



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 3653
RETURN RECEIPT REQUESTED**

October 21, 2011

Gus Frangos
Cuyahoga County Land Reutilization Corp.
323 W. Lakeside, Suite 160
Cleveland, Ohio 44113

NON-HPV

**FACILITY ID: CL 12 020
NOTICE OF VIOLATION: NESHAP VIOLATIONS**

Dear Mr. Frangos:

On October 14, 2011, the Cleveland Division of Air Quality (CDAQ) inspected site address 10612 Bryant Ave. located in Cleveland. This letter serves as notification that you are operating sources 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 asbestos removal project violated 40 CFR Part 61.145(b)(1) and OAC Rule 3745-20-03(A)(1), for failing to provide a written notice of intention to renovate, by delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery. [Observed on October 14, 2011]

The asbestos removal project violated 40 CFR Part 61.145(b)(3)(i) and OAC Rule 3745-20-03(A)(3)(a) for not waiting at least 10 working days before asbestos removal work or any other activity begins. [Observed on October 14, 2011]

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Gus Frangos submit a corrective action plan involving the site 10612 Bryant Ave. to the following enforcement representative:

Mike Samec
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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA CL number CL 12 020.

Sincerely,

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

Linda Kimmy
Field Enforcement Manager

LK/ms

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
James Maher, Cuyahoga County Land Bank
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\Cuyahoga County land bank\10612
Bryant Ave\2011-10-14 NOV County landbank.docx



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Frank G. Jackson, Mayor

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

**CERTIFIED MAIL 7010 1870 0000 6591 3646
RETURN RECEIPT REQUESTED**

October 21, 2011

Jeff Kellogg
JJK Environmental
PO BOX 12166
East Cleveland, Ohio 44112

NON-HPV

**FACILITY ID: CL 12 020
NOTICE OF VIOLATION: NESHAP VIOLATIONS**

Dear Mr. Kellogg:

On October 14, 2011, the Cleveland Division of Air Quality (CDAQ) inspected site address 10612 Bryant Ave. located in Cleveland. This letter serves as notification that you are operating sources 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).

JJK Environmental violated 40 CFR Part 61.145(b)(1) and OAC Rule 3745-20-03(A)(1), for failing to provide a written notice of intention to renovate, by delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery. [Observed on October 14, 2011]

JJK Environmental violated 40 CFR Part 61.145(b)(3)(i) and OAC Rule 3745-20-03(A)(3)(a) for not waiting at least 10 working days before asbestos removal work or any other activity begins. [Observed on October 14, 2011]

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that JJK Environmental submit a corrective action plan and revised Notification of Demolition and Renovation involving the site 10612 Bryant Ave. to the following enforcement representative:

Mike Samec
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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA CL number CL 12 020.

Sincerely,

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

Linda Kimmy
Field Enforcement Manager

LK/ms

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\Cuyahoga County land bank\10612
Bryant Ave\2011-10-14 NOV.docx

JJK Environmental
PO Box 12166
East Cleveland, OH 44112

November 4, 2011

RE: Ohio EPA CL number: CL 12 020

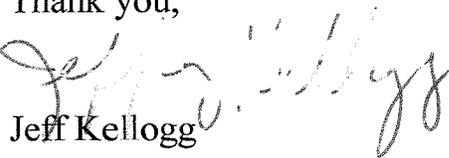
To Whom It May Concern:

JJK Environmental received a notice of violation for failing to provide a written notice of intention to renovate for asbestos removal work in a demolition project located at 10612 Bryant Ave. JJK Environmental was hired by a demolition company to remove the asbestos at this location and was assured that a notice of intention to renovate (NESHAP) was submitted to the EPA, we then filed a notification with the Ohio Department of Health as required by law. This was an oversight on my behalf, as I should have requested a copy of the NESHAP.

We apologize for looking over this important detail and can assure your office that such an oversight will not happen again. I have attached a notice of intention to renovate (NESHAP) that I have since filed with the EPA.

If you have any further questions or comments, feel free to contact me any time.

