



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 7011 3500 0000 1759 9512  
RETURN RECEIPT REQUESTED**

January 4, 2013

Reginald Wyman  
Board Member  
Buckeye Education, Inc.  
P.O. Box 35446  
Cleveland, Ohio 44130

**RE: 13169 Smith Road  
PROJECT ID: CL 13 - 659  
NOTICE OF VIOLATION: NESHAP Violations**

Dear Mr. Wyman:

On December 12, 2012, the Cleveland Division of Air Quality (CDAQ) received a complaint in regards to asbestos removal/renovation work taking place at Buckeye Education, Inc. (Buckeye Education) located at 13169 Smith Road, in Middleburg Heights.

On December 13, 2012, CDAQ inspected Buckeye Education's asbestos removal/renovation project. During the inspection CDAQ witnessed suspect asbestos containing materials on the interior and exterior of the building. CDAQ instructed Buckeye Education that the asbestos containing materials on the ground and in the dumpsters on the outside of the building needed to be cleaned up immediately. This letter serves as notification that you are in violation of the following applicable air statutes, and air regulations.

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).

Buckeye Education violated 40 CFR Part 61.145(a), and OAC Rule 3745-20-02(A) for failing to thoroughly inspect the affected facility prior to commencement of renovation activity.

Buckeye Education violated 40 CFR Part 61.145(c)(1), and OAC Rule 3745-20-04(A)(1) for failing to remove all regulated asbestos-containing material prior to renovation activity.



Buckeye Education failed to adequately wet the regulated asbestos containing materials and ensure that it remained wet until collected and contained for disposal which is in violation of 40 CFR Part 61.145(c)(6)(i), and OAC Rule 3745-20-04(A)(6)(a).

Buckeye Education removed and disturbed regulated asbestos containing materials with untrained workers which is in violation of 40 CFR Part 61.145(c)(8), and OAC Rule 3745-20-04(B).

Buckeye Education is also in violation of 40 CFR Part 61.150, and OAC Rule 3745-20-05 for failing to follow the standards for asbestos waste handling and disposal.

Finally, Buckeye Education 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 Environmental Protection Agency (EPA) Notification of Demolition and Renovation at least ten (10) working days before asbestos removal or renovation activities.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Buckeye Education submit a comprehensive plan on how the interior cleanup of 13169 Smith Road will be handled. Buckeye Education completed the exterior cleanup on December 28, 2012. CDAQ also requests that final clearance air samples be performed and analyzed for asbestos fibers pursuant to the Asbestos Hazard Emergency Response Act once the site is clean. Submit the plan to the following enforcement representative within fourteen (14) days of your receipt of this letter:

Bryan Sokolowski  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> 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.

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 for 13169 Smith Road: CL 13 - 659.

Sincerely,

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

Valencia White  
Chief of Enforcement, CDAQ

VW/BS

cc: Mark Needham, Ohio Department of Health  
Ron Fodo, Ohio EPA  
Dave Barlow, U.S. EPA Region V  
George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Brian Dickens, U.S. EPA Region V  
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