



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Second Floor
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 7010 1870 0000 6591 4162
RETURN RECEIPT REQUESTED**

September 30, 2011

Eric Witherspoon
Arick's Environmental Management Services, Inc.
19718 Kings Highway
Cleveland, Ohio 44122

NON-HPV

**FACILITY ID: CL 11 1041
NOTICE OF VIOLATION /NESHAP VIOLATIONS**

Dear Mr. Witherspoon:

On September 20, 2011, the Cleveland Division of Air Quality (CDAQ) inspected the site located at 1771 Eddy Road in East Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Asbestos removal projects are 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, the Ohio Administrative Code (OAC) Rule 3745-20, and the Ohio Revised Code Chapter 3704.05(G).

Arick's Environmental Management Services, Inc. (Arick's Environmental) violated 40 CFR Part 61.145(c)(2)(i) and OAC Rule 3745-20-04(A)(2)(a) for failing to adequately wet all Regulated Asbestos Containing Material (RACM) exposed during removal operations. [Observed on September 20, 2011]

Arick's Environmental violated 40 CFR Part 61.150(a) and OAC Rule 3745-20-05(B) by allowing the discharge of visible emissions to the outside air during the collection, processing, and packaging of RACM. [Observed on September 20, 2011]

Arick's Environmental violated 40 CFR Part 61.150(a)(1)(iv) and OAC Rule 3745-20-05(C)(1) by not labeling the containers specified in paragraph (a)(1)(iii) of the section using warning labels specified by Occupational Safety and Health Standards (OSHA) under 29 CFR 1910.1001(j)(2) or 1926.58(k)(2)(iii).

Arick's Environmental took corrective action with respect to the above noted



violations. However, CDAQ requests that Arick's Environmental submit a revised Notification of Demolition and Renovation and a Corrective Action Plan for complying with asbestos removal operations going forth to the following enforcement representative:

Mike Samec
Cleveland Division of Air Quality
75 Erieview Plaza 2nd 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 CL number CL 11 1041.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/ms

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\1771 Eddy Road\2011-09-20
NOV.docx



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Frank G. Jackson, Mayor

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

**CERTIFIED MAIL 7010 1870 0000 6591 4155
RETURN RECEIPT REQUESTED**

September 30, 2011

Gus Frangos
Cuyahoga County Land Reutilization Corp.
323 W. Lakeside, Suite 160
Cleveland, Ohio 44113

NON-HPV

**FACILITY ID: CL 11 1041
NOTICE OF VIOLATION: NESHAP VIOLATIONS**

Dear Mr. Frangos:

On September 20, 2011, the Cleveland Division of Air Quality (CDAQ) inspected Cuyahoga County Land Reutilization Corp.'s (CCLRC) asbestos removal project located at 1771 Eddy Road in East Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Asbestos removal projects are 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, the Ohio Administrative Code (OAC) Rule 3745-20, and the Ohio Revised Code Chapter 3704.05(G).

The asbestos removal project violated 40 CFR Part 61.145(c)(2)(i) and OAC Rule 3745-20-04(A)(2)(a) for failing to adequately wet all Regulated Asbestos Containing Material (RACM) exposed during removal operations. [Observed on September 20, 2011]

The asbestos removal project violated 40 CFR Part 61.150(a) and OAC Rule 3745-20-05(B) by allowing the discharge of visible emissions to the outside air during the collection, processing, and packaging of RACM. [Observed on September 20, 2011]

The asbestos removal project violated 40 CFR Part 61.150(a)(1)(iv) and OAC Rule 3745-20-05(C)(1) by not labeling the containers specified in paragraph (a)(1)(iii) of the section using warning labels specified by Occupational Safety and Health Standards (OSHA) under 29 CFR 1910.1001(j)(2) or 1926.58(k)(2)(iii).



CDAQ recognizes that CCLRC's asbestos contractor took corrective action with respect to the above noted violations. However, CDAQ requests that CCLRC submit a corrective action plan for complying with asbestos removal operations going forth to the following enforcement representative:

Mike Samec
Cleveland Division of Air Quality
75 Erieview Plaza 2nd 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 CL number: CL 11 1041.

Sincerely,

Linda Kimmy
Field Enforcement Manager

LK/ms

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
James Maher, CCLRC

Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\1771 Eddy Road\2011-09-20 NOV
CCLRC.docx

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:

Gvs Frangos
Cuy. County Land Reutilization
323 W. Lakeside, Suite 160
Cleveland, Oh 44113

2. Article Number
(Transfer from service label)

7010 1870 0000 6591 4155

COMPLETE THIS SECTION ON DELIVERY

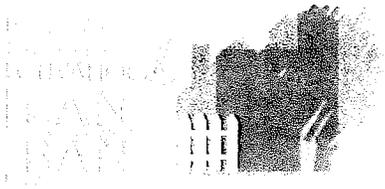
A. Signature Agent
 Address: *[Signature]*

B. Received by (Printed Name) C. Date of Delivery
[Signature] 10-4-11

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

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

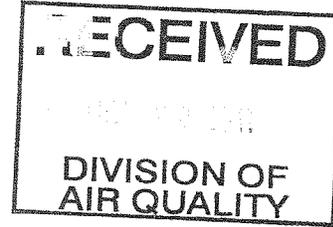
4. Restricted Delivery? (Extra Fee) Yes



Cuyahoga County Land Reutilization Corp.

