



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**

**CERTIFIED MAIL 7011 3500 0000 1759 8683
7011 3500 0000 1759 8690
RETURN RECEIPT REQUESTED**

August 14, 2013

US Bank Home Mortgage
US Bankcorp Building
1350 Euclid Avenue, FL 11
Cleveland, OH 44115

David Culbertson
Brick City Builders, LLC
7672 Lanese Drive
Windsor, OH 44099

**RE: 3708 W. 15th Street, Cleveland, OH 44109
PROJECT ID: Complaint #8836
LETTER OF WARNING: ASBESTOS NATIONAL EMISSION STANDARD FOR
HAZARDOUS AIR POLLUTANTS (NESHAP) VIOLATIONS**

Dear US Bank Home Mortgage and Mr. Culbertson:

On July 24, 2013, the Cleveland Division of Air Quality (CDAQ) received a complaint for asbestos removal/demolition of a vacant home that took place on July 17 and July 18, 2013, at 3708 W. 15th Street in Cleveland.

On July 26, 2013 and July 31, 2013, CDAQ investigated the above-referenced complaint. 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 chapter 3704.05(G).

US Bank Home Mortgage and Brick City Builders, LLC violated 40 CFR Part 61.145(b)(3)(i), and OAC Rule 3745-20-03(A)(3)(a) for failing to provide CDAQ with an Ohio Environmental Protection Agency (EPA) Notification of Demolition and Renovation at least ten (10) working days before asbestos demolition activities. The rule specifies that each owner or operator of a demolition or renovation activity shall postmark or deliver the notification to an EPA administrator at least 10



working days before asbestos stripping, removal, or demolition, or any other activity begins such as site preparation that would breakup, dislodge or similarly disturb asbestos material.

US Bank Home Mortgage and Brick City Builders, LLC also violated 40 CFR Part 61.145(a), and OAC Rule 3745-20-02(A) by failing to thoroughly inspect the affected property for the presence of asbestos prior to commencement of the demolition activity.

On July 26, 2013, CDAQ collected two samples of suspect Asbestos Containing Material (ACM) left over from the demolition activity conducted at 3708 W. 15th Street in Cleveland. The samples were analyzed and came back positive as containing 20% asbestos (see enclosed Asbestos Analysis Report).

Therefore, US Bank Home Mortgage and Brick City Builders, LLC are also in violation of 40 CFR Part 61.145(c)(1), and OAC Rule 3745-20-04(A)(1) for failing to remove all regulated ACM prior to demolition activity.

Additionally, US Bank Home Mortgage and Brick City Builders, LLC failed to adequately wet the regulated ACM and ensure that it remained wet until collected and contained for disposal which is in violation of 40 CFR Part 61.145(c)(6)(i), and OAC Rule 3745-20-04(A)(6)(a).

US Bank Home Mortgage and Brick City Builders, LLC are also in violation of 40 CFR Part 61.150, and OAC Rule 3734-20-05 for failing to follow the standards for asbestos waste handling and disposal.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that US Bank Home Mortgage and Brick City Builders, LLC submit a comprehensive plan, including the following:

- Submit a plan for how future demolitions of vacant properties will be handled by US Bank Home Mortgage and Brick City Builders LLC, in accordance with EPA asbestos regulations;
- Submit the enclosed Ohio EPA Notification of Demolition and Renovation identifying the amount of asbestos material located on the property prior to the demolition and indicating where the demolition (debris) waste was taken;
- If an asbestos survey was conducted for the property, submit survey results to CDAQ asbestos program; and
- Explain how and when the remaining ACM will be cleaned up from the adjacent properties located at 3704 & 3702 W. 15th Street in Cleveland.

Your corrective action plan should be submitted to the following enforcement representative:



Roman Fedorko
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.

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 Roman Fedorko at (216) 664-4794.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/rf

cc: Mark Needham, Ohio Department of Health
George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
L:\Data\Facilities\+ Programs\Asbestos\Notification Reviews\ANTS 2013\No CL
Number\2013-07-26 Complaint 8836\2013-07-26 NOV.docx

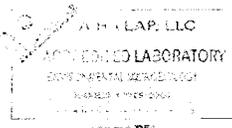
encl: 1. Sample Analysis Report
2. Pictures
3. Ohio EPA Notification of Demolition and Renovation

Analysis Report
prepared for
City of Cleveland, DAQ

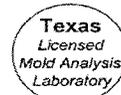
Report Date: 8/2/2013
Project Name: 3708 West 15th Street
SanAir ID#: 13017288



NVLAP LAB CODE 200870-0



Certification # 652931



License # LAB0166





SanAir Technologies Laboratory, Inc.

