



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

December 19, 2016

**CERTIFIED MAIL**

Donna Anderson  
Schneider's Mobile Homes, LLC  
6314 Fitch Road  
Olmsted Township, Ohio 44138

Re: Final Findings and Orders for violations of  
Ohio's air pollution regulations

Dear Ms. Anderson:

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,

A handwritten signature in black ink, appearing to read "James Kavalec", is written over a horizontal line.

James Kavalec, Manager  
Compliance/Enforcement Section  
Division of Air Pollution Control

cc: James Lee, PIC  
Lee Tullis, DAPC  
Kara Philibin, DAPC  
Steve Feldmann, Legal  
Valencia White, CDAQ

RECEIVED  
OHIO EPA

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

2016 DEC 19 AM 8:59  
In the Matter of:

LEGAL OFFICE

Schneider's Mobile Homes, LLC  
26741 Center Ridge Road  
Westlake, Ohio 44145

:  
:  
:

Director's Final Findings  
and Orders

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Schneider's Mobile Homes, LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the facility (as hereinafter identified) shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA makes the following findings:

1. Respondent is located at 26741 Center Ridge Road in Westlake, Cuyahoga County which at one time contained at least fifty-two (52) trailers and other structures. The above-referenced structures constituted a "facility" as defined by Ohio Administrative Code ("OAC") Rule 3745-20-01(B)(18). Respondent was an "owner" by OAC Rule 3745-20-01(B)(39). The project involved a "demolition," as defined in OAC Rule 3745-20-01(B)(13).

2. OAC Rule 3745-20-02(A) requires, in part, that the owner or operator of any demolition or renovation operation shall have the affected facility or part of the facility where a demolition or renovation operation will occur thoroughly inspected prior to the commencement of the demolition or renovation for the presence of asbestos, including Category I and Category II nonfriable asbestos-containing material as defined in OAC Rules 3745-20-01(B)(9) and 3745-20-01(B)(10).

3. Pursuant to OAC Rule 3745-20-02(B), the owner or operator of a demolition project must comply with the notification and work practice requirements of OAC Rules 3745-20-03, 3745-20-04, and 3745-20-05 if the combined amount of regulated asbestos-containing material in a facility being demolished is at least 260 linear feet on pipes or at least 160 square feet on other facility components, or at least 35 cubic feet off facility components where the length or area could not be measured previously. Regulated asbestos-containing material ("RACM") is as defined in OAC Rule 3745-20-01(B)(42).

4. OAC Rule 3745-20-03(A) requires, in part, the owner or operator of a demolition operation involving a facility to submit a written notice of intention to demolish ("Notification") to Ohio EPA at least ten working days prior to the start of the demolition if the project is as described in OAC Rule 3745-20-02(B)(1).

5. OAC Rule 3745-20-04(A)(1) requires, in part, that the owner or operator of a subject demolition project as described in OAC Rule 3745-20-02(B)(1) to remove all RACM from a facility being demolished before any activity begins that would break up the materials, unless as otherwise provided in that rule.

6. OAC Rule 3745-20-05(B)(c) requires the owner or operator of a demolition project to adequately wet and seal all asbestos-containing waste material in durable leak-tight containers while waiting for disposal.

7. ORC § 3704.05(G) prohibits any person from violating any OAC rule adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704. OAC Chapter 3745-20 was adopted by the Director pursuant to ORC Chapter 3704.

