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

HAND DELIVERED
RETURN RECEIPT REQUESTED

February 15, 2013

Ed Rumph
Owner
Lee Environmental Cleaning
11212 Avon Suite 102
Cleveland, Ohio 44105

RE: 3191 West 90th Street
PROJECT ID: CL 13 562
RESOLUTION OF VIOLATIONS
NOTICE OF VIOLATION FOLLOW-UP LETTER

Dear Mr. Rumph:

On December 26, 2012, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Lee Environmental Cleaning to submit a corrective action plan indicating how the above noted deficiencies will be corrected during future transite removal projects.

CDAQ is in receipt of a letter, dated January 28, 2013, stating Lee has reinforced its Asbestos Abatement Policy.

CDAQ issued an RCAP requesting a copy of your Asbestos Abatement Policy on February 7, 2013.

CDAQ is in receipt of Lee Environmental's Asbestos Abatement Work Practices Policy dated February 14, 2013.

A copy of your Asbestos Abatement Work Practices Policy 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 216-253-5589. All correspondence with CDAQ must include the Ohio EPA project identification number for 3191 West 90th Street: CL 13 562.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ms

cc: John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
James Maher, Cuyahoga County Land Reutilization Corp.
L:\Data\Facilities\+ Programs\Asbestos\Sites\Cuyahoga County Land Bank\3191 West 90th\2012-12-18 ROV+NEAR.docx

LEE ENVIRONMENTAL CLEANING, INC.

February 11, 2013

VIA U.S. Mail and e-mail msamec@city.cleveland.oh.us

Mr. Mike Samec, Enforcement Representative
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, OH 44114-1839

Re: 3191 West 90th Street; Project ID: CL 18 562
Receipt of Corrective Action Plan; NESHAP Violations

Dear Mr. Samec:

Pursuant to your correspondence of February 7, 2013, enclosed is a copy of Lee Environmental Cleaning's Asbestos Abatement Policy.

Lee Environmental Cleaning is committed to adapting any and all of its procedures in conformance with EPA regulations and seeks any and all assistance and feedback from the Cleveland Division of Air Quality.

Sincerely yours,

Kenneth McElroy, Administrator

Lee Environmental Cleaning, Inc.

11212 Avon Avenue, Cleveland, OH 44105 · (216) 355-1565 · (216) 916-4910 fax

LEE ENVIRONMENTAL CLEANING, INC.

FEB

ASBESTOS ABATEMENT WORK PRACTICES POLICY

PURPOSE

The purpose of this Asbestos Abatement Policy is to establish standard abatement procedures to ensure the protection of all employees and the public from asbestos exposure hazards. The federal standard for asbestos waste handling is found at 29 CFR 1910.1001 and 1926.1101.

The Ohio EPA standard for asbestos waste handling is covered under Ohio Administrative Code 3745-20. These policies apply to all employees.

Asbestos is the generic term for a group of naturally occurring fibrous minerals with high tensile strength, flexibility, and resistance to thermal, chemical, and electrical conditions. Exposure to asbestos can cause disabling or fatal diseases such as asbestosis, an emphysema-like condition; lung cancer; mesothelioma, a cancerous tumor that spreads rapidly in the cells of membranes covering the lungs and other organs; and gastrointestinal cancer. The symptoms of these diseases generally do not appear for 20 years or more after exposure. Asbestos fibers enter the body by inhalation or ingestion of airborne particles that become embedded in the tissues of the respiratory or digestive systems.

Federal Regulation and Agencies

OSHA

The federal Occupational Safety and Health Administration (OSHA) began regulating workplace asbestos exposure in 1970, adopting a permissible exposure limit (PEL) to regulate worker exposures. In 1994, OSHA issued a revised final standard regulating asbestos exposure in all industries. Ohio OSHA adopted this federal standard pursuant to Ohio Rev. Code § 4167-3.

