



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

April 15, 2010

RE: LAFAYETTE SCHOOL
12416 SIGNET AVE.
CLEVELAND, OHIO

CERTIFIED MAIL

Mr. Eric Witherspoon
Arick's Environmental Management
19718 Kings Highway
Warrensville Hts., Ohio 44122

Dear Mr. Witherspoon:

Ohio EPA is issuing Arick's Environmental Management (AEM) with this Certified Warning Letter for failure to submit a revised Ohio EPA demolition notice prior to altering the scope of work at the LaFayette School project, located at 12416 Signet Avenue in Cleveland. This failure is a violation of Ohio Administrative Code (OAC) 3745-20-03 (D)(1), which states:

(D) "Each owner or operator shall inform the appropriate Ohio EPA field office by telephone or facsimile concerning any of the following changes to information provided by the notice. An amended written notification shall be submitted to that office as soon as possible but not later than one working day following discovery of the change. The changes requiring amended written notification are:

- (1) When the amount of regulated asbestos-containing material affected by the demolition or renovation operations changes by at least twenty per cent;
- (2) Any deviation in the demolition or renovation schedule or in the methods to be used for asbestos removal or disposal;
- (3) Any change in the owner or operator; and
- (4) Any change in the name and location of the selected waste disposal site."

This office received an original demolition notice postmarked March 5, 2010, which stated 30,000 cubic yards of asbestos (RACM) were to be removed. On March 25, 2010, Allan Richards of the Ohio Department of Health and Ohio EPA representatives Bob Princic and the undersigned met with Richardo Henry of AEM to inspect the site and discuss the scope of work. Both ODH and Ohio EPA understood that AEM was intending to remove all internal floor debris as RACM, which was consistent with the March 5 notice.

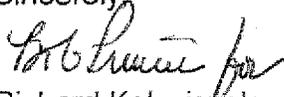
MR. ERIC WITHERSPOON
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On April 9, 2010, Bob Bechtel and I met with you to discuss the changes to the amount of asbestos material removed from the school. This site inspection was the result of information received from an inspection by Mr. Richards the previous day, during which he expressed concerns regarding this change in the scope of the abatement. At that time, you informed Mr. Richards that Ohio EPA had been notified AEM's change in the scope, which was not the case. Ohio EPA did not learn of these changes until the ODH inspection and subsequent call from Mr. Richards on April 8.

While we were on site on April 9, we agreed with your explanation that the rationale for the change in the scope of work was due to a reanalysis of the asbestos inspection survey report. As a result, you stated that the amount of RACM could be reduced. We concurred with that assessment. Ohio EPA representatives left the site with the understanding that any future potential changes to the scope of work for this project would be accompanied by a revision to the original demolition notice, in the required time frame. This office is now in receipt of a revised notice that reflects the changes that AEM has made to the scope of work. Ohio EPA requires no additional documentation or reports from AEM at this time.

I hope this information clarifies your notification requirements under Ohio EPA regulations. If you have any questions, please contact either myself at (330) 963-1241 or Bob Princic at (330) 963-1230.

Sincerely,



Richard Kolosionek
District Representative
Division of Air Pollution Control

RK:bo

pc: Tom Buchan, DAPC/CO
Bob Princic, OEPA/NEDO
Damian Borkowski, City of Cleveland
Allan Richards, ODH