323 W. Lakeside Avenue, Suite 160
Cleveland, Ohio 44113
Tel (216) 698-8853 Fax (216) 698-8972

November 21, 2011



Ms. Linda Kimmy
Field Enforcement Manager
Cleveland Division of Air Quality
75 Erievue Plaza, 2nd Floor
Cleveland, OH 44114-1839

Subject: Notice of NESHAP Violations - Project ID CL 11 1041
(1771 Eddy Road, PPN 672-11-024)

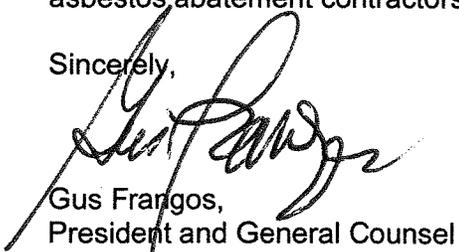
Dear Ms. Kimmy,

I am writing in response to the Cleveland Division of Air Quality's (CDAQ) Notice of NESHAP Violations, dated September 30, 2011, which we received, October 4, 2011. The letter indicated that the contractor failed to adequately wet all regulated asbestos containing materials exposed during the removal operation.

We had been contacted by our contractor (Arick's Environmental) who indicated that at the time of the site visit the workers on site were in the process of cleaning and loading out the equipment. The understanding we received is that the materials contained less than 1% of RACMs. Our staff had made regular site visits to confirm compliance on the site in question because it was one of our priority work sites in September and at all times found the work to be in compliance with NESHAP guidelines. However since we were not present at the time of your staff's inspection we will institute language that requires all contractors to maintain vigilant overview of the wetness of materials and label all material containers prior to disposal.

The CCLRC has as a policy that we will stop doing business with any contractors who consistently fail to be thorough or to follow NESHAP guidelines. Due to such a policy, there are already asbestos survey contractors we do not use and demolition contractors that will not ever be used again. We also understand that even the most conscientious abatement professionals make mistakes. We will work closely with our contractors to help correct unintentional errors and to hone the performance of our asbestos abatement contractors.

Sincerely,



Gus Frangos,
President and General Counsel

cc: Mike Samec
George Baker
Michael Krzywicki
John Paulian
William MacDowell

Cheryl Stephens

From: Cheryl Stephens
Sent: Friday, October 07, 2011 4:10 PM
To: Cheryl Stephens
Cc: Rosemary Woodruff; Jim Maher
Subject: ASBESTOS SURVEY Updates

Dear Asbestos Survey Contractor:

In recent weeks the Land Bank has been receiving feedback from the the Cleveland Division of Air Quality/EPA regarding our asbestos surveys. In the interest of streamlining the review process and making sure our reports will stand up to scrutiny, I need you to incorporate the following in your reports immediately :

1. Homogeneous Areas. These need to be clearly defined and consistent with the samples in the lab reports. (For example, samples from Homogeneous Area "A" must be identified in the lab report as coming from HA "A".)
2. Glazing. Be sure that you test window glazing wherever it is needed. If you do not test, state in your report that you did not, and why. A minimum of 3 samples from 3 different windows is required.
3. Windows. When you are specifying the amount of asbestos containing glazing, give window counts by floor (basement, 1st floor, other) so that we can properly spec the abatement work and the necessary board-ups.
4. Transite. In the last three weeks, we have had houses where transite was discovered at the start of demolition, which delayed our demolition as we abated the transite. It is critical that you look under all siding that may conceal transite, therefore we request that you peel back the siding on each side of a structure. This means a minimum of four areas where the siding should be opened and pulled back for examination.
5. Uncertainty. The EPA tends to reject notifications when there are uncertainties in the reports (such as amounts of RACM in hidden locations, or if an area could not be accessed due to unsafe conditions). **Avoid ambiguous results**. Please use your professional judgment to quantify the amount of asbestos that will need to be abated based on your sampling. If you need to add qualifying information to explain the situation in the building, that is acceptable as long as it supports your conclusions.

NOTE: It is also important that you notify CCLRC whenever you receive a communication from the Ohio Department of Health, OEPA or Cleveland Division of Air Quality. Please send Rosemary and me a copy of their correspondence or a quick email outlining the concerns they raised verbally. This will enable us to be on top of issues as they arise and to keep our survey team better informed.

Please reply to this email to simply verify that you have received and read it. If you have any questions, please call Rosemary at 216-698-3013.

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SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7011 3500 0000 1759 5118
RETURN RECEIPT REQUESTED

February 29, 2012

Gus Frangos
Cuyahoga County Land Reutilization Corporation
323 W. Lakeside, Suite 160
Cleveland, Ohio 44113

FACILITY ID: CL 11 1041
NOTICE OF VIOLATION FOLLOW-UP LETTER FOR 1771 EDDY ROAD

Dear Mr. Frangos:

On September 20, 2011, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation for 1771 Eddy Road located in East Cleveland, requiring Cuyahoga County Land Reutilization Corporation (County Land Bank) to submit a corrective action plan for complying with asbestos operations going forth. CDAQ is in receipt of a corrective action plan dated November 23, 2011, stating the County Land Bank will institute language that requires all contractors to maintain overview of wetness and label all containers prior to disposal.