EPA/DEQ/LRAPA

The federal Environmental Protection Agency (EPA), Department of Environmentaluality (DEQ), and Lane Regional Air Pollution Authority (LRAPA) also have regulations that relate to the proper handling and disposal of asbestos-containing materials to prevent exposure to asbestos fibers. EPA started regulating asbestos in the early 1970s, recognizing the need to protect the public and the environment from exposure to asbestos fibers. Ohio Administrative Code Chapter 3745-20 delineates the rules and laws for asbestos abatement in Ohio.

Ohio Agencies

Ohio Environmental Protection Agency
Mailing Address: P.O. Box 1049, Columbus, OH 43216-1049
Street Address: 50 West Town Street, Suite 700 Columbus, OH 43215
Phone: (614) 644-3020 Emergency Response Hotline (800) 282-9378

Cleveland Local Air Agency
Cleveland Department of Health
Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, OH 44114
(216) 664-2297
(216) 420-8047 FAX

Occupational Safety & Health Administration (OSHA)
Cleveland Area Office
1240 East 9th Street, Room 899
Cleveland, Ohio 44199
(216) 615-4266
(216) 615-4234 FAX

Ohio Department of Health
Asbestos Program
246 North High Street
Columbus, OH 43215
(614) 466-0061 or e-mail us at ASBESTOS@odh.ohio.gov

Safe Work Practices Summary

When to Apply Special Asbestos Abatement Work Practices

The nature and extent of any special work practices for custodial, maintenance, and construction staff should reflect the likelihood that the asbestos-containing materials (ACM) will be disturbed and that fibers will be released. Maintenance activities can be divided into three categories with regard to their potential for disturbing ACM.

1. Those which are unlikely to involve any direct disturbance of ACM; for example, cleaning shelves or counter tops with a damp cloth.

2. Those which may cause accidental disturbance of ACM; for example, working on a fixture near a ceiling with surfacing ACM.

3. Those which involve intentional small-scale manipulation or disturbance of ACM; for example, removing a small segment of thermal system insulation (TSI) ACM to repair a pipe leak.

Note that activities beyond maintenance activities (or small-scale short duration activities) should be performed only by specially **trained asbestos professionals.**

Summary of When to Apply Key Asbestos Abatement Work Practices			
	Likelihood of ACM Disturbance		
	Contact Unlikely	Accidental Disturbance Possible	Disturbance Intended of Likely
Management Responsibilities			
Need Pre-Work Approval from APM	Review by Program Manager	Yes	Yes
Special Scheduling or Access Control	No	Yes	Yes
Supervision Needed	No	Initial, at least	Yes
HVAC System Modification	None	As Needed*	Shut Down*
Area Containment	None	Drop Cloths, Mini-enclosures	Yes**
Personal Protection			
Respiratory Protection	Available for Use	Yes	Yes
Protective Clothing	None	Review by APM	Yes
Work Practices			
Use of Wet Methods	No	As Needed	Yes
Use of HEPA Vacuum	Available for Use	Available for Use	As Needed

* In the area where work takes place

** Type of containment may vary (e.g., small-scale, short-duration tasks may not require full containment)

Basic Asbestos Abatement Procedures

Below are basic Asbestos Abatement procedures to minimize and/or contain asbestos fibers when there is the potential to disturb ACM includes:

1. Wet methods (such as applying water to ACM with a low pressure sprayer).
2. Use of mini-enclosures.
3. Use of portable power tools equipped with special local ventilation attachments.
4. Area isolation.
5. Avoidance of certain activities, such as sawing, sanding, and drilling ACM.

If in doubt about the possibility of disturbing ACM during maintenance activities, adequate precautions should be taken to minimize fiber release; these will protect workers as well as the building environment.

Worker Personal Protective Equipment (PPE)

Protective Clothing

Most often, protective clothing is disposable and consists of coveralls, a head cover, and foot covers made of a synthetic fabric which does not allow asbestos fibers to pass through. This type of clothing can prevent workers' regular clothing from becoming contaminated with asbestos fibers. Contaminated clothing should not be taken home to avoid creating a possible risk to the worker's family members.

