

From: [Roy Berlocker](#)
To: [Todd, Michael \(he/him/his\)](#)
Cc: [Brewster, Brandon](#); [Saldivar, Christina \(she/they\)](#); [William Williamson](#); [Calvo, Estrella](#); [Grueterich, Sophie](#); [Bauer, Olivia](#)
Subject: RE: U.S. EPA: ACCEL Charter School AHERA and Lead-Based Paint Inspections Follow-up
Date: Friday, May 10, 2024 4:12:07 PM
Attachments: [image002.png](#)
[1408 Rigby Street, Youngstown AHERA Inspection Report.pdf](#)

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Good afternoon Mr. Todd,

I have attached the inspection provided by North American Environmental Services, Inc. (NAES) for the Youngstown Academy to this message.

We have (NAES) scheduled to complete inspections of the schools, Niles Preparatory Academy and STEAM Academy of Warren on May 27th. We have also engage NAES to provide the required training and consulting services we need to complete our management plans for each building.

Thank you,

Roy Berlocker C.P.M.

Senior Director of Procurement & Facilities



p: [REDACTED]
e: [REDACTED]

From: Todd, Michael (he/him/his) <Todd.Michael@epa.gov>
Sent: Friday, May 3, 2024 11:18 AM
To: Roy Berlocker <[REDACTED]>
Cc: Brewster, Brandon <Brewster.Brandon@epa.gov>; Saldivar, Christina (she/they) <saldivar.christina@epa.gov>; William Williamson <[REDACTED]> Calvo, Estrella <calvo.estrella@epa.gov>; Grueterich, Sophie <grueterich.sophie@epa.gov>; Bauer, Olivia <Bauer.Olivia@epa.gov>
Subject: RE: U.S. EPA: ACCEL Charter School AHERA and Lead-Based Paint Inspections Follow-up

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Mr. Berlocker,

Thank you for your e-mail and providing the requested Simplified Facilities Group Inc.'s records and North American Environmental Services, Inc.'s proposal for AHERA services at STEAM Academy of Warren. EPA will review the records provided and be in contact if we have any questions.

As requested in my below April 22, 2024 and April 30, 2024 e-mails , EPA has requested ACCEL Charter Schools to provide all North American Environmental Services, Inc. or any other asbestos

consultants/contractors, inspection reports, analytical results and response action recommendation(s) or response action record(s) for ACCEL Charter Schools. As stated in your below April 19, 2024 e-mail, you mentioned that ACCEL Charter Schools was to receive the Youngstown Academy of Excellence inspection report by April 24, 2024.

Please provide the Youngstown Academy of Excellence, North American Environmental Services, Inc. reports and all other reports generated by May 10, 2024. If you are unable to provided the requested reports, please provide an explanation as to why the reports are unable to be provided. If ACCEL Charter Schools has not received the requested reports from its asbestos consultant, please note the date ACCEL Charter Schools anticipates receiving the reports and when they can be provided to EPA for our review within your explanation.

Thank you for your cooperation in this matter and if you have any questions please contact me at todd.michael@epa.gov or by phone at (312) 886-4843.

Regards,

Michael Todd

Enforcement Officer
Physical Scientist
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5 (ECP-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604

Phone: (312) 886-4843
todd.michael@epa.gov
Pronouns: he, him, his



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From: Roy Berlocker [REDACTED]
Sent: Thursday, May 2, 2024 3:34 PM
To: Todd, Michael (he/him/his) <Todd.Michael@epa.gov>
Cc: Brewster, Brandon <Brewster.Brandon@epa.gov>; Saldivar, Christina (she/they) <saldivar.christina@epa.gov>; William Williamson <[REDACTED]>; Calvo, Estrella <calvo.estrella@epa.gov>; Grueterich, Sophie <grueterich.sophie@epa.gov>; Bauer, Olivia

<Bauer.Olivia@epa.gov>

Subject: RE: U.S. EPA: ACCEL Charter School AHERA and Lead-Based Paint Inspections Follow-up

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Good afternoon Mr. Todd.

Please find the SOW and invoice documents that you requested for the work in process by Simplified Facilities Group at the STEAM Academy of Warren on 4/2/24, as requested.

Also, I have attached the AHERA inspection report requested for STEAM Academy of Warren.

Thank you,

Roy Berlocker c.p.m.

