



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
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 3561
RETURN RECEIPT REQUESTED

September 29, 2011

Gus Frangos, President
Cuyahoga County Land Reutilization Corp.
323 W. Lakeside Ave., Ste. 160
Cleveland, OH 44113-1058

PROJECT ID: CL 11 882
NOTICE OF VIOLATION: NESHAP violations

Dear Mr. Frangos:

On September 9, 2011, the Cleveland Division of Air Quality (CDAQ) investigated a complaint about a demolition project and subsequently inspected the Cuyahoga County Land Reutilization Corp.'s (CCLRC) demolition project located at 9515 Grand Division Avenue in Cleveland. This letter serves as notification that your demolition project is in violation of the following applicable air statutes, air regulations, or air permit conditions.

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 and Ohio Administrative Code (OAC) Chapter 3745-20. These laws require that accurate and timely notification be provided to Ohio EPA for a demolition project.

The demolition project is in violation of 40 CFR Part 61.145(a) and OAC Rule 3745-20-02(A) for the failure to thoroughly inspect the facility for the presence of asbestos-containing materials prior to the commencement of demolition. On September 7, 2011, CCLRC's demolition contractor discovered that the house had cement shake shingles underneath the vinyl clapboard siding when they began demolition. Subsequent analysis of the shingles revealed that they are a regulated asbestos-containing material (RACM). The shingles were accessible for testing prior to demolition and they could be removed safely before demolition. Evidence of this is that samples were collected after demolition started and the shingles were removed after their discovery.

CDAQ recognizes that CCLRC's contractors, HEZ Demolition L.L.C and Lee Environmental Cleaning, took remedial actions after they discovered the presence of RACM. CDAQ requests that CCLRC submit a plan for thoroughly inspecting demolition projects going forth to the following enforcement representative:

David Wagner
Cleveland Division of Air Quality
75 Erieview Plz., 2nd Fl.
Cleveland, OH 44114-1839



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 ORC 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. All correspondence with CDAQ about this project must include the CDAQ project identification number: CL 11 882.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/dlw

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\Sites\9515 Grand Division Ave\2011-09-09
NOV.docx

Use to this letter must be received by CDAQ within 14 days of your receipt
are is insufficient time to correct the alleged violations within this
response must include a timeline for correcting the alleged violations.

DIVISION OF AIR QUALITY
2nd FLOOR • CLEVELAND, OH 44114-1839

Page 2
R: 1/25/2011

RESTRICTION

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: CL II NOV CLRC
GUS FRANGOS
CUYAHOGA LAND...C
323 W LAKESIDE AVE
CLEVELAND OH 44113

A.
B. Received by (Printed Name) [Signature] C. Date of Delivery 10-4-4

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)

2. Air Mail 7010 1870 0000 6591 3561



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SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

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RETURN RECEIPT REQUESTED

October 6, 2011

Edward Rumph
HEZ Enterprises L.L.C.

11212 Avon Ave.
Cleveland, OH 44105-4359

? 12714 MARSTON AVE.

PROJECT ID: CL 11 882
NOTICE OF VIOLATION: NESHAP violations

Dear Mr. Rumph:

On September 9, 2011, the Cleveland Division of Air Quality (CDAQ) investigated a complaint about a demolition project and subsequently inspected the HEZ Demolition L.L.C./Lee Environmental Cleaning's (HEZ Demolition) work practices for the demolition project located at 9515 Grand Division Avenue in Cleveland. This letter serves as notification that your demolition project is in violation of the following applicable air statutes, air regulations, or air permit conditions.

Demolition projects are subject to compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP), 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 a demolition project.

The demolition project is in violation of 40 CFR Part 61.145(c)(1) and OAC Rule 3745-20-04(A)(1) for the failure to remove all regulated asbestos-containing materials (RACM) before any activity begins that would break up the material. When demolition began on September 7, 2011 HEZ Demolition discovered the cement shingles underneath the vinyl siding. The shingles were accessible for testing prior to demolition and they could be removed safely before demolition. Evidence of this is that samples were collected after demolition started and the shingles were removed after their discovery.