It is important that workers be properly trained in the use, removal, and disposal of protective clothing after use. Not all Asbestos Abatement activities require the use of protective clothing so it is important for the asbestos project manager (APM) to assess this need on a case-by-case basis. OSHA regulations require workers to wear protective clothing whenever they are exposed, or likely to be exposed, to fiber levels above OSHA's permissible levels.

Respiratory Protection

Some Asbestos Abatement tasks may require the use of respirators (reference above chart). The selection of approved respirators, suitable for the hazards to which the worker is exposed, is only one aspect of a complete respiratory protection program. Other elements include written operating procedures for respirator use; outlining personnel responsibilities for respirator cleaning, storage, and repair; medical examination of workers for respirator use; training in proper respirator use and limitations; respirator fit testing; respirator cleaning and care; and work-site supervision. All of these are described in detail in the OSHA respirator standard found at 29 CFR 1910.134. **LEE ENVIRONMENTAL CLEANING** has an implemented respirator program. As with protective clothing, OSHA regulations require the use of respirators whenever workers are exposed, or likely to be exposed, to fiber levels above OSHA's permissible levels.

Do not use single use, disposable paper dust masks when dealing with asbestos.

The options that should be used include:

- A half or full face piece, negative pressure, air-purifying respirator with replaceable high-efficiency filters.
- A half or full face piece powered air purifying respirator (PAPR) with replaceable high-efficiency filters. This has a battery powered pump which assists breathing and provides positive pressure in the face piece.

For additional information on respirator programs, respirator types, and respirator use, the building owner or APM can consult the following references:

- OSHA respirator standard (29 CFR 1910.134)
- OSHA asbestos regulations (29 CFR 1910.1001, 1915.1001, and 1926.1101)

Special Asbestos Abatement Cleaning Practices

Wet Cleaning

Proper Asbestos Abatement cleaning will involve the use of wet cleaning or wet-wiping practices to pick up asbestos fibers. Dry sweeping or dusting can result in asbestos fibers being re-suspended into the building's air and therefore should not be used. Once wet cloths, rags, or mops have been used to pick up asbestos fibers, they should be properly discarded as asbestos waste while still wet. They should not be allowed to dry out, because the collected fibers might be released at some later time when disturbed.

HEPA Vacuums

The use of special vacuum cleaners, commonly referred to as HEPA (high efficiency particulate air) vacuums, may be preferable to wet cleaning in certain situations. These vacuums are equipped with filters designed to remove very small particles or fibers—such as asbestos—by filtering those particles from the air passing through the vacuum. Because the exhaust air from an ordinary vacuum cleaner is not filtered sufficiently, it is possible for tiny asbestos fibers to pass through the filter and back into the building air.

Special procedures are generally needed to minimize the spread of fibers in the building after asbestos fiber release occurs.

It is important for Asbestos Abatement workers to use caution when emptying HEPA vacuums and changing the filters because exposures could result from such activities. Before emptying the HEPA vacuums, workers should move the HEPA vacuum to a physically isolated area of the facility and put on proper personal protective equipment before emptying the dust and debris into properly labeled, sealed, and leak-tight containers for disposal as asbestos-containing waste. When custodial workers are not trained to work with ACM, trained maintenance workers can be used to empty the HEPA vacuums and change their filters.

Steam Cleaning Carpets

If ACM has been released onto a carpeted area of a building, it may not always be possible to adequately clean the carpeted area. "Steam" cleaning and HEPA vacuuming methods are sometimes employed for this purpose. The APM should consider the need for workers engaged in cleaning asbestos-fiber-contaminated carpets to wear proper respiratory protection. It may also

be prudent to arrange for this type of cleaning to be done after normal working hours or when the facility is less occupied. Additionally, it may be more cost effective to properly dispose of contaminated carpets and other fabrics as asbestos-containing waste if a permanent asbestos control option is being undertaken in the building.

Where the ACM is damaged and located in an "air plenum" — where fibers can be transported by the heating, ventilation, or air conditioning (HVAC) system throughout the building — cleaning practices described above may be extended to the entire building, including the HVAC system itself. In general, for major fiber releases, the area should be isolated by closing doors and/or erecting temporary barriers to restrict airflow as well as access to the site.