Thank you,


Jeff Kellogg

Cell: 216-240-4114



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Frank G. Jackson, Mayor

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

**CERTIFIED MAIL 7010 1870 0000 6591 4261
RETURN RECEIPT REQUESTED**

November 11, 2011

Jeff Kellogg
JJK Environmental
PO Box 12166
East Cleveland, Ohio 44112

**FACILITY ID: CL 12 020
NOTICE OF VIOLATION: FOLLOW-UP LETTER**

Dear Mr. Kellogg:

On October 21, 2011, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring JJK Environmental to submit a revised Notification of Demolition and Renovation and a corrective action plan. CDAQ is in receipt of a corrective action plan and Notification of Demolition and Renovation dated November 4, 2011.

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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA CL number CL 12 020.

Sincerely,

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

Linda Kimmy
Field Enforcement Manager, CDAQ

LK/ms

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\10612 Bryant Ave\2011-10-14 NEAR.docx



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Frank G. Jackson, Mayor

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SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7010 1870 0000 6591 4650
RETURN RECEIPT REQUESTED

December 7, 2011

Gus Frangos
Cuyahoga County Land Reutilization Corp.
323 W. Lakeside, Suite 160
Cleveland, Ohio 44113

NON-HPV

FACILITY ID: CL 12 020
SECOND NOTICE OF VIOLATION: NESHAP VIOLATIONS

Dear Mr. Frangos:

On October 14, 2011, the Cleveland Division of Air Quality (CDAQ) inspected site address 10612 Bryant Ave. located in Cleveland. On October 21, 2011, CDAQ issued a Notice of Violation requesting that Cuyahoga County Land Reutilization Corp. (County Land Bank) submit a corrective action plan involving the site address 10612 Bryant Ave.

This letter serves as notification that you are still operating sources 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 asbestos removal project violated 40 CFR Part 61.145(b)(1) and OAC Rule 3745-20-03(A)(1), for failing to provide a written notice of intention to renovate, by delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery. [Observed on October 14, 2011]

The asbestos removal project violated 40 CFR Part 61.145(b)(3)(i) and OAC Rule 3745-20-03(A)(3)(a) for not waiting at least 10 working days before asbestos removal work or any other activity begins. [Observed on October 14, 2011]

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Gus Frangos submit a corrective action letter stating corrections the County Land Bank will take for the site address 10612 Bryant Ave and measures taken to prevent future asbestos violations to the following enforcement representative:



Mike Samec
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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA CL number CL 12 020.

Sincerely,

Linda Kimmy

Linda Kimmy
Field Enforcement Manager

LK/ms

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
James Maher, Cuyahoga County Land Bank
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\Cuyahoga County Land Bank\10612 Bryant Ave\2011-10-14 2nd NOV County Land Bank.docx



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

**CERTIFIED MAIL 7011 3500 0000 1759 5903
RETURN RECEIPT REQUESTED**

July 27, 2012

Gus Frangos
Cuyahoga County Land Reutilization Corp.
323 W. Lakeside Avenue, Suite 160
Cleveland, Ohio 44113

PROJECT ID: CL 12 020

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

Dear Mr. Frangos:

On October 14, 2011, the Cleveland Division of Air Quality (CDAQ) inspected site address 10621 Bryant Ave. located in Cleveland.

On October 21, 2011, the CDAQ issued a Notice of Violation (NOV) requiring Cuyahoga County Land Reutilization Corp. (CCLRC) to provide a corrective action for notification submission.

On December 7, 2012, CDAQ issued a second NOV due to no response to the first NOV.

CDAQ is in receipt of a corrective action plan dated July 5, 2012, via email, stating the following:

The CCLRC will submit all original notifications for the abatement of asbestos and demolition thereof. All contractors must provide the CCLRC with their original NESHAP Notification which CCLRC will submit to CDAQ. CCLRC will provide copies of these documents upon request to any party in need of information on the dates for the start of abatement and demolition. Subsequent amendments to the notification forms should be submitted to CCLRC as well so that we can keep track of the start dates. As a courtesy and to standardize the notification form submission, the CCLRC has begun to prepare all forms and they will be attached to your Proceed Orders so that upon signing and accepting the work indicated in the proceed order you can fill out and return the notification form to the CCLRC.