The demolition project is in violation of 40 CFR 61.145(c)(2) and OAC Rule 3745-20-04(A)(2) for the failure to carefully lower the RACM to ground level without dropping it or damaging the RACM. On September 9, 2011 CDAQ inspected the demolition project during the RACM removal phase. There was approximately 3-4 yard³ of shattered cement shingles on the ground. HEZ Demolition removed about 1000 feet² of shingles and did not take care to unavoidably damage the RACM during the removal operation.



The demolition project is in violation of 40 CFR 61.145(c)(4) and (6) and OAC Rule 3745-20-04(A)(4) and (6) for the failure to use a local exhaust ventilation and collection system and failed to adequately wet the RACM during the removal of the RACM. HEZ Demolition did not use an emission control method such as a negative pressure enclosure or adequately wet the RACM during removal operations. At the time of CDAQ's inspection, there were no fire hydrant hoses or pressurized water sprayers at the site to keep the RACM adequately wet during removal operations. HEZ Demolition had not erected any collection system while they removed the RACM.

CDAQ recognizes that HEZ Demolition took remedial actions to correct the violations after they were informed of them. CDAQ requests that HEZ Demolition submit a plan for future demolition or renovation projects addressing the following issues:

- How you will avoid damaging the RACM before starting any activity that would disturb the RACM
- How damage to the RACM will be avoided as it is being removed from the building as units or sections also known as intact removal
- How visible emissions will be controlled if RACM will be stripped from the building while it remains in place

The plan shall be submitted to the following enforcement representative:

David Wagner
Cleveland Division of Air Quality
75 Erieview Plz., 2nd Fl.
Cleveland, OH 44114-1839

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 ORC 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. All correspondence with CDAQ about this project must include the CDAQ project identification number: CL 11 882.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/dlw

cc: Gus Grangos, Cuyahoga County Land Reutilization Corp.
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\Sites\9515 Grand Division Ave\2011-09-09 NOV_HEZ Demolition.docx



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

**CERTIFIED MAIL 7010 0780 0001 1190 4582
RETURN RECEIPT REQUESTED**

November 29, 2011

Edward Rumph
HEZ Enterprises L.L.C.
11212 Avon Ave.
Cleveland, OH 44105-4359

**PROJECT ID: CL 11 882
RECEIPT OF CORRECTIVE ACTION PLAN: NESHAP VIOLATIONS**

Dear Mr. Rumph:

On October 6, 2011, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requesting that HEZ Enterprises L.L.C./Lee Environmental Cleaning (HEZ Demolition) submit a plan for future demolition or renovation projects addressing the following issues:

- How you will avoid damaging the RACM before starting any activity that would disturb the RACM
- How damage to the RACM will be avoided as it is being removed from the building as units or sections also known as intact removal
- How visible emissions will be controlled if RACM will be stripped from the building while it remains in place

CDAQ received a corrective action plan dated November 16, 2011; however, your response requires more details.

- HEZ Demolition indicated that structures will be inspected before starting [the demolition]. Please explain the type of inspection which will be performed and its depth and breadth.
- HEZ Demolition indicated that they will take their time and use different tools to greatly reduce the possibility of damaging shingles. Please explain which tools will be used and how those tools will be used differently from the ones used on September 9, 2011.
- HEZ Demolition indicated that plenty of water will be used [during intact removal of transite shingles]. Please explain how the shingles will remain intact after detaching them from the house while collecting them for disposal.

You are expected to submit a detailed response by December 13, 2011. Failure to do so may result in referral to Ohio EPA or U.S. EPA for further enforcement action. Fulfillment of your commitments included in the corrective action plan and/or any modifications contained within this letter does not constitute a waiver of CDAQ's ability to refer this matter to Ohio EPA or U.S. EPA for further enforcement action. Please submit any future correspondence related to this matter to the following enforcement representative:



David Wagner
Cleveland Division of Air Quality
75 Erieview Plz., 2nd Fl.
Cleveland, OH 44114-1839

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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ about this project must include the CDAQ project identification number: CL 11 882.