Senior Director of Procurement & Facilities

ACCEL

p: [REDACTED]
e: [REDACTED]

From: Todd, Michael (he/him/his) <Todd.Michael@epa.gov>

Sent: Tuesday, April 30, 2024 3:41 PM

To: Roy Berlocker <[REDACTED]>

Cc: Brewster, Brandon <Brewster.Brandon@epa.gov>; Saldivar, Christina (she/they) <saldivar.christina@epa.gov>; William Williamson <[REDACTED]> Calvo, Estrella <calvo.estrella@epa.gov>; Grueterich, Sophie <grueterich.sophie@epa.gov>; Bauer, Olivia <Bauer.Olivia@epa.gov>

Subject: RE: U.S. EPA: ACCEL Charter School AHERA and Lead-Based Paint Inspections Follow-up

Importance: High

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Mr. Berlocker,

EPA has not received ACCEL Charter Schools AHERA inspection follow-up response from the below April 22, 2024, follow-up e-mail. EPA has requested ACCEL Charter Schools provide the information and records with a request date of April 24, 2024. EPA has not received communication from ACCEL Charter Schools requesting an extension to respond and as such EPA is requesting ACCEL Charter Schools provide its response to the below listed items, by **May 3, 2024**, or earlier.

1. Your response did not include the request for information in Request No. 3 of my April 5, 2024 e-mail, specifically requesting Simplified Facilities Group, Inc.'s scope of work, invoice and/or work orders for the work performed at STEAM Academy of Warren's lower level.
2. Provide the records requested in Request No. 2 of my below April 5, 2024 e-mail, including but not limited to all North American Environmental Services, Inc. or any other asbestos

consultants/contractors, inspection reports, analytical results and response action recommendation(s) or response action record(s) for ACCEL Charter Schools.

Please be advised that if ACCEL Charter Schools fail or refuse to comply with this information request, EPA may consider issuing ACCEL Charter Schools a subpoena under Section 11(c) of TSCA, 15 U.S.C. § 2610(c), seeking the same or similar information.

If you have any questions, please contact me via e-mail at todd.michael@epa.gov or by phone at (312) 886-4834.

Regards,

Michael Todd

Enforcement Officer
Physical Scientist
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5 (ECP-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604

Phone: (312) 886-4843

todd.michael@epa.gov

Pronouns: he, him, his



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From: Todd, Michael (he/him/his)

Sent: Monday, April 22, 2024 10:38 AM

To: Roy Berlocker <[REDACTED]>

Cc: Brewster, Brandon <Brewster.Brandon@epa.gov>; Saldivar, Christina (she/they) <saldivar.christina@epa.gov>; William Williamson <[REDACTED]> Calvo, Estrella <calvo.estrella@epa.gov>; Grueterich, Sophie <Grueterich.Sophie@epa.gov>; Bauer, Olivia <Bauer.Olivia@epa.gov>

Subject: RE: U.S. EPA: ACCEL Charter School AHERA and Lead-Based Paint Inspections Follow-up

Mr. Berlocker,

Thank you for your e-mail and response to EPA's follow-up inspection information request. EPA will review your response and be in contact with any additional questions and to discuss next steps. Your response did not include the request for information in No. 3 of my e-mail, requesting Simplified Facilities Group, Inc. scope of work, invoice and/or work orders for the work performed at STEAM Academy of Warren lower level. Please provide the records requested in No. 3 and all records requested in Request No. 2 when received by your asbestos consultant North American Environmental Services, Inc. by Wednesday, April 24, 2024.

EPA, Region 5 is represented by legal counsel in this matter and I have cc:ed EPA's Attorneys, Ms. Sophie Grueterich and Ms. Oliva Bauer to this e-mail. If ACCEL Charter Schools retains counsel in this matter, please have ACCEL Charter School's counsel contact Ms. Grueterich and Ms. Bauer.

Regards,

Michael Todd

Enforcement Officer
Physical Scientist
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5 (ECP-17J)
77 West Jackson Boulevard
Chicago, Illinois 60604

Phone: (312) 886-4843

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Pronouns: he, him, his



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From: Roy Berlocker [REDACTED]

Sent: Friday, April 19, 2024 6:54 PM

To: Todd, Michael (he/him/his) <Todd.Michael@epa.gov>; William Williamson [REDACTED]

Cc: Brewster, Brandon <Brewster.Brandon@epa.gov>; Saldivar, Christina (she/they) <saldivar.christina@epa.gov>

Subject: RE: U.S. EPA: ACCEL Charter School AHERA and Lead-Based Paint Inspections Follow-up

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Good afternoon Todd,
In response to your message at the three locations where you did inspections, we were not able to locate management plan records for the schools. We have engaged **North American Environmental Services, Inc** to provide AHERA Inspections, Analysis and Management Plans for locations. The Youngstown Academy of Excellence inspection has been completed and the comprehensive inspection report is due back to us next Wednesday, April 24. We have not completed the inspections for Niles Preparatory Academy and STEAM Academy of Warren, they are being scheduled with North American Environmental Services now. I have attached the proposal for each of the locations to this message and will send the reports when we receive them.