1551 Oakbridge Drive, Suite B, Powhatan, VA 23139
804.897.1177 Toll Free: 888.895.1177 Fax: 804.897.0070
Web: <http://www.sanair.com> E-mail: iaq@sanair.com

City of Cleveland, DAQ
75 Erieview Plaza - 2nd Floor
Cleveland, OH 44114

August 2, 2013

SanAir ID # 13017288
Project Name: 3708 West 15th Street
Project Number:

Dear Roman Fedorko,

We at SanAir would like to thank you for the work you recently submitted. The 2 sample(s) were received on Friday, August 02, 2013 via FedEx. The final report(s) is enclosed for the following sample(s): 01, 02.

These results only pertain to this job and should not be used in the interpretation of any other job. This report is only complete in its entirety. Refer to the listing below of the pages included in a complete final report.

Sincerely,

Sandra Sobrino
Asbestos & Materials Laboratory Manager
SanAir Technologies Laboratory

Final Report Includes:

- Cover Letter
- Analysis Pages
- Disclaimers and Additional Information

sample conditions:

2 sample(s) in Good condition



SanAir Technologies Laboratory, Inc.

1551 Oakbridge Drive, Suite B, Powhatan, VA 23139
804.897.1177 Toll Free: 888.895.1177 Fax: 804.897.0070
Web: <http://www.sanair.com> E-mail: iaq@sanair.com

SanAir ID Number

13017288

FINAL REPORT

Name: City of Cleveland, DAQ
Address: 75 Erieview Plaza - 2nd Floor
Cleveland, OH 44114

Project Number:
P.O. Number: 5007 201300000000002 01/11/2013
Project Name: 3708 West 15th Street

Collected Date: 7/26/2013
Received Date: 8/2/2013 8:00:00 AM
Report Date: 8/2/2013 6:13:35 PM
Analyst: Pisula, Nicholas

Asbestos Bulk PLM EPA 600/R-93/116

Sample ID	Location	Color	Fibrous	Homogeneous	Other (%)	Chrysotile (%)
01 / 13017288-001	3708 W 15th Street #1	Grey	Non-Fibrous	Homogeneous	80%	20%
02 / 13017288-002	3708 W 15th Street #2	Grey	Non-Fibrous	Homogeneous	80%	20%

Signature: 
Date: 8/2/2013

Reviewed: 
Date: 8/2/2013

Disclaimer

The final report cannot be reproduced, except in full, without written authorization from SanAir. Fibers smaller than 5 microns cannot be seen with this method due to scope limitations. The accuracy of the results is dependent upon the client's sampling procedure and information provided to the laboratory by the client. SanAir assumes no responsibility for the sampling procedure and will provide evaluation reports based solely on the sample and information provided by the client. This report may not be used by the client to claim product endorsement by NVLAP, AIHA or any other agency of the U.S. government; *and may not be certified by every local, state and federal regulatory agencies.*



1551 Oakbridge Drive Suite B
 Powhatan, VA 23139
 804-897-1177 / 888-895-1177
 Fax 804-897-0070
 www.sanair.com

Asbestos
 Chain of Custody

SanAir ID Number
 13017288

Company: City of Cleveland, Department of Public Health - Division of Air Quality		Project #:	Collected by: Roman Fedorko
Address: 75 Erievue Plaza - 2nd Floor		Project Name: 3708 West 15th Street	Phone #: 216-664-4794
City, St., Zip: Cleveland, OH 44114-1839		Date Collected: 7/26/13	Fax #: 216-420-8047
State of Collection: RACM Account#: 2355		P.O. Number:	Email: rfedorko@city.cleveland.oh.us