Procedures for Asbestos Fiber Release Episodes

Special procedures are generally followed to minimize the spread of fibers throughout the building after asbestos fiber releases occur, such as the partial collapse of an ACM ceiling or wall. According to EPA regulations for schools a "major fiber release" is one involving more than three square or linear feet of ACM. The procedures to be followed will vary according to the site of the major release episode, the amount of ACM affected, the extent of fiber release from the ACM, the relationship of the release area to the air handling systems, and whether the release site is accessible to building occupants. Depending on the severity of the episode, asbestos abatement consultants and contractors may be helpful in developing a strategy for conducting the cleanup operations.

It is important to recognize that different levels of training may be needed for workers involved with fiber release episodes. For instance, the degree of training considered appropriate for dealing with the clean up of a major release, e.g., asbestos abatement worker training is quite different from the degree of training considered adequate for Asbestos Abatement workers.

Isolate the Area and Alert Building Occupants

In general, for major fiber releases, the area should be isolated by closing doors and/or erecting temporary barriers to restrict airflow as well as access to the site. Signs should be posted as necessary, immediately outside the fiber release site to prevent persons not involved in the cleanup operation from inadvertently entering the area. If asbestos fibers could enter the HVAC system, the system should be modified to prevent fiber entry, or should be shut down and sealed off.

Thoroughly Clean and Inspect the Area

The final step should be to employ thorough cleanup procedures to properly control the ACM. Conduct a careful visual inspection and final clearance air monitoring to verify satisfactory cleanup.

Similar procedures can be used for much smaller fiber release events where the amount of ACM is three square or linear feet or less. The HEPA vacuuming, wet wiping, and worker protection procedures outlined in this guidance document, as well as wetting ACM wastes and properly placing them in an appropriate leak-tight container (such as a properly labeled, 6-mil-thick plastic bag), are examples of some of the procedures that could be used for both major and minor fiber releases.

Demolition and renovation procedures for asbestos emission control. (Ohio Administrative Code 3745-20-04)

(A) Each owner or operator of a demolition or renovation operation to whom this rule applies shall comply with the following procedures:
(1) Remove all regulated asbestos-containing material from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the materials for subsequent removal. However, regulated asbestos-containing material need not be removed before demolition, except in accordance with paragraph (E) of this rule, if:

(a) It is category I nonfriable asbestos-containing material that is not in poor condition and is not friable.
(b) It is on facility components that are encased in concrete or other similarly hard material, and the asbestos-containing materials are adequately wet whenever exposed during demolition.
(c) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed regulated asbestos-containing material and any asbestos-contaminated debris must be treated as asbestos-containing waste material and adequately wet at all times until disposed of.
(d) It is category II nonfriable asbestos-containing material, and the probability is low the material will become crumbled, pulverized, or reduced to powder during demolition.

(2) When a facility component covered with, coated with or containing regulated asbestos-containing material is being taken out of the facility as units or in sections:

(a) Adequately wet all regulated asbestos-containing material exposed during cutting or disjointing operations; and
(b) Carefully lower the units or sections to the floor and to ground level not dropping, throwing, sliding or otherwise damaging or disturbing the regulated asbestos-containing material.

(3) Adequately wet regulated asbestos-containing materials when they are being stripped from facility components. In renovation operations, wetting that would unavoidably damage equipment or cause an unreasonable safety hazard, is not required if the following conditions are met:

(a) The owner or operator submits a written request to Ohio EPA no less than thirty days prior to the starting date of such operations, asking the director to determine whether wetting to comply with this rule would unavoidably damage equipment or present an unreasonable safety hazard, and supplies the director with adequate information to make this determination; and

