



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 7012 2210 0000 5209 3343
RETURN RECEIPT REQUESTED**

March 28, 2013

Ronald Jackson
Chief Executive Officer
AFCOSE Group LLC
PO Box 641
Lorain, OH 44052-0641

**RE: 10617 Lee Avenue
PROJECT ID: CL 13 1327**

NOTICE OF VIOLATION: Failure to submit a revised notification

Dear Mr. Jackson:

On March 15, 2013, the Cleveland Division of Air Quality (CDAQ) inspected the renovation project located at 10617 Lee Avenue in Cleveland. This letter serves as notification that you are 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 (ORC) Section 3704.05(G).

The AFCOSE Group LLC (AFCOSE) submitted an Ohio EPA Notification of Demolition and Renovation regarding the project on February 28, 2013. The renovation involved removing 12,400 feet² of Category II asbestos-containing material and 135 linear feet of a regulated asbestos-containing material. According to the project's notification, the asbestos abatement was scheduled to start on March 14, 2013. CDAQ evaluated the site for compliance on March 15, 2013. Although the notification indicated that the site was active on that day, it was inactive. The failure to submit a revised notification in writing regarding a renovation project's new start date is a violation of 40 CFR Part 61.145(b)(3)(iv)(A), OAC Rule 3745-20-03(A)(3)(d)(i) and ORC Section 3704.05(G).



A notification's asbestos abatement start and completion dates must be accurate. Accurate dates facilitate CDAQ evaluating the project for compliance with asbestos regulations. Several reasons for submitting a revision include: if a project starts later than the submitted date; if contractor needs to leave the site but return, the project must be put on hold; or if a project ends earlier than the submitted date.

Unless you undertake some type of corrective action with respect to the above-noted violation you will remain in non-compliance. CDAQ requests that AFCOSE submit a plan for improving the accuracy of their notifications, within 14 days of receipt of this letter, to the following enforcement specialist:

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

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in ORC Section 3704.99(A), which allows fines of not more than \$25,000 or imprisonment for not more than one year, or both, for each violation.

CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ must include the Ohio EPA project identification number for the renovation located at 10617 Lee Avenue:
CL 13 1327.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/dlw

cc: 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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