cleveland Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, OH 44114-1839



RE: EPA Notification for
1314-16 East 141st Street (CL 12 315)

Dear Mr. Sokolowski,

This letter is in response to your registered letter dated January 9, 2012.

In the last two years, the City of East Cleveland has completed over 150 demolitions. The following is a brief summary of the City's demolition procedures:

The City has been utilizing the fire, building, and health departments to condemn residential structures throughout the City. The City declares them a nuisance and orders the property owners to abate all violations. If they fail to abate the violations, the City then solicits bids from demolition contractors. When a contractor is selected, they are responsible for making all notifications, pulling all permits, getting the utilities shutoff, removing and disposing all of asbestos containing materials, and ultimately the demolition of the structure. Upon completion of the demo, the contractor provides, along with their invoice, copies of all notifications, permits, waste manifests, and dump tickets.

This process worked flawlessly for over 150 demolitions, until RAGL failed to make the proper notification to the Ohio EPA. We, the City, realize that we are the owner/operator of this particular demolition activity.

Therefore, the City of East Cleveland proposes to modify its standard demolition process to prevent this situation from occurring again. From this point forward, the City will require the demo contractor to meet with Community Development staff to complete the Ohio EPA Notification of Demolition and Renovation form. Once the form is completed, the City will directly forward the form to the appropriate agencies. After the ten (10) working day notification, the City will issue a notice to proceed to the demolition contractor.

If you have any questions, regarding the City's response, please contact me at (216) 451-5553.

Sincerely,

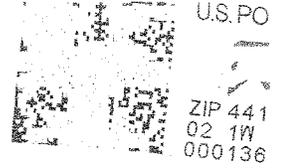
Joseph C. Mazzola
Community Development Director



Department of Community Development

The City of East Cleveland

14441 EUCLID AVENUE • EAST CLEVELAND, OHIO 44112



Bryan Sokolowski
Cleveland Division of Air Quality
75 Erievue Plaza, 2nd Floor
Cleveland, OH 44114-1839



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 4711
RETURN RECEIPT REQUESTED**

February 2, 2012

Joseph Mazzola
City of East Cleveland
14340 Euclid Avenue
East Cleveland, Ohio 44112

**PROJECT ID: CL 12 315
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Mazzola:

On January 9, 2012, the Cleveland Division of Air Quality (CDAQ) issued the City of East Cleveland a Notice of Violation, for 1314-16 East 141st Street, for failing to submit an Ohio Environmental Protection Agency (EPA) Notification of Demolition and Renovation at least ten (10) working days before asbestos removal. The Notice of Violation required the City of East Cleveland to submit a corrective action plan outlining what steps will be taken in the future to avoid the violation.

CDAQ is in receipt of a corrective action plan dated January 24, 2012, which states "the City of East Cleveland proposes to modify its standard demolition process to prevent this situation from occurring again. From this point forward, the City will require the demo contractor to meet with Community Development staff to complete the Ohio EPA Notification of Demolition and Renovation form. Once the form is completed, the City will directly forward the form to the appropriate agencies. After the ten (10) working day notification, the City will issue a notice to proceed to the demolition contractor."

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 Bryan Sokolowski at (216) 420-7663. All correspondence with CDAQ must include the Ohio EPA project identification number: CL 12 315.

Sincerely,

A handwritten signature in black ink, appearing to read "Valencia White".

Valencia White
Chief of Enforcement, CDAQ

VW/BS **LK**

cc: 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 12 315\2011-12-19 NEAR East Cleveland.docx

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Joseph Mazzola
City of East Cleveland
14340 Euclid Avenue
East Cleveland, Ohio 44112

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

FELICIA KRAUS

FEB 10 2012

C. Signature

x *Felicia Kraus*

Agent

Addressee

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

7010 1870 0000 6591 4711

CL 12 315