Also, as mentioned previously, the CCLRC has as a policy of terminating business with contractors who consistently fail to be thorough and to follow guidelines established in any of our programs. 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 abatement and demolition professionals make mistakes on their start and finish dates due to



our contractors to help correct unintentional errors. If a contractor exhibits a pattern of missing performance dates, that could also be grounds for termination.

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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA Project identification number CL 12 020.

Sincerely,

Valencia White for VW

Valencia White
Chief of Enforcement, CDAQ

VW/ms

cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Cheryl Stephens, Cuyahoga County Land Reutilization Corp.
Jim Maher, Cuyahoga County Land Reutilization Corp.
L:\Data\Facilities\+ Programs\Asbestos\Sites\Cuyahoga County Land
Bank\10612 Bryant Ave\2011-10-14 ROV+NEAR Owner.docx

Cuyahoga County Land Reutilization Corp.

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

July 5, 2012

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

Subject: Notice of NESHAP Violations - Project ID CL 12 020
(10612 Bryant Avenue, PPN 108-26-044)

Dear Ms. Kimmy,

I am writing in response to the Cleveland Division of Air Quality's (CDAQ) Notice of NESHAP Violations, dated October 21, 2011, which we received, October 25, 2011.

We concur with CDAQ that there was a failure to provide written notice to the CDAQ of the work to be undertaken on this site by our contractor. The contractor in question has been told that this failure to notify is unacceptable both verbally and in writing. On the property located at 10612 Bryant Avenue, Cleveland, Ohio, we stopped the scheduled demolition to allow for inspection by your staff and did not reschedule until a new date is approved by CDAQ for the start of demolition.

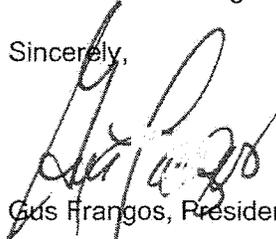
Your letter requests that CCLRC submit a corrective action plan for notification submission to CDAQ. Effective November/December of 2011 the CCLRC began to inform our abatement contractors of the following policy:

The CCLRC will submit to the CDAQ all original notifications for the abatement of asbestos and demolition thereof. All contractors must provide the CCLRC with their original NESHAP Notifications which CCLRC will submit to CDAQ. CCLRC will provide copies of these documents upon request to any party in need of information on the dates for the start of abatement and demolition. Subsequent amendments to the notification forms should be submitted to CCLRC as well so that we can keep track of the start dates. As a courtesy and to standardize the notification form submission, the CCLRC has begun to prepare all forms and they will be attached to your Proceed Orders so that upon signing and accepting the work indicated in the proceed order you can fill out and return the notification form to the CCLRC.

The CCLRC has as a policy, the termination of business with any contractors who consistently fail to be thorough and to follow guidelines established in any of our programs. 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 abatement professionals make mistakes on their start and finish dates due to weather and unforeseen problems on other site, therefore we will work closely with our contractors to help correct unintentional errors and to hone the skills of our contractors. If a contractor exhibits a pattern of missing performance dates, that could also be grounds for termination.

Sincerely,

A handwritten signature in black ink, appearing to read "Gus Frangos", written over a circular stamp.

Gus Frangos, President

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

Samec, Michael

From: Jennifer O'Konski <jokonski@cuyahogalandbank.org>
Sent: Thursday, July 05, 2012 2:56 PM
To: Kimmy, Linda
Cc: Cheryl Stephens; White, Valencia; Samec, Michael; Baker, George; Krzywicki, Mike; john.paulian@epa.state.oh.us; macdowell.william@epa.gov; Rosemary Woodruff; Jim Maher
Subject: Notice of NESHAP Violations - Response to Project ID CL 12 020
Attachments: Notice of NESHAP Violations - Project ID CL 12 020 - 10612 Bryant Ave..pdf

Attached, please find the response to Notice of NESHAP Violations – Project ID CL 12 020 (10612 Bryant Avenue, PPN 108-26-044).

Sincerely,

--



Cheryl Stephens
Director of Acquisition, Disposition & Development
Cuyahoga County Land Reutilization Corp.
323 West Lakeside Avenue, Suite 160
Cleveland, Ohio 44113
(216) 698-8658 (ph)
(216) 698-8972 (fax)
cstephens@cuyahogalandbank.org