We used NTWA, LLC, 19815 Kings Highway, Suite 2, Warrensville Ohio to abate materials as indicated below for two of the school.

- I have records of removal and disposal of ACM pipe insulation in mechanical room at Niles Preparatory Academy in October 2020. I will attach the documents.
- I have records of removal of flooring in room 309 at STEAM of Warren in January 2023. I will attach the documents.

The company that was doing touch up paint in Youngstown while you were there is Simplified Facilities Group, Inc. The contact at Simplified is:

Michael Sherrill
President
440-365-1725
msherrill@simplifiedfacilities.com

We will be working with North American Environmental Services to assist us and provide training so we can appropriately address the schools and remain in compliance.

Thank you,
Roy Berlocker C.P.M.
Senior Director of Procurement & Facilities



From: Todd, Michael (he/him/his) <Todd.Michael@epa.gov>
Sent: Friday, April 5, 2024 1:09 PM
To: Roy Berlocker [redacted] William Williamson

[REDACTED] >

Cc: Brewster, Brandon <Brewster.Brandon@epa.gov>; Saldivar, Christina (she/they) <saldivar.christina@epa.gov>; Craig Rodik [REDACTED]

Subject: U.S. EPA: ACCEL Charter School AHERA and Lead-Based Paint Inspections Follow-up

Importance: High

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Mr. Berlocker and Mr. Williamson:

Thank you for your cooperation and assistance while EPA conducted the AHERA and Lead-Based Paint (LBP) inspections at ACCEL Charter Schools (ACCEL) this week. The AHERA and LBP inspections were performed at Youngstown Academy of Excellence on April 2, 2024 and April 3, 2024, Niles Preparatory Academy on April 3, 2024 and STEAM Academy of Warren on April 4, 2024.

EPA was not provided and unable to obtain for review Youngstown Academy of Excellence's, Niles Preparatory Academy's and STEAM Academy of Warren's Asbestos Management Plan (AMP) during the inspections. The ACCEL and school representatives attending the inspections were unaware of the AMP, location of an AMP or if one has been created for the schools. The EPA Inspectors were able to conduct an interview with the ACCEL and school representatives and a walkthrough of each school. EPA documented the conditions of each school during the schools walkthroughs and EPA is offering ACCEL Charter Schools an opportunity to address the inspection AMP deficiencies.

As discussed during the inspections closing conferences the below listed items are EPA's follow-up request for information following the inspections. If ACCEL is unable to provide documentation of compliance for any of the requested items, below, explain the reason why such documentation does not exist or is unavailable. Where information or documents necessary for a response are neither in your possession or available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.

1. The Asbestos Management Plan records for the below listed ACCEL Charter Schools:
 - o Youngstown Academy of Excellence
 - o Niles Preparatory Academy
 - o STEAM Academy of Warren

Specifically, provide the following asbestos management plan records for the 3 school building(s) identified, above:

- a. Identify the location of the ACCEL Charter school's administrative office asbestos management plans and the locations of each school's asbestos management plan.
- b. If the school is certified as asbestos-free and/or exempt under 40 C.F.R. § 763.99, provide

all documentation stating that no asbestos-containing building material (ACBM) is present or identified at the school's building(s) from a licensed architect or registered professional engineer who was personally responsible for the construction of the school building(s), and/or from an accredited asbestos inspector licensed by the State.

- c. Provide all documentation of the school's initial inspection performed by a state-accredited asbestos inspector that identify all locations of friable and nonfriable ACBM.
- d. Provide all documentation of the school's reinspection (3-year) performed by a state-accredited asbestos inspector that identify all locations of friable and nonfriable ACBM, from calendar year 2018 to the present.
- e. All records of preventive measures and response actions taken from calendar year 2018 to the present, for friable and nonfriable asbestos containing building material (ACBM), and friable and nonfriable suspected ACBM assumed to be asbestos containing material (ACM), including:
 - Detailed description(s) of the measure or action; methods used for the measure or action; the location(s) where the measure or action was taken; reasons for selecting the measure or action taken; the start and completion dates of the work; the names and addresses and
 - State-accreditation numbers of all contractors involved; whether ACBM was removed; and the name and location of each storage/disposal site for the ACBM or ACM.
 - The name and signature of any person who collected any air sample(s) required to be collected at the completion of response actions involving the removal, encapsulation, or enclosing of ACBM or assumed ACBM; the locations where samples were collected; the date of each sample-collection; the name and address of each laboratory analyzing the samples; the date of each analysis; the results of each analysis; the method of analysis used by each laboratory; the name and signature of each person performing the analysis; and a statement that the laboratory meets the applicable requirements.
 - Include within your response all third party asbestos consultant abatement action reports and analytical sampling reports.
- f. All records for each person required to be trained on the 2-hour asbestos awareness training and 14-hour additional training, including: the name of trainee; the trainee's job title; the date on which training was completed; the location of the training; and the number of hours completed in such training.
- g. All records of the most recent operations and maintenance activities performed under 40 C.F.R. § 763.91(d), including: the name of each person performing an activity; the start and completion dates of the activity; the locations where such activity occurred; a description of the activity including prevention measures used; and, if ACBM is removed,