Sincerely,

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

Linda Kimmy
Field Enforcement Manager, CDAQ

LK/dlw

cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\Cuyahoga County land bank\9515 Grand Division Ave\2011-09-09 RCAP.docx

HEZ ENTERPRISE
11212 AVON AVE.
CLEVELAND, OH 44105

REC'D VIA FAX
ON 11/16/11

Dear David Wagner:

This letter is in regards to the demolition project done on Grand Division Ave.

It has always been our goal to comply with (neshap) requirements; the house was surveyed and abated by another contractor prior to our arrival.

Hez Enterprises discovered the RACM shingles after start of demolition and immediately stopped work and notified the proper authorities at the county land bank, and then revised our ten day notification to the EPA via hand delivery.

Removal of the cement shingles.

- How will you avoid damaging the RACM before starting? We will personally inspect each structure visually prior to the start of work.
- How damage to the RACM will be avoided as it is being removed? Take our time using different tools to greatly reduce the possibility of damaging the shingles.
- How visible emissions will be controlled if RACM will be stripped from the building while it remains in place? Plenty of water will be used.

Edward Neumph

City of Cleveland
Frank G. Jackson, Mayor

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

**CERTIFIED MAIL 7010 0780 0001 1190 4483
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July 19, 2012

Gus Frangos
President
Cuyahoga County Land Reutilization Corp.
323 W. Lakeside Ave., Ste. 160
Cleveland, OH 44113-1058

PROJECT ID: CL 11 882

**RESOLUTION OF VIOLATIONS
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Frangos:

On September 9, 2011, the Cleveland Division of Air Quality (CDAQ) investigated a complaint about a demolition project occurring at 9515 Grand Division Avenue. CDAQ determined that violations of the asbestos abatement regulations existed and issued a Notice of Violation (NOV) to Cuyahoga County Land Reutilization Corp. (CCLRC) on September 29, 2011. The NOV requested a correction action plan (CAP) for thoroughly inspecting demolition projects.

CDAQ received a CAP dated November 23, 2011. CCLRC pledged to make several changes to asbestos reports:

- The homogeneous areas will be clearly defined and the laboratory report samples' homogeneous areas will be identified.
- Samples of the window glazing will be collected and analyzed. If the glazing is not sampled, the asbestos survey will explain the reasons for not collecting a sample.
- The contractors surveying the houses for asbestos will peel the siding from a house's four sides.
- The amount of asbestos materials will be quantified in the reports

CDAQ requests that CCLRC make another change to their asbestos reports in addition to the above noted and already implemented changes. The asbestos reports should indicate the condition of the Category I ACM. Noting the presence of Category I ACM and its quantity is inadequate unless its condition is described, such as damaged or intact. If a Category I ACM is damaged from fire or weather or heavy usage, it should be removed as RACM and included in a notification's RACM column. This request is made in conjunction with the Ohio Environmental Protection Agency's recently expanded definition of Friable Asbestos Material.

Appropriate steps were taken to bring the project into compliance. CDAQ 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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ about this project must include the CDAQ project identification number: CL 11 882.

Sincerely,



Valencia White
Chief of Enforcement, CDAQ

VW/dlw LK

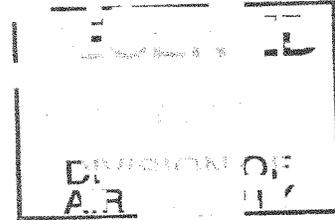
cc: Cheryl Stephens, CCLRC
James Maher, CCLRC
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
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Cuyahoga County Land Reutilization Corp.

