



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 7011 3500 0000 1759 5859
RETURN RECEIPT REQUESTED**

July 17, 2012

Richard Wagner
City of Cleveland Heights
40 Severance Circle
Cleveland Heights, Ohio 44118

NON-HPV

**PROJECT ID: CL 12 1160
NOTICE OF VIOLATION: NESHAP VIOLATIONS**

Dear Mr. Wagner:

On July 10, 2012, the Cleveland Division of Air Quality (CDAQ) inspected 3212 Sycamore Avenue in Cleveland Heights. This letter serves as notification that you are in violation of the following applicable air statutes, air regulations, or air permit conditions.

Demolition 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).

On July 10, 2012, your demolition project violated 40 CFR Part 61.145(b)(4)(ix) and OAC Rule 3745-20-03(A)(4)(m) for failing to schedule correct starting and completion dates of 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 the City of Cleveland Heights submit a corrective action plan listing steps that will be taken to prevent future NESHAP violations during demolition projects. Submit the corrective action plan 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 Project CL number: CL 12 1160.

Sincerely,

A handwritten signature in cursive script that reads "Valencia White".

Valencia White
Chief of Enforcement, CDAQ

VW/ms LK

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Edward Rumph, HEZ Enterprises, LLC
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Sycamore\NOV 2012-07-10 owner.docx



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

**CERTIFIED MAIL 7011 3500 0000 1759 5842
RETURN RECEIPT REQUESTED**

July 17, 2012

Edward Rumph
HEZ Enterprises, LLC
11212 Avon Ave.
Cleveland, Ohio 44105

NON-HPV

**PROJECT ID: CL 12 1160
NOTICE OF VIOLATION: NESHAP VIOLATIONS**

Dear Mr. Rumph:

On July 10, 2012, the Cleveland Division of Air Quality (CDAQ) inspected 3212 Sycamore Ave in Cleveland Heights. This letter serves as notification that you are in violation of the following applicable air statutes, air regulations, or air permit conditions.

Demolition 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).

HEZ Enterprises, LLC (HEZ) violated 40 CFR Part 61.145(b)(4)(ix) and OAC Rule 3745-20-03(A)(4)(m) by failing to schedule correct start and completion dates of demolition. [Observed on July 10, 2012]

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that HEZ submit a revised Notification of Demolition and Renovation providing the start and completion dates of demolition 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 Project CL number: CL 12 1160.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ms UK

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Richard Wagner, City of Cleveland Heights
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**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7011 3500 0000 1759 8430
RETURN RECEIPT REQUESTED**

August 15, 2012

Richard Wagner
City of Cleveland Heights
40 Severance Circle
Cleveland Heights, Ohio 44118

**PROJECT ID: CL 12 1160
SECOND NOTICE OF VIOLATION: NESHAP VIOLATIONS**

Dear Mr. Wagner:

On July 10, 2012, the Cleveland Division of Air Quality (CDAQ) inspected 3212 Sycamore Ave in Cleveland Heights. This letter serves as notification that you are in violation of the following applicable air statutes, air regulations, or air permit conditions.

On July 17, 2012, CDAQ issued a Notice of Violation via certified mail to the following address: 40 Severance Circle, Cleveland Heights, Ohio, 44118 for failing to submit correct starting and completion dates of demolition or renovation. CDAQ did not receive a response letter within the fourteen (14) days as stated in the Notice of Violation letter. Enclosed is a copy of the Notice of Violation that was issued on July 17, 2012.

Demolition 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 project violated 40 CFR Part 61.145(b)(4)(ix) and OAC Rule 3745-20-03(A)(4)(m) for failing to schedule correct starting and completion dates of demolition or renovation. [Observed on July 10, 2012]

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that the City of Cleveland Heights submit a corrective action plan listing steps that will be taken to prevent future NESHAP violations during demolition projects. Submit the corrective action plan to the following enforcement representative:

Mike Samec
Cleveland Division of Air Quality
75 Erievue 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 Project CL number: CL 12 1160.

Sincerely,

A handwritten signature in black ink that reads "Valencia White".