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 CL number 11 1041.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ms

cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
James Maher, County Land Bank
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\1771 Eddy
Road\2011-09-20 NEAR CCLRC.docx

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
 Anick's Environmental
 14718 Kings Highway
 Warrensville, Oh 44122

2. Article Number (Copy from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Received by, (Please Print Clearly) B. Date of Delivery

Eric Witherspoon

C. Signature

X Eric Witherspoon

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

ck 11 1041

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.4. Restricted Delivery? (Extra Fee) Yes

Environmental Management Services

M.B.E

19718 Kings Highway, Warrensville Heights, OH 44122
Office: (216) 751-2118 Fax: (216) 767-1460 Cell: (216) 469-2427
AemsInc19718@aol.com

October 6, 2011

Cleveland Division of Air Quality
75 Erieview Plaza
2nd Floor
Cleveland, Ohio 44114



RE: Cuyahoga County Land Reutilization Corp.
323 W. Lakeside Ave Suite #160
Cleveland, Ohio 44113

Facility ID: CL 11 1041

RE: 1771 Eddy Rd.
East Cleveland, Ohio

In response to the letter received on the 4th day of October 2011 in regards to the property located on 1771 Eddy Rd. addressing violations received for the Asbestos Removal Project.

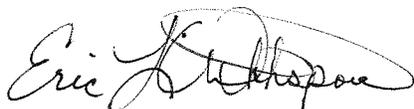
Arick's Environmental Management Services, Inc. performed Asbestos Abatement at the above location. According to the Cleveland Division of Air Quality (CDAQ) there was an inspection conducted for the Abatement Project at the 1771 Eddy Rd location on Sept. 20th 2011, however according to the Ohio Department of Health notification public listings record, The notification that was submitted to the Ohio EPA and the project agreement according to the environmental survey report the abatement for the 11,850 sq. ft. was completed on Sept. 16th, 2011. During their inspection on September 20th Arick's Environmental Management Services, Inc. was in the process of fine cleaning, loading out the equipment, and the removal of the non-friable asbestos containing material, that was found to be less than 1% according to the Partners Environmental Consulting, Inc., such as; drywall, blown in insulation and wood lathe to unify the property for the deconstruction project.

Environmental Management Services

M.B.E

19718 Kings Highway, Warrensville Heights, OH 44122
Office: (216) 751-2118 Fax: (216) 767-1460 Cell: (216) 469-2427
AemsInc19718@aol.com

On the 20th of Sept, an inspector from the Cleveland Division of Air Quality (CDAQ) arrived on the project site and spoke with the site supervisor Kriston Cobb #29655, at that time Mr. Cobb provided the inspector with a copy of the project agreement and the environmental survey report that clearly stated that the non-friable asbestos containing material, was found to be less than 1%. The inspector instructed Mr.Cobb to take corrective actions and treat all material as Regulated Asbestos Containing Building Material (RACBM). According to the environmental survey report that was provided by Partners Environmental Consulting, Inc., the procedures used to abate this project was in compliance with the rules set forth by the Asbestos National Emission Standard for Air Pollutants (NESHAP), Occupational Safety and Health Standards (OSHA) and the Ohio Department of Health (ODH). After discussing the situation with ODH and Air Quality Control inspectors, future procedures performed with any debris, drywall, and wood lathe associated with material found to be 2% or greater such as ACM plaster should be treated as Regulated Asbestos Containing Building Material (RACBM).



Eric L. Witherspoon, President



City of Cleveland
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SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7000 0600 0022 4716 6580
RETURN RECEIPT REQUESTED

February 22, 2012

Eric Witherspoon
Arick's Environmental Management Services, Inc.
19718 Kings Highway
Warrensville Heights, Ohio 44122

FACILITY ID: CL 11 1041
NOTICE OF VIOLATION: FOLLOW-UP LETTER FOR 1771 EDDY ROAD

Dear Mr. Witherspoon:

On November 7, 2011, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Arick's Environmental Management Services, Inc. (Arick's Environmental) to submit a revised Ohio Environmental Protection Agency Notification of Demolition and Renovation (Notification) and a corrective action plan for 1771 Eddy Road located in East Cleveland. CDAQ is in receipt of a corrective action plan dated December 27, 2011.

After additional review, Arick's Environmental was not required to submit a revised Ohio Environmental Protection Agency Notification because the corrective work was completed in a timely manner.

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 CL number CL 11 1041.

Sincerely,

A handwritten signature in black ink that reads "Valencia White".

Valencia White
Chief of Enforcement, CDAQ
VW/ms

cc: John Paulian, Ohio EPA Central Office
William MacDowell, U.S. EPA Region V
Facility File and L:\Data\Facilities\+ Programs\Asbestos\Sites\1771 Eddy
Road\2011-09-20 NEAR.docx