

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

April 29, 2013

RE: **NOTICE OF VIOLATION**  
**ABATEMENT OF**  
**6813 FORMAN AVE.**  
**CLEVELAND, OHIO**

**CERTIFIED MAIL**

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

Dear Mr. Witherspoon:

On February 26, 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 February 25, 2013, for the above named address. The notification indicated the abatement of 1,100 square feet of transite as regulated asbestos-containing material (RACM). A revised notification was received on March 16, 2013, revising the amount of transite to be removed to 6,600 square feet. The revision had a completion date for the abatement of March 25, 2013.

An initial inspection of the project was conducted on March 15, 2013. At that time, a crew just arrived on site and no actual abatement activity was conducted.

On April 12, 2013, the undersigned conducted an inspection of the structure. My inspection revealed the presence of transite still on the building and transite debris on the driveway, porch and inside the structure. The interior of the structure was gutted, however, wall plaster remained on the walls and plaster debris was on the floor. Samples of transite and wall plaster were taken for analysis. The analysis revealed the transite to be 15% asbestos and the wall plaster 2% asbestos.

Mr. Damian Borkowski of the City of Cleveland Demolition Dept. was notified of our concerns on April 12, 2013 and indicated he would be in contact with you.

On April 15, 2013, you spoke with this office and indicated the transite was cleaned up from the property and that AEMSI did not perform any interior abatement of the structure. You also indicated the survey will be sent to OEPA.

On April 16, 2013, I met with Mr. Damian Borkowski on site to discuss this matter. It was revealed plaster was removed prior to the City of Cleveland taking possession of the building. The survey of the property revealed that the interior wall plaster was removed prior to the survey. Mr. Borkowski will be in touch with you to arrange cleanup of the property.

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In view of the above facts, this abatement project conducted at 6813 Forman Ave., Cleveland Ohio between March 22 and March 25, 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."

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 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 6813 Forman Ave., between March 18 and April 8, 2013, by Arick's Environmental Management Services, Inc., 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, 3745-20-04(A)(1) Demolition and Renovation procedures for Asbestos Emission Control and 3745-20-05 Standards for Asbestos Waste Handling.

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 abatement project and an explanation of each company's involvement.

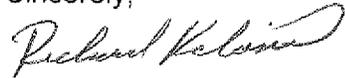
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- 2) The name, address, phone number and contact person of all contractors involved in the disposal of RACM waste from the site of the abatement project and an explanation of the involvement.

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

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

pc: Damian Borkowski, City of Cleveland