



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 17, 2013

RE: **NOTICE OF VIOLATION**
DEMOLITION OF
973 EAST 78th STREET
CLEVELAND, OHIO 44103

CERTIFIED MAIL

Mr. Joe Carey
Carey Roofing & Construction
2695 East 55 Street
Cleveland, Ohio 44104

Dear Mr. Carey:

On May 20, 2013, the Ohio EPA Northeast District Office (NEDO), Division of Air Pollution Control (DAPC), received an asbestos demolition notification. The notification indicated no abatement of regulated asbestos-containing material (RACM). The date for demolition listed on the notification was May 13 through 15, 2013, which is prior to Ohio EPA receiving the notification. The demolition of this structure was part of the City of Cleveland urban demolition activity.

On May 28, 2013, an inspection by Ohio EPA was conducted of the property and the structure was found to be demolished.

In view of the above facts, this demolition project conducted at 973 East 78th Street., Cleveland, Ohio between May 13 and 15, 2013, was subject to compliance with the Clean Air Act and regulations promulgated there under, setting forth a National Emission Standard for Asbestos 40 CFR 61.140, *et seq.* (NESHAP Asbestos Standard). These types of operations are also subject to Ohio Administrative Code (OAC) chapter 3745-20, "Ohio Asbestos Emission Control Rules."

Pursuant to 40 CFR 61.141, an "owner or operator of a demolition or renovation activity means 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 operation, or both." Any owner or operator is prohibited under 40 CFR 61.19 from circumvention of a visible emission standard or notification requirements by the piecemeal carrying out of an operation.

Finally, pursuant to Section 112 (KK), the authority to implement and enforce the NESHAP has been delegated to the State of Ohio Environmental Protection Agency's Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of U.S. EPA for any violations for which Ohio is unable to initiate a required enforcement action.

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In accordance with the above stated delegation of authority, you are hereby notified that the demolition conducted on 973 East 78 Street between May 13 and 15, 2013, by Carey Roofing and Construction was in violation of the NESHAP requirements in 40 CFR 61.145(a) and (b), "applicability" and "notification requirements" in the "Standard for Demolition and Renovation." This was also a violation of OAC rule 3745-20-03, "Standard for Notification" in the Ohio Asbestos Emission Control Rules.

Within fourteen (14) days of receipt of this letter, you are requested to submit the following information. This request for information is made pursuant to OAC Rule 3745-15-03.

- 1) The name, address, phone number and contact person of all contractors involved in the demolition project and an explanation of each company's involvement.
- 2) The name, address, phone number and contact person of all contractors involved in the disposal of both construction demolition and debris (CD&D) waste from the site of the demolition project and an explanation of the involvement.
- 3) The location of the site where both construction demolition and debris (CD&D) waste along with RACM from the demolition was disposed including a copy of any manifests or receipts.
- 4) A copy of any asbestos survey reports of the building.
- 5) The actual beginning and ending dates of the abatement and demolition projects.
- 6) Copy of a revised asbestos notification form.

This Notice of Violation in no way waives the right of Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications may be directed to you regarding this violation or additional violations that may be found.

Clarification, explanation or evidence pertaining to this violation should be brought to our immediate attention. If you have any questions, please contact me at (330) 963-1241 or Bob Princic at (330) 963-1230.

Sincerely,



Richard Kolosionek *RTP*
District Representative
Division of Air Pollution Control

RK:bo

pc: Ed Fasko, DAPC, NEDO
Bob Princic, DAPC, NEDO
Tim Fischer, DAPC, NEDO
Frederick Jones, DAPC, CO
Bruce Weinberg, DAPC, CO
Edward Rybka, City of Cleveland, Dept. of Housing
Damian Borkowski, City of Cleveland