



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

April 26, 2013

RE: **NOTICE OF VIOLATION**
ABATEMENT OF
3532 EAST 146th STREET
CLEVELAND, OHIO

CERTIFIED MAIL

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

Dear Mr. Witherspoon:

On January 28, 2013, the Ohio EPA Northeast District Office (NEDO), Division of Air Pollution Control (DAPC), received an asbestos demolition notification from Arick's Environmental Management Services, Inc. (AEMSI) postmarked January 26, 2013, for 3532 East 146th Street, Cleveland, Ohio. The notification indicated the abatement of 120 square feet of regulated asbestos-containing material (RACM). The date for asbestos removal by AESMI listed on the notification was February 14, 2013.

On March 19, 2013, the undersigned and Bob Bechtel conducted a post-abatement inspection of the structure. At the time, representatives of A & D Demolition were on site conducting a removal of solid waste material from the building prior to demolition. Mr. Herman Callahan was the A & D supervisor on site. My inspection of the basement revealed the presence of the suspect asbestos-containing pipe wrap still on the pipes at the elbows and pipe wrap debris on the floor. A sample of the material was taken for analysis by Ohio EPA and laboratory results documented this material to be 60% asbestos.

In view of the above facts, this abatement project conducted at 3532 East 146th Street., Cleveland, Ohio, on or about February 14, 2013, as part of an urban demolition project, was subject to compliance with the Clean Air Act and regulations promulgated there under, setting forth a National Emission Standard for Asbestos 40 CFR 61.140, *et seq.* (NESHAP Asbestos Standard). These types of operations are also subject to Ohio Administrative Code (OAC) chapter 3745-20, "Ohio Asbestos Emission Control Rules."

MR. ERIC WITHERSPOON

APRIL 26, 2013

PAGE 2

The asbestos standard applies to, among other things, a demolition operation. Pursuant to 40 CFR 61.145, all facilities must be inspected for the presence of asbestos prior to commencement of a renovation or demolition. Paragraphs (b), "Notification Requirements," and (c), "Procedures for Asbestos Emission Control" of this section would apply if the accumulative or total amount of friable asbestos materials in the structure was found to be equal to or greater than 260 linear feet on pipes and/or equal to or greater than 160 square feet on any other component. Paragraph (b), "Notification Requirements," of this section also applies if no friable asbestos materials were found, or if the accumulative or total amount of friable materials in the structure were less than 260 linear feet on pipes and/or less than 160 square feet on any other component. (Similar requirements are also stated in OAC rules 3745-20-02, 3745-20-03 and 3745-20-04, "Ohio Asbestos Emission Control Rules.")

Pursuant to 40 CFR 61.141, an "owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls or supervises the facility being demolished or renovated, or any person who owns, leases, operates, controls or supervises the demolition or renovation operation, or both." Any owner or operator is prohibited under 40 CFR 61.19 from circumvention of a visible emission standard or notification requirements by the piecemeal carrying out of an operation.

Finally, pursuant to Section 112 (KK), the authority to implement and enforce the NESHAP has been delegated to the State of Ohio Environmental Protection Agency's Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of U.S. EPA for any violations for which Ohio is unable to initiate a required enforcement action.

In accordance with the above-stated delegation of authority, you are hereby notified that the abatement conducted on 3532 East 146th Street by Arick's, on or about February 14, 2013, was in violation of the NESHAP requirements in 40 CFR 61.145(a) and (b), "applicability" and "notification requirements" in the "Standard for Demolition and Renovation." This was also a violation of OAC rule 3745-20-02, "Standard for Notification," in the Ohio Asbestos Emission Control Rules.

Within fourteen (14) days of receipt of this letter, you are requested to submit the following information. This request for information is made pursuant to OAC Rule 3745-15-03.

- 1) The name, address, phone number and contact person of all contractors involved in the renovation project and an explanation of each company's involvement.

MR. ERIC WITHERSPOON
APRIL 26, 2013
PAGE 3

- 2) The name, address, phone number and contact person of all contractors involved in the disposal of both construction demolition and debris (CD&D) waste along with RACM from the site of the demolition project and an explanation of the involvement.
- 3) The locations of the site where both construction demolition and debris (CD&D) waste along with RACM from the demolition was disposed, including a copy of any manifests or receipts.
- 4) A copy of any asbestos survey reports of the building.
- 5) The actual beginning and ending dates of the abatement and demolition projects.

This Notice of Violation in no way waives the right of Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications may be directed to you regarding this violation or additional violations that may be found.

Clarification, explanation or evidence pertaining to this violation should be brought to our immediate attention. If you have any questions, please contact me at (330) 963-1241 or Bob Princic at (330) 963-1230.

Sincerely,



Richard Kolosionek
District Representative
Division of Air Pollution Control

RK:bo

pc: Damian Borkowski, City of Cleveland

ec: Ed Fasko, DAPC, NEDO
Bob Princic, DAPC, NEDO
Tim Fischer, DAPC, NEDO
Frederick Jones, DAPC, CO
Bruce Weinberg, DAPC, CO
Brian Dickens, U.S. EPA, Region 5