



City of Cleveland

Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
1925 St. Clair Avenue  
Cleveland, Ohio 44114-2080  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7002 2030 0001 1807 8436  
RETURN RECEIPT REQUESTED

October 3, 2008

Gary Thomas  
2860 Marcia Blvd  
Cuyahoga Falls, Ohio 44223

FACILITY ID: FORMER CLEVELAND TRENCHER BUILDING  
CL 07 427

**NOTICE OF VIOLATION: ILLEGAL REMOVAL OF ASBESTOS CONTAINING MATERIAL**

Dear Mr. Thomas:

On August 18, 2008, the Cleveland Division of Air Quality (CDAQ) inspected Former Cleveland Trencher Building located at 20100 St. Clair Ave in Euclid. Also, CDAQ did follow up inspections on August 27 & September 19, 2008. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

The owner of the Former Cleveland Trencher Company is responsible for violating Ohio Revised Code (ORC) Section 3704.05(G), Ohio Administrative Code (OAC) rule 3745-20-03(A), (B), & (E), and 40 Code of Federal Regulations (CFR) 61.145(b) by failing to submit written notification of intention of asbestos stripping. Description of all planned work to be performed, methods employed techniques to be used, and a description of affected facility components. This notification should have been submitted ten working days prior to the schedule date listed above.

The owner of the Former Cleveland Trencher Company is responsible for violating OAC rule 3745-20-04(A), (B), & (C), and 40 CFR 61.145(c) by failing to follow removal procedures for regulated asbestos containing material (RACM) without asbestos emissions control.

The owner of the Former Cleveland Trencher Company is responsible for violating 40 CFR 61.150(a) and OAC rule 3745-20-05(B) & (G) for discharging visible emissions to the outside air during the collection, packaging, and transporting of RACM.

The owner of the Former Cleveland Trencher Company is responsible for violating 40 CFR 61.150(d) and OAC rule 3745-20-05(E) for failing to submit waste shipment records and failing to maintain proper records when transporting RACM off the facility site.



Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Gary Thomas submit the following information.

1. Names and addresses of sites that received scrap metal from the former Cleveland Trencher Co. site.
2. All dates of scrap removal activity.
3. All personnel involved in the removal of scrap metal from site.
4. Estimated or exact amount of scrap steel removed from site.
5. A copy of the waste manifests for asbestos waste disposal.
6. A copy of all asbestos licenses required by entities to perform removal of RACM on August 18, 2008, from site.
7. An Ohio Environmental Protection Agency Notification of Demolition and Renovation to be submitted to CDAQ for complete removal and clean up of all RACM from the site.

Please respond to this letter and provide assurance to the following enforcement representative:

Mike Samec  
Cleveland Division of Air Quality  
1925 St. Clair Avenue NE  
Cleveland, Ohio 44114-2080

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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA facility identification number for FORMER CLEVELAND TRENCHER BUILDING: CL 07 427.

Sincerely,

George Baker  
Chief of Enforcement, CDAQ



GB/ms

cc: John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
Paul Beno, City of Euclid Dept. of Community Services and Economic Development  
Doug Young, Office of the Attorney General  
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Cleveland Trencher Company\2008-09-25 NOV.doc

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span> <i>[Signature]</i>	
1. Article Addressed to: 07427  Gary Thomas 2860 Marcia Blvd. Cuyahoga Falls, OH 44223	B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery 10-7
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
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