(b) The director issues a written determination that equipment damage or an unreasonable safety hazard would be unavoidable; and
(c) The owner or operator uses alternative emission controls in accordance with the terms of the determination. At a minimum the owner or operator shall use one of the following:
(i) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos materials produced by the stripping and removal of friable asbestos material. The system shall exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in rule 3745-20-12 of the Administrative Code.
(ii) A glove-bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.
(iii) Leak-tight wrapping to contain all regulated asbestos-containing material prior to dismantlement.
(d) In renovation operations where wetting would result in equipment damage or a safety hazard, and the methods allowed in paragraph (A)(3)(c) of this rule cannot be used, an alternate method may be used after obtaining written approval from the director based upon a determination that it is equivalent to wetting in controlling emissions. Requests for alternative emission control methods shall be submitted concurrently with the request contained in paragraph (A)(3)(a) of this rule.
(e) A copy of the director's written determination shall be displayed at the worksite during the renovation operation.

(4) After a facility component covered with, coated with or containing regulated asbestos-containing material has been taken out of the facility as a unit or in sections, pursuant to paragraph (A)(2) of this rule, except as provided in paragraph (A)(5) of this rule, either:

(a) Adequately wet the regulated asbestos-containing material during stripping; or
(b) During stripping, use a local exhaust ventilation and collection system operated to capture the particulate asbestos material produced by the stripping. The system must exhibit no visible emissions to the outside air or must be designed and operated in accordance with the requirements in rule 3745-20-12 of the Administrative Code; or
(c) Encase the regulated asbestos-containing material on the component with a suitable leak-tight container in accordance with rule 3745-20-05 of the Administrative Code. Regulated asbestos-containing material, contained in leak-tight wrapping, that has been removed in accordance with this paragraph need not be wetted.

(5) For large facility components such as reactor vessels, large tanks, and steam generators, but not beams (which must be handled in accordance with paragraphs (A)(2), (A)(3), and (A)(4) of this rule), the regulated asbestos containing material is not required to be stripped if all of the following requirements are met:

(a) The component is removed, stored, transported, and either disposed of or reused without disturbing or damaging the regulated asbestos-containing material.
(b) The component is encased in a leak-tight wrapping.

(c) The leak-tight wrapping is labeled according to paragraph (D) of rule 3745-20-05 of the Administrative Code. Regulated asbestos-containing material, contained in leak-tight wrapping, that has been removed in accordance with this paragraph need not be wetted.

(6) For all regulated asbestos-containing material including material that has been removed or stripped:

(a) Adequately wet the materials and ensure that the materials remain adequately wet until collected and contained or treated in preparation for disposal in accordance with rule 3745-20-05 of the Administrative Code; and
(b) Carefully lower the materials to the ground or floor not dropping, throwing, sliding or otherwise damaging or disturbing the material;
(c) Transport the materials to the ground via leak-tight chutes, HEPA equipped vacuum transport system, or in leak-tight containers if the materials have been removed or stripped more than fifty feet above ground level and were not removed as units or in sections.

(7) When the temperature at the point of wetting is below thirty-two degrees Fahrenheit:

(a) Comply with paragraphs (A)(4) and (A)(6) of this rule. The owner or operator need not comply with the other wetting requirements of this rule; and
(b) Use a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos materials produced by the stripping and removal of friable asbestos material. The system shall exhibit no visible emissions; and
(c) Remove facility components coated or covered with regulated asbestos containing material as units or sections to the maximum extent possible.
(d) During periods when wetting operations are suspended due to freezing temperatures, the owner or operator shall record the temperature in the area containing the facility components at the beginning, middle, and end of each operating day and keep daily temperature records available for inspection by the director or the director's representative during normal business hours at the demolition or renovation site. The owner or operator shall retain the temperature records for at least two years.
(B) No regulated asbestos-containing material shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this chapter unless all of the following provisions are met:
(1) At least one authorized representative, trained in the provisions of this chapter and the means of complying with them, is present at the location of operations.
(2) The training required in paragraph (B)(1) of this rule shall include, as a minimum, adequate training in the provisions of this chapter for:
(a) Definitions;
(b) Applicability (including facility inspection, asbestos material identification and classification);
(c) Notifications (including contents, delivery requirements and requirements to revise notices);
(d) Emission control procedures for removals (including, adequate wetting, encapsulation, removal of facility components in units or sections, minimizing drop height, waste collection, local exhaust collection and ventilation systems, HEPA filters, negative pressure enclosures and glove bag procedures);

