



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 28, 2013

Antoine Bogan
Owner
Aero Abatement Services, Inc.
PO Box 32428
Euclid, Ohio 44132

NON-HPV

**PROJECT ID: CL 13 944, CL 13 947, CL 13 948, and CL 13 1077
NOTICE OF VIOLATION: NESHAP VIOLATIONS**

Dear Mr. Bogan:

On February 22, 2013, the Cleveland Division of Air Quality (CDAQ) inspected 1067 East 145th street, 924 East 146th Street, 3163 West 106th Street, and 1317-1321 East 105th Street 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).

Aero Abatement violated 40 CFR 61.145(b)(3)(iv)(A)(1) and OAC Rule 3745-20-03(A)(3)(d)(i)(a) for failing to provide notification of the new start date by telephone or fax as soon as possible before the original start date. [Observed on February 22, 2013]

Aero Abatement violated 40 CFR 61.145(b)(3)(iv)(A)(2) and OAC Rule 3745-20-03(A)(3)(d)(i)(b) for failing to provide a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice shall be by the postal service, commercial delivery service, or hand delivery. [Observed on February 22, 2013]

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Aero Abatement submit revised notifications with accurate start and completion dates, for each of the sites listed above. Asbestos removal may not take place until CDAQ has been notified. Please submit the revised Notifications 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 (\$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. 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 the following listed below:

CL 13 944: 3163 West 106th Street
CL 13 947: 924 East 146th Street
CL 13 948: 1067 East 145th Street
CL 13 1077: 1317 – 1321 East 105th Street

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ms

cc:  George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
Jim Maher, Cuyahoga County Land Reutilization Corp.
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