8. On March 22, 2016, Cleveland Division of Air Quality (CDAQ) inspected the above-referenced facility and observed that demolition activity was in process at the facility. Since there was no Notification submitted for the above-referenced demolition, Respondent was in violation of OAC Rule 3745-20-03(A) and ORC § 3704.05(G). Also, since there was no asbestos evaluation performed by an asbestos specialist prior to the commencement of the above-referenced demolition, Respondent was in violation of OAC Rule 3745-20-02(A) and ORC § 3704.05(G). CDAQ determined that approximately fifty-two (52) trailers and other structures on the site had been demolished or were in the process of being demolished by Respondent without complying with the OAC Chapter 3745-20 (Asbestos Standards). CDAQ obtained samples which indicated the presence of asbestos above regulated amounts. Respondent failed to remove all RACM from the buildings and trailers that were demolished or being demolished before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the materials for subsequent removal; failed to have an authorized representative, trained in the provisions of this chapter and the means of complying with them, present at the location of operations; failed to adequately wet the materials and ensure that RACM remains adequately wet until collected and contained or treated in preparation for

disposal; and failed to ensure that all RACM which had been damaged or made friable by demolition, was repaired, encapsulated, or removed for disposal prior to the removal of emission controls, in violation of OAC Rule 3745-20-04(A)(1), 3745-20-04(B), 3745-20-04(A)(6), OAC Rule 3745-20-04(C) and ORC § 3704.05(G).

9. On April 12, 2016, CDAQ issued a notice of violation ("NOV") to Respondent detailing the violations resulting from the demolition of the structures and detailing the steps required to appropriately abate the site.

10. Once the violations were discovered, Respondent showed an eagerness to get back into compliance. Respondent halted all work when CDAQ informed her of the violations and hired an asbestos contractor shortly thereafter. A notification for cleanup of the site was submitted on April 14, 2016. The reason for the three-week delay was because Respondent had to hire an asbestos contractor that had both an Asbestos Hazard Evaluation Specialist (AHES) license and an Asbestos Hazard Abatement Specialist (AHAS) license.

11. On April 18, 2016, CDAQ received a notification for the demolitions at the facility. Respondent hired an asbestos abatement contractor who had both an AHES and an AHAS license and a demolition contractor who had, an AHAS license, therefore no survey was required. CDAQ accepted the notification and cleanup of the site began on April 28, 2016. The asbestos abatement contractor was onsite to assess materials as work progressed and identify the suspect and contaminated debris as RACM.

12. On May 5, 2016, CDAQ performed an inspection of the abatement taking place at the facility. All materials were being kept adequately wet and the debris was being disposed of properly.

13. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

## **V. ORDERS**

The Director hereby issues the following Orders:

Respondent shall pay the amount of ten thousand dollars (\$10,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to "Treasurer, State of Ohio" for ten thousand dollars (\$10,000) of the total amount. The official check shall be submitted to Carol Butler, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

**VI. TERMINATION**

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

**VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, operations by Respondent.

**VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, State and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

**IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

**X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Cleveland Division of Air Quality  
75 Erievue Plaza 2nd Floor  
Cleveland, Ohio 44114-1839  
Attn: Valencia White

and to:

Ohio Environmental Protection Agency  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Jim Kavalec, Manager,  
Compliance and Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

### **XIII. EFFECTIVE DATE**

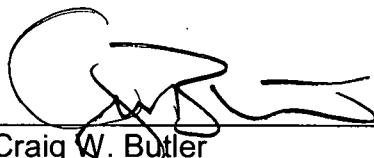
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**ORDERED AND AGREED:**

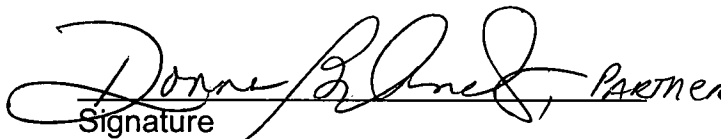
**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Craig W. Butler  
Director

12/16/16  
\_\_\_\_\_  
Date

**AGREED:**

**Schneider's Mobile Homes, LLC**

  
\_\_\_\_\_  
Signature

12-8-2016  
\_\_\_\_\_  
Date

Donna B. Anderson, Partner  
\_\_\_\_\_  
Printed or Typed Name

Partner in Schneider's Mobile Homes, Ltd.,  
sole member of Schneider's Mobile Homes, LLC

\_\_\_\_\_  
Title