BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
AUG 27 2009
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

Mary Pappadakes
22875 Laramie Drive
Rocky River, Ohio 44116

and

James Pappadakes Family Trust
22875 Laramie Drive
Rocky River, Ohio 44116

Director's Final Findings and Orders

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date: 8-27-08

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Mary Pappadakes and James Pappadakes Family Trust ("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

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility (as hereinafter defined) 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 meanings as defined in ORC Chapter 3704 and the regulations promulgated thereunder.

IV. FINDINGS

The Director of the Ohio EPA has determined the following findings:

1. Respondent owns a commercial building located at 2216 Wooster Road, Rocky River, Cuyahoga County.

2. On December 5, 2006, the Cleveland Division of Air Quality ("CDAQ"), which

acts as an agent for the Ohio EPA, Division of Air Pollution, received a complaint that Respondent was conducting asbestos abatement at its Wooster Road facility without adequately wetting and containing the work area. Specifically, the complaint alleged that Respondent was removing floor tiles and the associated mastic and that the work was creating large amounts of dust.

3. On December 5 and December 12, 2006, CDAQ inspected the Wooster Road facility. During the inspection, CDAQ collected samples of the suspect asbestos material. Laboratory results indicated that both the floor tile and the mastic were regulated asbestos-containing material, that is, material containing more than 1% asbestos. Most of the floor tile was removed by the time that CDAQ inspected the facility and no work was being conducted when CDAQ arrived. CDAQ did observe small piles of broken floor tiles mixed in with the normal garbage. Based on CDAQ's inspection and statements from witnesses, CDAQ determined that Respondent was renovating the building and was removing 2,600 square feet of regulated asbestos-containing material. CDAQ cited numerous violations of OAC Chapter 3745-20. Specifically, Ohio EPA alleges that Respondent violated:

- OAC Rule 3754-20-03(A)(1) by failing to provide CDAQ and/or Ohio EPA with written 10-day notice prior to beginning the asbestos abatement project;
- OAC Rule 3745-20-04(B)(1) by failing to have at least one authorized representative, trained in the provisions of the asbestos NESHAP, present at the location of operation;
- OAC Rule 3745-20-04(A)(6) by failing to adequately wet the asbestos material during removal and also for not keeping the material wet until collected and contained;
- OAC Rule 3745-20-05(B)(1)(b) by allowing visible emissions to be discharged to the outside air; and,
- OAC Rule 3745-20-05(E) by failing to maintain and provide copies of waste shipment records when requested by CDAQ.

4. On January 2, 2007, CDAQ sent a NOV to Respondent for the above violations of OAC Chapter 3745-20.

5. In a letter dated January10, 2007, Getco Environmental Consultants ("Getco"), on behalf of Respondent, stated that it had been retained by Respondent to abate the remaining asbestos floor tile and mastic. Getco submitted the required notification form to CDAQ on January 17, 2007 and completed the remaining asbestos abatement on February 2, 2007.

6. 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 benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of four thousand hundred dollars ($4,000) 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 $4,000. The official check shall be submitted to Brenda Case, 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

2. A copy of the check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, OH 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, the Respondent's activities at the Facility.

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. 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:

City of Cleveland
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114
Attn: Nelson Andrekovic

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: John Paulian

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.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

C. Korleski — 8/21/08

Chris Korleski
Director

Date

IT IS SO AGREED:

Mary Pappadakes

Mary Pappadakes — 7/31/08

Signature

Date

MARY PAPPADAKES

Printed or Typed Name

James Pappadakes Family Trust

Mary Pappadakes, Trustee
Signature

Date 7/31/08

MARY PAPPADAKES, Trustee
Printed or Typed Name