Bulk		Air		Soil/Vermiculite	
ABB	PLM EPA 600/R-93/116 <input type="checkbox"/>	ABA	PCM NIOSH 7400 <input type="checkbox"/>	ABSE	PLM EPA 600/R-93/116 (Qual.) <input type="checkbox"/>
	Positive Stop <input type="checkbox"/>	ABA-2	OSHA w/ TWA' <input type="checkbox"/>	ABSP	PLM CARB 435 (LOD <1%) <input type="checkbox"/>
ABEPA	PLM EPA 400 Point Count <input checked="" type="checkbox"/>	ABTEM	TEM AHERA <input type="checkbox"/>	ABSP1	PLM CARB 435 (LOD 0.25%) <input type="checkbox"/>
ABB1K	PLM EPA 1000 Point Count <input type="checkbox"/>	ABATN	TEM NIOSH 7402 <input type="checkbox"/>	ABSP2	PLM CARB 435 (LOD 0.1%) <input type="checkbox"/>
ABBEN	PLM EPA NOB <input type="checkbox"/>	ABT2	TEM Level II <input type="checkbox"/>		
ABBCH	TEM Chatfield <input type="checkbox"/>				
ABBTM	TEM EPA NOB <input type="checkbox"/>				
Water		New York ELAP		Dust	
ABHE	EPA 100.2 <input type="checkbox"/>	PLM NY	PLM EPA 600/M4-82-020 <input type="checkbox"/>	ABWA	TEM Wipe ASTM D-6480 <input type="checkbox"/>
		ABEPA2	NY ELAP 198.1 <input type="checkbox"/>	ABDMV	TEM Microvac ASTM D-5755 <input type="checkbox"/>
		ABENY	NY ELAP 198.6 PLM NOB <input type="checkbox"/>		
		ABBNY	NY ELAP 198.4 TEM NOB <input type="checkbox"/>	Matrix	Other <input type="checkbox"/>

Turn Around Times	3 HR (4 HR TEM) <input type="checkbox"/>	6 HR (8HR TEM) <input type="checkbox"/>	12 HR <input checked="" type="checkbox"/>	24 HR <input type="checkbox"/>
	2 Days <input type="checkbox"/>	3 Days <input type="checkbox"/>	4 Days <input type="checkbox"/>	5 Days <input type="checkbox"/>

or Rush (ms)

Special Instructions

Sample #	Sample Identification/Location	Volume or Area	Sample Type	Flow Rate*	Time* Start - Stop
01	3708 W 15 th Street #1		Bulk		
02	↓ #2		↓		

Relinquished by	Date	Time	Received by	Date	Time
			AG	8/2/13	8 AM

Unless scheduled, the turn around time for all samples received after 3 pm EST Friday will begin at 8 am Monday morning. Weekend or Holiday work must be scheduled ahead of time and is charged for rush turn around time. Work with standard turn around time sent Priority Overnight and Billed to Recipient will be charged a \$10 shipping fee.

photo 2



photo 1



photo.3



photo 4



photo 5



pic 3473



pic 3474





pic 3477



pic 3475

INSTRUCTIONS FOR NOTIFICATION OF ASBESTOS DEMOLITION AND RENOVATION OHIO ENVIRONMENTAL PROTECTION AGENCY

Regulatory Requirements:

The Ohio Environmental Protection Agency adopted Chapter 3745-20 of the Ohio Administrative Code (OAC) "Asbestos Emission Control from Renovation Demolition and Waste Disposal Operation" May 29, 1990. Chapter 3745-20 implements the National Emission Standard for Hazardous Air Pollutants (NESHAP) Standard for Asbestos. On November 20, 1990 U.S. EPA revised the asbestos NESHAP. Proper completion and submittal of the Ohio EPA form for notification, meets or exceeds all requirements for notification under the NESHAP and the Ohio Administrative Code. Notification requirements are found in OAC 3745-20-03 and in 40 CFR Section 61.145(b).

Who Must Notify:

Every demolition of a facility requires notification regardless of whether asbestos is involved. Renovation of a facility must be submitted when the amount of regulated asbestos-containing material (RACM) stripped, removed, dislodged, cut, drilled, or similarly disturbed exceeds 260 linear feet on pipes or 160 square feet on other facility components or 35 cubic feet off facility components.

When Must Notification Be Provided:

Notice must be postmarked, delivered or received by the Ohio EPA district office or local air agency with jurisdiction in the county where the operations will occur. A list of the counties and a map is available for reference. All notifications must be submitted at least 10 working days (Monday-Friday excluding weekends) before operations begin. Phone notification is not acceptable for original notification. Notification must be updated when substantive information changes or the amount of asbestos changes by more than 20%. Updated notification may be provided by phone or fax followed in writing before the operations continue. An emergency demolition or emergency renovation notice must be submitted as early as possible before but not later than the following working day, and must include the information required under notice sections XIV and XV.

What Information Must Be Supplied:

Complete all parts of the form except XIV and XV unless the notice is for emergency demolitions or renovations. Demolition

which involves less than 260 linear feet or 160 square feet do not need to complete items XI, XII, and XIII. Before submitting any notice the facility must be thoroughly inspected for asbestos including Category I (nonfriable packing gaskets, floor tile, asphalt roofing) and Category II (all other nonfriable ACM). OAC 3701-34-02(C) prohibits any person not certified as an asbestos hazard evaluation specialist in Ohio from inspecting and identifying asbestos for the purpose of determining the need for an asbestos hazard abatement activity.