Valencia White
Chief of Enforcement, CDAQ

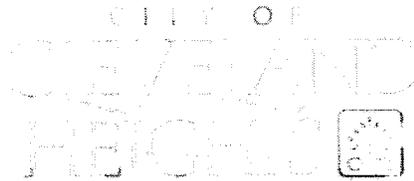
VW/ms

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
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NOV owner.docx

Samec, Michael

From: Rick Wagner <RWagner@clvhts.com>
Sent: Thursday, September 06, 2012 4:55 PM
To: Samec, Michael
Subject: revised notice

I spoke with HEZ after we talked. The notice was mailed last week, not faxed. Maybe that is why you did not have yet.



Mike Samec
Cleveland Division of Air Quality
75 Erievue Plaza 2nd Floor
Cleveland, Ohio 44114-1839

Re: 3212 Sycamore Rd.

Dear Mike,

I have spoken with the Contractor (Hez) regarding your notification. He has sent a revised notice to your office, as you have requested. He was responsible for removing the windows identified in the asbestos survey prior to demolition. Another contractor, Lightning Demolition, will be demolishing the structure.

The property is owned by Maurice Bland, and was declared a "Public Nuisance" by City Council. The City is demolishing the structure per the condemnation order. Please feel free to call me if any further information is needed. Attached is the revised notification.

A handwritten signature in black ink that reads "Rick Wagner".

Rick Wagner
Housing Programs Manager

Contact: _____ Telephone: (____) _____ Fax: _____

XIV. Emergency Demolition (complete Item XIV and all other sections, only if this project is an Emergency Demo.)
 1. Attach a copy of the Order to this notice.
 2. Name of Authority Issuing Order: _____ Title: _____
 3. Authority of Order (Citation of Code): _____
 4. Date of Order (MM/DD/YY): _____ Date Order to Begin: _____

XV. Emergency Renovation (Attach separate sheet with the following information of project is Emergency Reno.)
 1. Date and Hour of the Emergency
 2. Description of the Sudden, Unexpected Event
 3. Explanation of how the event caused unsafe conditions or equipment damage or an unreasonable financial burden.

XVI. Description of procedures to be followed in the event that unexpected RACM is found or nonfriable ACM becomes crumbled, pulverized or reduced to powder.
 Have inspected with appropriate equipment by authorized specialists and take appropriate action per regulations.

XVII. I certify that an individual trained in the provisions of NESHAPS (40 CFR PART 61, SUBPART M) will be on-site during the Demolition or Renovation and evidence that the required training has been accomplished by this person

**OHIO ENVIRONMENTAL PROTECTION AGENCY
 NOTIFICATION OF DEMOLITION AND RENOVATION**

Operator Project #	Postmark	Date Received	Notification #																												
I. Type of Notification (check one): <input checked="" type="checkbox"/> Original <input type="checkbox"/> Revised <input type="checkbox"/> Canceled																															
II. Facility Description (include building name, number, and floor or room number) Building Name: _____ Address: _____ City: _____ State: OHIO Zip Code: _____ County: _____ Site Location (specific): _____ Building Size (square feet): _____ # of Floors: _____ Age in Years: _____ Present Use: _____ Prior Use: _____																															
III. Type of Operation (check one): <input checked="" type="checkbox"/> Demo <input type="checkbox"/> Ordered Demo <input type="checkbox"/> Renovation <input type="checkbox"/> Emergency Renovation <input type="checkbox"/> Fire Training																															
IV. Is Asbestos Present? (check one): <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																															
V. Facility Information Owner Name: _____ Address: _____ City: _____ State: OHIO Zip Code: _____ Contact: _____ Telephone: (____) _____ Fax: (____) _____ Removal Contractor Name: _____ License # _____ Address: _____ City: _____ State: OHIO Zip Code: _____ Contact: _____ Telephone: (____) _____ Fax: (____) _____ Other Operator (demolition/general): _____ License # _____ Address: _____ City: _____ State: OHIO Zip Code: _____ Contact: _____ Telephone: (____) _____ Fax: (____) _____																															
VI. Procedure, including analytical methods, employed to detect the presence of and to estimate the quantity of RACM and Category I and Category II nonfriable ACM: Ohio Asbestos Hazard Evaluation Specialist: _____ Name _____ Certification # _____																															
VII. Approximate Amount of Asbestos Materials: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2"></th> <th rowspan="2">RACM to be Removed</th> <th colspan="2">Nonfriable Asbestos Material to be Removed</th> <th colspan="2">Nonfriable Asbestos Material NOT to be Removed</th> </tr> <tr> <th>Category I</th> <th>Category II</th> <th>Category I</th> <th>Category II</th> </tr> </thead> <tbody> <tr> <td>Pipes (linear feet)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Surface Area (square feet)</td> <td>30,000 sq ft</td> <td></td> <td></td> <td>2,000 sq ft</td> <td>Roofing floor tile</td> </tr> <tr> <td>Facility Components (cubic feet)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					RACM to be Removed	Nonfriable Asbestos Material to be Removed		Nonfriable Asbestos Material NOT to be Removed		Category I	Category II	Category I	Category II	Pipes (linear feet)						Surface Area (square feet)	30,000 sq ft			2,000 sq ft	Roofing floor tile	Facility Components (cubic feet)					
	RACM to be Removed	Nonfriable Asbestos Material to be Removed				Nonfriable Asbestos Material NOT to be Removed																									
		Category I	Category II	Category I	Category II																										
Pipes (linear feet)																															
Surface Area (square feet)	30,000 sq ft			2,000 sq ft	Roofing floor tile																										
Facility Components (cubic feet)																															
VIII. Scheduled Dates Demolition or Renovation: Start: 9/25/2012 Complete: 10/15/2012																															
IX. Dates for Asbestos Removal (MM/DD/YY) Start: 9/25/2012 Complete: 10/15/2012																															
Days of the Week:	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday																								
Hours of Operation:	8:00-12:00																														
Complete all unshaded spaces, except demolitions which involve less than 260 linear feet, 160 square feet, or 35 cubic feet of RACM, need not complete spaces VII, XI, XII, XIII, XIV, and XV. Notifications for Emergency Demolition or Emergency Renovation must supply attachments.																															