(e) Waste disposal work practices (including at least wetting, containers, container labeling, vehicle marking, waste shipment records and transport requirements, waste disposal site requirements);
(f) Reporting and record keeping; and
(g) Asbestos hazards and worker protection.
(3) Every two years, the trained on-site authorized representative shall receive refresher training in the provisions of this chapter.
(4) Evidence that the required training has been completed shall be posted and made available for inspection by the director or the director's representative at the demolition or renovation site.
(C) Each owner or operator of any demolition or renovation operation, shall ensure all regulated asbestos-containing materials which have been damaged or made friable by demolition, renovation or adjacent stripping operations are repaired, encapsulated, or removed for disposal in accordance with rule 3745-20-05 of the Administrative Code, prior to the removal of emission controls.
(D) For emergency demolition operations, adequately wet the portion of the facility that contains regulated asbestos-containing material during the wrecking operation and ensure that the materials remain adequately wet until collected for disposal in accordance with rule 3745-20-05 of the Administrative Code.
(E) If a facility is demolished by intentional burning, or if demolition debris is to be burned, all regulated asbestos-containing material including category I and category II nonfriable asbestos-containing material must be removed in accordance with this chapter before burning.

Definitions

"**ACBM**" - Asbestos containing building material of any type with an amount greater than one percent by weight.
"**ACM**" - Asbestos containing materials of any type with an amount greater than one percent by weight.
"**RACM**" – Regulated containing materials of any type.

"**Active waste disposal site**" means any disposal site of asbestos materials other than an inactive disposal site.
"**Adequately wet**" means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos containing material, then that material has not been adequately wetted.
However, the absence of visible emissions is not sufficient evidence of being adequately wet.
"**Asbestos**" means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite, as determined using the method specified in 40 CFR, Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM).
"**ASBESTOS ABATEMENT**" - The removal, encapsulation, enclosure, renovation, repair, demolition or other disturbance of asbestos containing material.
Asbestos-containing waste materials means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this chapter. This term includes filters from control devices, friable asbestos-containing material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.
"**Asbestos material**" means asbestos or any material containing asbestos.
"**Asbestos mill**" means any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.
"**Asbestos tailings**" means any solid waste that contains asbestos and is a product of asbestos mining or milling operations.
"**Asbestos waste from control devices**" means any waste material that contains asbestos and is collected by a pollution control device. 3745-20-01 2
"**Category I nonfriable asbestos-containing material**" means asbestos-containing packing, gaskets, resilient floor covering, and asphalt roofing products containing more than one per cent asbestos as determined using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM).
"**Category II nonfriable asbestos-containing material**" means any material, excluding Category I nonfriable asbestos-containing material, containing more than one percent asbestos as determined using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM),

that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"**Commercial asbestos**" means any material containing asbestos that is extracted from ore and has value because of its asbestos content.

"**Cutting**" means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

"**Demolition**" means the wrecking, or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

"**Emergency demolition**" means any demolition operation conducted under a written order issued by a state or local governmental agency because a facility is structurally unsound and in danger of imminent collapse.

"**Emergency renovation operation**" means a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by no routine failures of equipment.

"**Encapsulate**" means to coat, bind or resurface walls, ceilings, pipes or other structures or asbestos-containing materials with suitable products to prevent friable asbestos from becoming airborne.

"**Fabricating**" means any processing (including but not limited to cutting, sawing, drilling) of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites (field fabricating) for the construction or restoration of facilities. In the case of friction products, fabricating includes bonding, debonding, grinding, sawing, drilling, or other similar operations performed as part of fabricating. 3745-20-01 3

"**Facility**" means any institutional, commercial, public, industrial or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, or any operation involving the renovation/demolition of multiple residential structures identified by an owner or operator within a scheduled period of time; any ship; and any active or inactive waste disposal site. For purposes of this definition, any structure, installation or building that contains a loft used as a dwelling is not considered a residential structure, installation or building. Any structure, installation or building that was previously subject to this rule due to its prior use or function is not excluded, regardless of its current use or function.