- the name and location of storage/disposal site of ACM.
- h. All records demonstrating that short-term workers who may have come in contact with asbestos in a school were provided information regarding the locations of ACBM and suspected ACBM assumed to be ACM, from calendar year 2018 to the present.
 - i. All records concerning each time that a periodic surveillance (6-month) was performed from calendar year 2018 to the present, including: the name of each person performing the surveillance; the date of the surveillance; and any changes in the condition of the ACBM discovered during each surveillance activity.
 - j. All records of operations and maintenance activities under 40 C.F.R. § 763.91(d) performed from calendar year 2018 to the present, including: the name of each person performing the activity; the start and completion dates of the activity; the locations where such activity occurred; a description of the activity, including prevention measures used; and, if ACBM is removed, the name and location of each storage/disposal site of the ACM.
 - k. All records concerning each major asbestos activity under 40 C.F.R. § 763.91(e) that was performed from calendar year 2018 to the present, including: the name of the person in charge of performing the activity; the state-accreditation number(s) of each person performing the activity; the start and completion dates of the activity; the locations of where such activity occurred; a description of the activity including preventive measures used; and, if ACBM was removed, the name and location of storage/disposal site of the ACM.
 - l. All records of fiber release episodes under 40 C.F.R. § 763.91(f) that may have occurred from calendar year 2018 to the present, including: the date and location of the episode; the method of repair; the preventive measures or response action taken; the name of each person performing the work; and, if ACBM is removed, the name and location of storage/disposal site of the ACM.
 - m. Provide all annual notifications that have been distributed from calendar year 2018 to present, notifying parents, teachers, employee organizations and relevant organization of the availability of the asbestos management plan(s) and any asbestos-related actions taken or planned in the school.
 - n. All AHERA Designated Person Assurance Statement Form(s) under 40 C.F.R. § 763.93(j). Include in your response all Designated Person training completed, as detailed under 40 CFR § 763.84(g).
2. EPA is requesting to be provided the Youngstown Academy of Excellence AMP Inspection report and analysis records for the inspection conducted by North American Environmental Services on April 3, 2024.
 3. Provide all contracts, invoices, scope of work, work orders of Simplified Facilities Group, Inc.

or contractor involved in the painting activities at Steam Academy of Warren lower level southwest storage room/kitchen near gym stage.

If you prefer to send the requested records using EPA's 'GoAnywhere' file transfer system, please inform me and I will send a GoAnywhere file transfer link for each school listed above to upload the requested records. GoAnywhere is a file transfer service that can transfer large amount of records securely using a file transfer upload and download function.

Please submit the above requested inspection follow-up inspection items to EPA by April 19, 2024, or earlier.

Also as discuss during the closing conference of the inspection, provided below are some helpful EPA AHERA online resources and AHERA FAQ.

EPA Online Resources and Guides:

<https://www.epa.gov/asbestos/asbestos-and-school-buildings>

<https://www.epa.gov/asbestos/model-ahera-asbestos-management-plan-local-education-agencies>

<https://www.epa.gov/asbestos/asbestos-laws-and-regulations#ahera>

<https://www.epa.gov/schools/sensible-steps-healthier-school-environments>

<https://www.epa.gov/lead/renovate-right-important-lead-hazard-information-families-child-care-providers-and-schools>

EPA AHERA FAQ:

https://www.epa.gov/sites/default/files/documents/asbestosfaqs_0.pdf

Thank you again for your cooperation during the inspections and please do not hesitate to contact me if you have any questions or require further clarification. Please confirm receipt of this e-mail when received.

Regards,

Michael Todd

Enforcement Officer

Physical Scientist

Pesticides and Toxics Compliance Section

U.S. EPA, Region 5 (ECP-17J)

77 West Jackson Boulevard

Chicago, Illinois 60604

Phone: (312) 886-4843

todd.michael@epa.gov

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