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

**CERTIFIED MAIL 7011 3500 0000 1759 9345
RETURN RECEIPT REQUESTED**

September 17, 2012

Richard Wagner
City of Cleveland Heights
40 Severance Circle
Cleveland Heights, Ohio 44118

**RE: 3212 Sycamore Ave
PROJECT ID: CL 121160
RESOLUTION OF VIOLATIONS
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Wagner:

On July 17 and August 15, 2012, the Cleveland Division of Air Quality (CDAQ) issued Notices of Violation requiring City of Cleveland Heights to list steps that will be taken to prevent future NESHAP violations during demolition projects. On September 4, 2012, a representative from Lee Environmental Cleaning hand delivered a revised Ohio Environmental Protection Agency Notification of Demolition and Renovation (Notification) listing the correct starting and completion dates for demolition.

CDAQ is in receipt of a corrective action plan via email dated September 6, 2012, from the City of Cleveland Heights stating, "I have spoken with the Contractor (HEZ) regarding your notification. He has sent a revised notice to your office, as you have requested. He was responsible for removing the windows identified in the asbestos survey prior to demolition. Another contractor, Lightning Demolition, will be demolishing the structure."

The corrective action plan was received in a timely manner and appropriate steps were taken to bring the project 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 for 3212 Sycamore Ave: CL 12 1160.

Sincerely,

A handwritten signature in black ink that reads "Valencia White".

Valencia White
Chief of Enforcement, CDAQ

VW/ms *LA*

cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
L:\Data\Facilities\+ Programs\Asbestos\Sites\3212 Sycamore\2012-07-10
ROV+NEAR owner.docx



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Frank G. Jackson, Mayor

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SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

FEDEX

September 26, 2012

Edward Rumph
HEZ Enterprises, LLC
11212 Avon Ave.
Cleveland, Ohio 44105

RE: 3212 Sycamore Ave.
PROJECT ID: CL 12 1160
RESOLUTION OF VIOLATIONS
NOTICE OF VIOLATION FOLLOW-UP LETTER

Dear Mr. Rumph:

On July 17, 2012, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring HEZ Enterprises, LLC to submit a revised Notification of Demolition and Renovation providing the start and completion dates of demolition for 3212 Sycamore Ave. in Cleveland Heights. CDAQ is in receipt of a revised Notification of Demolition and Renovation received via email on September 10, 2012.

The corrective action plan was received in a timely manner and appropriate steps were taken to bring the project 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 for 3212 Sycamore Ave.: CL 12 1160.

Sincerely,

A handwritten signature in black ink that reads "Valencia White".

Valencia White
Chief of Enforcement, CDAQ

VW/ms *UK*



cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Richard Wagner, City of Cleveland Heights
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