



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erievue Plaza, Suite 200  
Cleveland, Ohio 44114-1839  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

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

**CERTIFIED MAIL 7003 1010 0004 2923 4062  
RETURN RECEIPT REQUESTED**

September 2, 2010

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

NON-HPV

**CL 10 482  
NOTICE OF VIOLATION: ASBESTOS NESHAP VIOLATION**

Dear Mr. Witherspoon:

On August 26, 2010, the Cleveland Division of Air Quality (CDAQ) inspected 15701 and 15705 Libby Road in Maple Heights. This letter serves as notification that you are operating in violation of the following applicable air statutes and/or air regulations.

Arick's Environmental violated 40 Code of Federal Regulations Part 61.145(b)(4)(viii) and Ohio Administrative Code Rule 3745-20-03(A)(4)(i) by failing to provide a correct scheduled starting date for asbestos removal work. [Observed on August 26, 2010]

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Arick's Environmental submit a revised Notification to the following enforcement representative:

Mike Samec  
Cleveland Division of Air Quality  
75 Erievue Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

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. All correspondence with CDAQ must include the Ohio EPA facility identification number for 15701 and 15705 Libby Road: CL 10 482.

Sincerely,

*Linda Kimmy for G.B.*  
George Baker  
Chief of Enforcement

GB/ms

cc: Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\15701 and 15705 Libby Rd\2010-08-26 NOV.doc

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Eric Witherspoon  
 Arick's Environmental  
 19718 Kings Highway  
 Warrensville, OH 44122

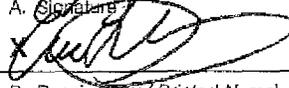
2. Article Number

(Transfer from service label)

7003 1010 0004 2923 4062

**COMPLETE THIS SECTION ON DELIVERY**

A. Signaling


 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  YesIf YES, enter delivery address below:  No

CL 10 480

3. Service Type

 Certified Mail  Express Mail Registered  Return Receipt for Merchandise Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes



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**SERVING OHIO EPA AS AGENCY 13  
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**CERTIFIED MAIL 7009 3410 0002 1933 9247  
RETURN RECEIPT REQUESTED**

September 20, 2010

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

CL 10 482

**NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Witherspoon:

On September 3, 2010, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Arick's Environmental to submit a revised Notification. CDAQ is in receipt of a response letter dated September 16, 2010.

The corrective action was received in a timely manner and CDAQ recognizes the explanation Arick's Environmental has given. 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 15701 and 15705 Libby Road: CL 10 482.

Sincerely,

*Lynda Kimmy for G.B.*

George Baker  
Chief of Enforcement, CDAQ

GB/ms

cc: John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
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Libby Rd\2010-08-26 NEAR Aricks Environmental.doc