



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

July 2, 2013

RE: CERTIFIED WARNING LTR.
2345 EAST 74 STREET
CLEVELAND, OH 44104

CERTIFIED MAIL

Mr. Pete Difonzo
c/o Difonzo Excavating, Inc.
36036 Lakeland Blvd.
Willoughby, OH 44095

Dear Mr. Difonzo:

The purpose of this letter is to inform you that on June 6, 2013, a Division of Air Pollution Control (DAPC) inspector noted that the structure at 2345 East 74th Street had been demolished. A review of the most recent revised notification for this structure, received by this office on May 30, 2013, indicated that both the abatement and demolition phases of this project were on hold. A call to the abatement contractor, A & D Contracting, Inc., confirmed that the demolition phase had occurred prior to abatement.

In our phone conversation of June 6, 2013, you admitted that the structure has been demolished by your company. You stated that you were operating under information supplied on the original notification that indicated abatement had been completed by May 10, 2013. You further stated that you were unaware of any additional revisions that resulted in the project being on hold, and that you were unaware that abatement had not taken place.

Failure to ensure that abatement had occurred prior to the demolition of 2345 East 74th Street was a violation of Ohio Administrative Code (OAC) 3745-20-04(A)(1), which requires that a contractor "remove all regulated asbestos-containing material from a facility being demolished or renovated before any activity begins....." This activity was also a violation of OAC 3745-20-05(A)(1), which requires that "all asbestos-containing waste material shall be deposited as soon as practical by the waste generator in a waste disposal site operated in accordance with the provisions of rule 3745-20-06 of the Administrative Code...."

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While it is understandable that you might have demolished the structure prior to abatement based on incomplete information, and had not been provided with the latest revision of the Ohio EPA notification that indicated the project was on hold, it is the responsibility of all parties to ensure that the provisions of the federal Asbestos NESHAP and state asbestos regulations are followed during abatement and renovation/demolition activities.

This letter in no way waives the right of Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications will be directed to you if additional violations of the federal NESHAP and state asbestos rules are found. If you have any questions regarding this letter, please contact the undersigned.

Sincerely,



Bob Princic
Environmental Supervisor
Division of Air Pollution Control

BP:bo

pc: Damian Borkowski, City of Cleveland

ec: Ed Fasko, DAPC/NEDO
Tim Fischer, DAPC/NEDO
Rich Kolosionek, DAPC/NEDO