"**Facility component**" means any part of a facility, including but not limited to any structural member, pipe, duct, boiler, tank, reactor, turbine, furnace, or other equipment at or in a facility; or any structural member of a facility.

"**Friable asbestos material**" means any material containing more than one per cent asbestos by area, as determined using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1 Polarized Light Microscopy (PLM), that, when dry can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than ten percent as determined by a method other

than point counting by Polarized Light Microscopy, verify the asbestos content by point counting using Polarized Light Microscopy. Any category I or category II asbestos containing material that becomes damaged from either deterioration or attempts at removal or abatment resulting in small fragments the size of four square inches or less shall also be considered friable or RACM.

"**Fugitive source**" means any source of emissions not controlled by an air pollution control device.

"**General ventilation device**" means any air moving device specifically designed for increasing air flow through an area and exhausting the air through a HEPA filter in such a way that there is no bypass of air around the filter.

"**Glove bag**" means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials.

"**Grinding**" means to reduce to powder or small fragments and includes mechanical chipping or drilling.

"**HEPA filter**" means a high efficiency particulate air filter certified by the manufacturer to have a collection efficiency of not less than ninety-nine and ninety-seven one hundredths per cent as determined by ASTM D2986-71.

"**In poor condition**" means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material. 3745-20-01 4

"**Inactive waste disposal site**" means any disposal site or portion thereof, which contains asbestos-containing waste materials, but where such material has not been deposited within the past year.

"**Installation**" means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator, or owner or operator under common control.

"**Leak-tight**" means that liquids cannot escape or spill out. It also means dust tight.

"**Local exhaust ventilation and collection system**" means equipment designed to collect or capture particulate material at the point of generation and which exhausts air through a HEPA filter so that there is no bypass of air around the filter.

"**Malfunction**" means any sudden and unavoidable failure of air pollution control equipment or process equipment, or the failure of a process to operate in a normal or usual manner so that asbestos emissions are increased. Failures of equipment shall not be considered malfunctions if they are caused in any way by poor maintenance, careless operation, or any other preventable upset conditions, equipment breakdown, or process failure.

"**Manufacturing**" means the combining of commercial asbestos, or, in the case of woven friction products, the combining of textiles containing commercial asbestos, with any other materials(s), including commercial asbestos, and the processing of this combination into a product. Chlorine production is considered a part of manufacturing.

"**Natural barrier**" means a natural object that effectively precludes or deters access. Natural barriers include physical obstacles such as cliffs, lakes, or other large bodies of water, deep and wide ravines, and mountains. Remoteness by itself is not a natural barrier.

"**NESHAP**" means national emission standards for hazardous air pollutants.

"**Nonfriable asbestos-containing material**" means any material containing more than one per cent asbestos as determined using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM) that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"**Nonscheduled renovation operation**" means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted. 3745-20-01 5

"**Ohio EPA field office**" means any Ohio environmental protection agency district office or local air agency.

"**Outside air**" means the air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

"**Owner or operator**" means:

(a) As it applies to rules 3745-20-02 to 3745-20-05 of the Administrative Code, any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls or supervises the demolition or renovation, or both; or

(b) As it applies to rules 3745-20-06 to 3745-20-07 of the Administrative Code, any person who owns, leases, operates, controls, or supervises an active or inactive asbestos waste disposal site or operation; or

(c) As it applies to rules 3745-20-08 to 3745-20-15 of the Administrative Code, any person who owns, leases, operates, controls, or supervises the activities referenced in those rules.

"**Particulate asbestos material**" means finely divided particles of asbestos or material containing asbestos.

"**Planned renovation operations**" means any renovation operation, or a number of such operations, in which some regulated asbestos-containing material will be removed or stripped within a given period of time and that can be predicted. Individual nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time, based on operating experience.

