



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 0510 0002 2427 6754
RETURN RECEIPT REQUESTED**

April 16, 2007

**Eric Witherspoon
Arick's Environmental Service Inc.
3416 Seymour Ave
Cleveland, Ohio 44113**

NOTICE OF VIOLATION: NESHAP AND OAC – ASBESTOS REMOVAL VIOLATIONS

**Facility: 3129 West 61st street
CL 07 237**

Dear Mr. Witherspoon:

On April 12, 2007, the Cleveland Division of Air Quality (CDAQ) inspected 3129 West 61st street located in Cleveland. This letter serves as notification that you have operated an asbestos removal project (ARP) in violation of the following applicable air statutes or air regulations.

Asbestos removal is 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, and the Ohio Administrative Code (OAC) Rule 3745-20.

The ARP violates OAC Rule 3745-20-03(A)(1) and 40 CFR 61.145(b) in that CDAQ did not receive written notification 10 working days prior to the beginning of the asbestos removal work.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Eric Witherspoon provide assurance that future asbestos removal projects will be conducted in full compliance with NESHAP and OAC rules. The requested information should be sent 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.



Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars or imprisonment for not more than one year, or both, for each violation.

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.

Sincerely,

A handwritten signature in cursive script, appearing to read "Valencia White for GB".

George Baker
Chief of Enforcement, CDAQ

GB/ms

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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Arick's Environmental Management Services, Inc.
M.B.E
19718 Kings Highway
Warrensville Heights, Ohio 44122
Office: (216) 751-2118 Cell: (216) 469-2427 Fax: (216) 767-1460
E-mail: aemsinc19718@aol.com
Minority Business Enterprise

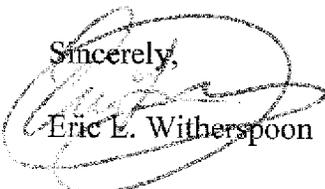
Department of Public Health
Division of Air Quality
1925 St. Clair Ave.
Cleveland, OH 44114-2080

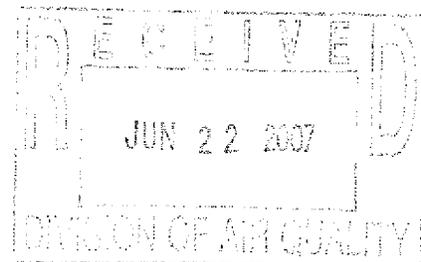
June 20, 2007

Mike Samec:

I'm writing this letter in response to the hand-delivered notice I received on June 11, 2007. All violations were corrected in the month of April. I was doing a walkthrough before they demolished the property and I noticed transite debris on the ground. I was going to have workers clean it up, but I was stopped by an EPA inspector that told me to put in a Notification before preceding the clean-up. I was hired by the church to remove the transite shingles at 3129 W. 61st Street, another contractor boarded up the house which had broken ACM transite around its perimeter. In our procedure we laid Visqueen poly around the perimeter of the house and from the top of the gutter to the ground, we then hooked up water and removed the vinyl siding and the plywood off the doors and windows. Next, my workers started removing the transite shingles. During the removal process, my supervisor Alfred Jones never exceeded the OSHA permissible exposure level of .100 F/CC, and never informed me that the material became friable. I was under the impression that the 10-day Notification was not needed for class II transite shingles, and it was the responsibility of the building owner or demolition contractor. In the future, during a class II removal, I will put in a courtesy Notification or a 10-day Notification to do the work.

Sincerely,


Eric L. Witherspoon



WASTE SHIPMENT RECORD		DOCUMENT NUMBER:	TICKET NUMBER
1. Facility name and mailing address 3129 W 61 Front + Rear House 3150 W 58 Cleve Ohio 44102		Owner's name Church of God Cleve. Ohio	Owner's telephone no. 216 281-2758 Owner's fax no.
2. Operator's name and address ARICK'S ENVIRONMENTAL 19718 KING HWY Cleve. Ohio 44122		Operator's telephone no. 216 469-2427 Operator's fax no. 216 767-1469	
G E N E R A T O R	3. Waste disposal site (WDS) name, mailing address, and physical site location Minerva Enterprises, Inc. P.O. Box 709 9000 Minerva Road Waynesburg, OH 44688		WDS telephone no. 330-866-3435 WDS fax no. 330-866-3488
	4. Name and address of responsible agency (Local, District, State, or EPA Office where notification was sent) AIR QUALITY Ohio EPA 1925 ST. CLAIR Cleve, Ohio		
	5. Description of materials Category II, Transit Shingles Wet Double Bags	6. Containers No. Type 1 40	7. Total quantity cubic yd
	8. Special handling instructions and additional information ENSURE MATERIALS REMAIN WET DURING TRANSPORT		
9. OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.			
Printed/typed name & title ERIC L WITHERSPOON SUPERVISOR		Signature <i>[Signature]</i>	Month Day Year 4/1/97
T R A N S P O R T E R	10. Name of Transporter 1 (Acknowledgement of receipt of materials) 902		
	Address, telephone no. and fax no. 5744 330 425 0000	Signature <i>[Signature]</i> Printed/typed name & title Dennis Mathis	Month Day Year 4/1/97
	11. Name of Transporter 2 (Acknowledgement of receipt of materials)		
Address, telephone no. and fax no.		Signature	Month Day Year
Printed/typed name & title		Printed/typed name & title	
W D S	12. Discrepancy indication space		
	13. Waste disposal site owner or operator: Certification of receipt of asbestos materials covered by this manifest except as noted in item 12.		
Printed/typed name & title William Glass		Signature <i>[Signature]</i>	Month Day Year 4/30/97

White: Generator • Yellow: Transporter 1 • Pink: Transporter 2 • Gold: WDS • Blue: Contractor • Green: Generator Copy
(White, Yellow, Pink & Gold copies must remain attached until received by Facility!)



City of Cleveland
Frank G. Jackson, Mayor

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**SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7002 2030 0001 1808 4109
RETURN RECEIPT REQUESTED**

July 2, 2007

Eric Witherspoon
Arick's Environmental Management Service
19718 Kings Highway
Warrensville Heights, Ohio 44122

**FACILITY ID: CL 07 237
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Witherspoon:

On April 16, 2007, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Arick's Environmental Service Inc. to clean up transite material located around house number 3129 West 61st Street and to file a 10-day notification with CDAQ. CDAQ is in receipt of a corrective action plan dated June 22, 2007. Also, CDAQ is satisfied with the filing of the 10-day notification and is satisfied with the final inspection at house number 3129 West 61st Street.

The corrective action plan was received and appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

CDAQ issues this letter with Ohio EPA's concurrence and 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 Arick's Environmental Service Inc: CL 07 237.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Baker".

George Baker
Chief of Enforcement, CDAQ

GB/ms

cc: Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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