Operator Project # -- this is an optional space provided for the person submitting the notice to indicate a project number.

- I. Identify if the notice is an original, revised, or canceled.
- II. A complete facility description must be provided including the specific portion of the facility affected by the operations. Building size must be estimated in square feet, number of floors, and age in years. Also include the present and prior use (i.e., industrial, commercial, institutional, etc.)
- III. Identify the type of operation being notified. If uncertain consult 40 CFR 61.141 and 61.145(a) or OAC 3745-20-01 and 3745-20-02.
- IV. Declare whether or not asbestos is present in any quantity.
- V. All spaces must be completed identifying the Owner, Removal Contractor and other responsible operator (if applicable) such as a demolition contractor or general contractor.
- VI. Include the procedure used to detect and analyze asbestos. All operations should have the records of the inspection and analyses on-site during active operations for inspection. Such records would include a list of materials assessed, locations sampled and the sample results.
- VII. Quantify asbestos in the three columns (RACM, Nonfriable Asbestos Material to be Removed, Nonfriable Asbestos Material NOT to be Removed).
- VIII. The starting and ending date for demolition or renovation must be noted even when asbestos is not being removed.
- IX. Include the scheduled dates for asbestos removal and specify the hours of operation and check off the days of the week operations will be active.
- X. Describe the demolition or renovation which will occur and the methods or operations that will be employed.
- XII. Indicate the names and addresses and phone numbers of any waste transporters. You must also complete a Waste Shipment Record prior to consigning any asbestos waste materials.
- XIII. Identify the waste disposal site and its actual location (may be different from mailing address).
- XIV. This space is only for emergency demolitions that meet the definitions and requirements of the regulation. In addition to completing the notification form, four additional items must be completed or attached to the notice. If a facility is not in imminent danger of collapse, it is not an emergency demolition even though it may be ordered due to hazardous conditions.
- XV. Emergency Renovations must meet criteria described at 40 CFR 61.141 and OAC 3745-20-01. Include an attachment with the three items listed on the notice form.
- XVI. Describe the procedures to be followed in the event unexpected asbestos is found or nonfriable asbestos becomes RACM. This will prevent delays or complete re-notification. In the event asbestos quantities change by 20% or more, you must update the notice.
- XVII. After November 20, 1991 you must certify a NESHAP trained person will be available during normal business hours at the demolition or renovation site. Signature must be by an authorized officer of the owner or operator.

OHIO ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF DEMOLITION AND RENOVATION

X. Description of planned Demolition or Renovation work to be performed and method(s) to be employed, including demolition or renovation techniques to be used and description of affected facility components:

XI. Description of work practices and engineering controls to be used to comply with the requirements, including asbestos removal and waste handling emission control procedures:

XII. Waste Transporter #1

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Contact: _____ Telephone: (____) _____ Fax: (____) _____

Waste Transporter #2

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Contact: _____ Telephone: (____) _____ Fax: (____) _____

XIII. Waste Disposal

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Contact: _____ Telephone: (____) _____ Fax: (____) _____

XIV. Emergency Demolition (complete Item XIV and all other sections, only if this project is an Emergency Demo.)

1. Attach a copy of the Order to this notice.
2. Name of Authority Issuing Order: _____ Title: _____
3. Authority of Order (Citation of Code): _____
4. Date of Order (MM/DD/YY): _____ Date Ordered to Begin: _____

XV. Emergency Renovation (Attach separate sheet with the following information if project is Emergency Reno.)

1. Date and Hour of the Emergency
2. Description of the Sudden, Unexpected Event
3. Explanation of how the event caused unsafe conditions or equipment damage or an unreasonable financial burden.

XVI. Description of procedures to be followed in the event that unexpected RACM is found or nonfriable ACM becomes crumbled, pulverized or reduced to powder.

XVII. I certify that an individual trained in the provisions of NESHAPS (40 CFR PART 61, SUBPART M) will be on-site during the Demolition or Renovation and evidence that the required training has been accomplished by this person will be available during normal business hours.

Signature of Owner/Operator Date Type or Print Name and Title

XVIII. I acknowledge the existence of laws prohibiting the submission of false or misleading statements and I certify that facts contained in this notification are true, accurate, and complete.

Signature of Owner/Operator Date Type or Print Name and Title

Original Notification must be mailed or hand delivered at least ten working days (Monday-Friday excluding weekends) before demolition or renovation begins, except emergency demolitions and emergency renovations (see regulation) which must be submitted as soon as possible before operations begin, but no later than the following work day. (Form Revised 1/5/09)