"**Regulated asbestos-containing material**" means:

(a) **Friable asbestos material**;

(b) **Category I** nonfriable asbestos-containing material that has become friable;

(c) **Category I** nonfriable asbestos-containing material that will be or has been subjected to sanding, grinding, cutting, or abrading; or

(d) **Category II** non friable asbestos-containing material that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this chapter. 3745-20-01 6

"**Remove**" means to take out regulated asbestos-containing material or facility components that contain or are covered with regulated asbestos-containing material from any facility.

"**Renovation**" means altering a facility or one or more facility components in any way, including the stripping or removal of regulated asbestos-containing

material from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.
"**Residential exempt structure**" means a residential building having four or fewer dwelling units. A single residential building is excluded from these rules unless it otherwise meets the definition of facility.
"**Resilient floor covering**" means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than one per cent asbestos as determined using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized Light Microscopy (PLM).
"**Roadways**" means surfaces on which vehicles travel. This term includes public and private highways, roads, streets, parking areas, and driveways.
"**Strip**" means to take off regulated asbestos-containing material from any part of a facility or facility components.
"**Structural member**" means any load-supporting member of a facility, such as beams and load supporting walls; or any nonload-supporting member such as ceilings and nonload-supporting walls.
"**USEPA**" means United States environmental protection agency.
"**Visible emissions**" means any emissions that are visually detectable without the aid of instruments, coming from regulated asbestos-containing material or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed uncombined water vapor.
"**Waste generator**" means any owner or operator of a source subject to this chapter whose act or process produces asbestos-containing waste material.
"**Waste shipment record**" means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material. 3745-20-01 7
"**Working day**" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

COMPLIANCE ACKNOWLEDGEMENT

LEE ENVIRONMENTAL CLEANING, INC. requires all asbestos abatement employees to attest and acknowledge that all the pertinent asbestos abatement regulations will be followed.

I attest that I will adhere to and comply with any and all pertinent asbestos abatement procedures pursuant to federal and state regulations.

As Attested,

_____ _____

Employee Name Printed Employee Signature

Date: _____

LEE ENVIRONMENTAL CLEANING, INC.

January 23, 2013

VIA U.S. Mail

Mr. Mike Samec, Enforcement Representative
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, OH 44114-1839

Re: 8191 West 90th Street; Project ID: CL 18 562

Dear Mr. Samec:

I apologize for the delay in this response to the aforementioned. I have been sick with the flu and inadvertently failed to address your correspondence.

Lee Environmental has reinforced its Asbestos Abatement Policy, that has been previously sent to you, by directing its employees to follow all established procedures. If an employee fails to adhere to such standards, the employee will be subjected to disciplinary action.

Lee Environmental Cleaning is committed to adapting any and all of its procedures in conformance with EPA regulations and seeks any and all assistance and feedback from the Cleveland Division of Air Quality.

Sincerely yours,

Kenneth McElroy, Administrator

Lee Environmental Cleaning, Inc.

11212 Avon Avenue, Cleveland, OH 44105 • (216) 355-1565 • (216) 916-4910 fax

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

HAND DELIVERED
RETURN RECEIPT REQUESTED

February 7, 2013

Ed Rumph
Owner
Lee Environmental Cleaning
11212 Avon Suite 102
Cleveland, Ohio 44105

RE: 3191 West 90th Street
PROJECT ID: CL 13 562
RECEIPT OF CORRECTIVE ACTION PLAN: NESHAP VIOLATIONS

Dear Mr. Rumph:

On December 26, 2012, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requesting that Lee Environmental Cleaning (Lee) submit a corrective action plan indicating how improper transite removal procedures will be corrected during future transite removal projects. CDAQ is in receipt of a letter, dated January 28, 2013, stating Lee has reinforced its Asbestos Abatement Policy.

CDAQ is requesting a copy of your Asbestos Abatement Policy to be submitted within fourteen (14) days of your receipt of this letter.

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:

Mike Samec
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 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. 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 3191 West 90th Street: CL 13 562.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ms

cc: John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
Jim Maher, Cuyahoga County Land Reutilization Corp.
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