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 7012 2210 0000 5209 3312
RETURN RECEIPT REQUESTED

March 20, 2013

Eric Witherspoon
President
Arick's Environmental Management Service, Inc.
19718 Kings Hwy.
Warrensville Heights, OH 44122-6720

RE: Demolition project at 12609 Kinsman Avenue
PROJECT ID: CL 13 352
RESOLUTION OF VIOLATIONS
NOTICE OF VIOLATION FOLLOW-UP LETTER

Dear Mr. Witherspoon:

On December 13, 2012, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) requiring Arick's Environmental Management Service (Arick's Environmental) to submit a corrective action plan for future transite shake shingle removal projects. The NOV asked Arick's Environmental to address the following deficient work practices:

- An impermeable dropcloth was not used and the regulated area was not demarcated.
- The regulated asbestos-containing materials (RACM) were not adequately wet during the disjoining operation.
- The shingles were allowed to fall to the ground instead of being carefully lowered. The failure to carefully lower the RACM to the ground allowed the RACM to drop and damaged the RACM.

CDAQ received a corrective action plan from Arick's Environmental on January 9, 2013. According to the corrective action plan, Arick's Environmental will perform the following corrective actions while removing the shingles:

- The regulated area will be notated.
- The facility will be prepared with layers of reinforced 6-mil poly covering the surface areas.
- All exterior transite will be adequately wet to ensure minimization of airborne particles.

On January 24, 2013, CDAQ issued a Receipt of Corrective Action Plan (RCAP). The RCAP asked Arick's Environmental to provide CDAQ with the method or methods that will be used to carefully lower ACM transite to the ground.

On March 18, 2013, Arick's Environmental pledged to take one of the following actions:

- Arick's Environmental will lower the shingles in a burlap bag or a 5-gallon bucket
- Arick's Environmental will lower the shingles to the ground on the scaffold
- Arick's Environmental will set up a full containment with an air filtration device and a three-stage decontamination door on houses in the suburbs or small 1 1/2 – story houses.

The corrective action plan was received and appropriate steps were taken to bring the project 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. 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.
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
L:\Data\Facilities\+ Programs\Asbestos\Sites\Cuyahoga County Land Bank\12609 Kinsman Ave\2012-11-23 ROV+NEAR.docx

RE: 12609 Kinsman
CL 13 352
& 3912 Storer Avenue
CL 13 363

Arick's
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

March 18, 2013

Work Plan for Removal of ACM Exterior Transite:

Due to the variance of each project different methods will be used to ultimately determine which will be most effective in the removal process.

1. A Standard method: 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. We will effectively prepare, remove, wrap and lower ACM transite in a burlap bag or 5 gallon bucket.

2. In Larger projects: we will erect a scaffold and place the material on the scaffold, with a drop cloth in place covering the ground. The wet material will be lowered to the ground on the scaffold

3. On the houses in the suburbs or the smaller 1 ½ story framed houses: a full containment will be set up using an AFD sitting opposite the non-three-stage decontamination door

All exterior transite will be adequately wet to ensure the minimization of any particles from becoming airborne while the abatement is in progress. When all compliances are met after removal, all material will be disposed of at Minerva Landfill and instructed to remain wet during transport.

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

**CERTIFIED MAIL 7012 2210 0000 5209 3251
RETURN RECEIPT REQUESTED**

January 24, 2013

Eric Witherspoon
President
Arick's Environmental Management Services, Inc.
19718 Kings Hwy.
Warrensville Heights, OH 44122-6720

**RE: 12609 Kinsman Ave.
PROJECT ID: CL 13 352
RECEIPT OF CORRECTIVE ACTION PLAN: NESHAP-ASBESTOS VIOLATIONS**

Dear Mr. Witherspoon:

On December 13, 2012, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) requesting that Arick's Environmental Management Service, Inc. (Arick's Environmental) submit a corrective action plan for future transite shake shingle removal projects and address the following deficiencies:

- The failure to use an impermeable dropcloth.
- The failure to indicate the regulated area.
- The failure to carefully lower the regulated asbestos-containing material (RACM) to the ground after stripping it from the facility.
- The failure to wet the RACM after it has been removed.

CDAQ is in receipt of a corrective action plan, dated December 24, 2012, on January 9, 2013. According to the corrective action plan, Arick's Environmental will perform the following corrective actions:

- The regulated area will be notated.
- The facility will be prepared with layers of reinforced 6-mil poly covering the surface areas.
- All exterior transite will be adequately wet to ensure minimization of airborne particles.
- Arick's Environmental will effectively prepare, remove, wrap and lower any asbestos-containing material (ACM) transite without disturbing or causing the material to crumble in accordance with Ohio Administrative Code Rule 3745-20-04(A)(6)(b).

Please note that CDAQ is requiring Arick's Environmental to provide more detail with respect to how ACM transite will be carefully lowered to the ground. Specifically, please provide CDAQ with the method or methods that will be used to carefully lower ACM transite to the ground.

You are expected to submit a detailed response by February 11, 2013. Failure to do so may result in referral to Ohio EPA or U.S. EPA for further enforcement action. Fulfillment of your commitments included in the corrective action plan and/or any modifications contained within this letter does not constitute a waiver of CDAQ's ability to refer this matter to Ohio EPA or U.S. EPA for further enforcement action. Please submit any future correspondence related to this matter to the following enforcement representative:

David Wagner
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

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. If you have any questions, please call David Wagner at 216/664-3004. All correspondence with CDAQ about this project must include the CDAQ project identification number: 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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Wagner, David

From: Arick's EnvironmentalManagement< Inc <aemsinc19718@aol.com>
Sent: Wednesday, January 09, 2013 9:51 AM
To: Wagner, David
Subject: Response for violations
Attachments: EPA response 12609 Kinsman Ave.docx; EPA response 3912 Storer Ave.docx

Good Morning Dave,
Attached are the response letters for:
12609 Kinsman Ave
3912 Storer Ave.

I was under the impression that these were sent out in late December before Dianna fell very ill due to the flu virus. If you have any questions or concerns please feel free to contact me in these regards.

Eric L. Witherspoon

Eric L. Witherspoon
President
Arick's Environmental Management Services, Inc

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

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)

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