323 W. Lakeside Avenue, Suite 160
Cleveland, Ohio 44113
Tel (216) 698-8853 Fax (216) 698-8972

November 21, 2011

Ms. Linda Kimmy
Field Enforcement Manager
Cleveland Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, OH 44114-1839



Subject: Notice of NESHAP Violations - Project ID CL 11 882
(9515 Grand Division Avenue, PPN 134-26-030)

Dear Ms. Kimmy,

I am writing in response to the Cleveland Division of Air Quality's (CDAQ) Notice of NESHAP Violations, dated September 29, 2011, which we received, October 4, 2011.

We concur with CDAQ that there was a "failure to thoroughly inspect the facility for the presence of asbestos-containing materials prior to the commencement of demolition," in this case, transite siding which was discovered underneath a layer of vinyl or aluminum. As you know in this field things are often hidden from view. Our job like yours is to protect the public. Upon discovery of transite, our demolition contractor immediately made the correct response in shutting down the job and contacting our office where we contacted the survey consultant to quantify the transite and to revise the notification.

Your letter requests that CCLRC submit a plan for thoroughly inspecting demolition projects going forth. Because of incidents such as this late discovery of transite, the CCLRC had already developed correspondence to our asbestos survey contractors to address this situation which should work as a plan. The email that went out to our contractors is attached for your reference, requires that our asbestos surveyors peel back the outer layer of siding on all sides of each structure to be certain that there is no transite beneath. We will require that they report their findings in their survey reports. In addition, we will be asking our demolition contractors to check as well.

The CCLRC has as a policy that we will stop doing business with any contractors who consistently fail to be thorough and follow the guidelines with regard to established policy. Due to such a policy, there are already asbestos survey contractors we do not use and demolition contractors that will not ever be used again. We also understand that even the most conscientious survey professionals make mistakes, we will work closely with our contractors to help correct unintentional errors and to hone the skills of our asbestos survey team.

Sincerely,

Gus Frangos, President and General Counsel

cc: Mike Samec
George Baker
Michael Krzywicki
John Paulian
William MacDowell

Cheryl Stephens

From: Cheryl Stephens
Sent: Friday, October 07, 2011 4:10 PM
To: Cheryl Stephens
Cc: Rosemary Woodruff; Jim Maher
Subject: ASBESTOS SURVEY Updates

Dear Asbestos Survey Contractor:

In recent weeks the Land Bank has been receiving feedback from the the Cleveland Division of Air Quality/EPA regarding our asbestos surveys. In the interest of streamlining the review process and making sure our reports will stand up to scrutiny, I need you to incorporate the following in your reports immediately :

1. Homogeneous Areas. These need to be clearly defined and consistent with the samples in the lab reports. (For example, samples from Homogeneous Area "A" must be identified in the lab report as coming from HA "A".)
2. Glazing. Be sure that you test window glazing wherever it is needed. If you do not test, state in your report that you did not, and why. A minimum of 3 samples from 3 different windows is required.
3. Windows. When you are specifying the amount of asbestos containing glazing, give window counts by floor (basement, 1st floor, other) so that we can properly spec the abatement work and the necessary board-ups.
4. Transite. In the last three weeks, we have had houses where transite was discovered at the start of demolition, which delayed our demolition as we abated the transite. It is critical that you look under all siding that may conceal transite, therefore we request that you peel back the siding on each side of a structure. This means a minimum of four areas where the siding should be opened and pulled back for examination.
5. Uncertainty. The EPA tends to reject notifications when there are uncertainties in the reports (such as amounts of RACM in hidden locations, or if an area could not be accessed due to unsafe conditions). **Avoid ambiguous results**. Please use your professional judgment to quantify the amount of asbestos that will need to be abated based on your sampling. If you need to add qualifying information to explain the situation in the building, that is acceptable as long as it supports your conclusions.

NOTE: It is also important that you notify CCLRC whenever you receive a communication from the Ohio Department of Health, OEPA or Cleveland Division of Air Quality. Please send Rosemary and me a copy of their correspondence or a quick email outlining the concerns they raised verbally. This will enable us to be on top of issues as they arise and to keep our survey team better informed.

Please reply to this email to simply verify that you have received and read it. If you have any questions, please call Rosemary at 216-698-3013.

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