



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erievue 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 7011 2000 0002 6936 3341
RETURN RECEIPT REQUESTED

December 13, 2012

Eric Witherspoon
President
Arick's Environmental Management Service, Inc.
19718 Kings Highway
Cleveland, OH 44122-6720

RE: Demolition project at 12609 Kinsman Avenue
PROJECT ID: CL 13 352
NOTICE OF VIOLATION: NESHAP-Asbestos Violations

Dear Mr. Witherspoon:

On November 23, 2012, the Cleveland Division of Air Quality (CDAQ) inspected the demolition project located at 12609 Kinsman Avenue in Cleveland. This letter serves as notification that Arick's Environmental Management Service completed an asbestos removal project that was in violation of the National Emission Standard for Hazardous Air Pollutants (NESHAP). Asbestos removal projects are subject to compliance with the Asbestos 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 (ORC) Chapter 3704.05(G).

When CDAQ inspected the asbestos removal phase of the demolition project, the following deficient work practices were observed:

- No impermeable dropcloth was used.
- The regulated area wasn't demarcated.
- Failure to carefully lower the regulated asbestos-containing material (RACM) to the ground after stripping from the facility. This is a violation of 40 CFR 61.145(c)(6)(ii) and OAC Rule 3745-20-04(A)(6)(b).
- Failure to wet the regulated asbestos-containing materials (RACM) after it has been removed from the facility intact. This is a violation of 40 CFR 61.145(c)(3) and OAC Rule 3745-20-04(A)(6)(a).

Unless you undertake some type of corrective action with respect to the above noted violations, you will be in non-compliance at your next asbestos shingle removal project. These deficient work practices must be corrected at your next asbestos removal project. In addition, CDAQ requests that Arick's Environmental Management Service submit a written response indicating how the above-noted deficiencies will be corrected at future transite shake shingle removal projects. Your written response must be submitted within 14 days of receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, you must submit a written response and your response must include a timeline for correcting the alleged violations.

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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ must include the Ohio EPA project identification number for the 12609 Kinsman Avenue demolition project: CL 13 352.

Sincerely,



Valencia White
Chief of Enforcement, CDAQ

VW/dlw

cc: James Maher, Cuyahoga County Land Reutilization Corp.
George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
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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

December 24, 2012

Arick's Environmental Management Services, INC.
19718 Kings Highway
Warrensville Hts., Ohio 44122

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

Project ID: CL 13 352

RE: 12609 Kinsman Ave
Cleveland, Ohio

In response to the letter received on the 13th day of December 2012 in regards to the property located on 12609 Kinsman Ave. 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) they stated that they observed:

- No impermeable drop cloth was used
- The regulated area wasn't demarcated.
- Failure to carefully lower the regulated asbestos-containing material (RACM) to the ground after stripping from the facility. In violation of 40 CFR 61.145(c) (6) (ii) and rule OAC Rule 3745-20-04(A) (6) (b).
- Failure to wet regulated asbestos-containing material (RACM) after it has been removed from the facility intact. In violation of 40 CFR 61.145(c)(3) and 3745-20-04(6)(a)

Arick's

Environmental Management Services



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Work Plan:

We will notate the regulated area that is to be abated and prep the facility with layers of reinforced 6 mil poly covering the surface areas in preparation for the removal process. All exterior transite will be adequately wet to ensure the minimization of any particles from becoming airborne while the abatement is in progress. We will effectively prepare, remove, wrap and lower ACM transite without disturbing the material and cause them to crumble while remaining in accordance to OAC Rule(s) 3745-20-04(A)(6)(b) that states: *Carefully lower the materials to the ground or floor not dropping, throwing, sliding or otherwise damaging or disturbing the material* and OAC Rule 3745-20-04(A)(6)(a) that states: *Adequately wet the materials and ensure that the materials remain adequately wet until collected and contained or treated in preparation for disposal*. When all compliances are met after removal, all material will be disposed of at Minerva Landfill and instructed to remain wet during transport.

Alfred Jones,
Project Manager/Site Supervisor

Dianna L. Perry,
Executive Secretary