



Environmental  
Protection Agency

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

**CERTIFIED MAIL # 91 7108 2133 3932 1838 4387**

December 1, 2011

Mr. James Jarrett  
President  
North American Environmental Services LLC.  
2848 Banwick Road  
Columbus, OH 43232

**Re: Notice of Violation - Failure to conduct a proper asbestos abatement for 1827 and 1821 through 1823 Cleveland Avenue, in Columbus, Ohio**

Dear Mr. Jarrett:

On August 15, 2011, Ohio Environmental Protection Agency (Ohio EPA) received notification of planned abatement and demolition activities to occur at 1827 and 1821 through 1823 Cleveland Avenue in Columbus, Ohio. North American Environmental Services LLC. (North American) was listed as the Abatement Contractor. On September 15, 2011, and October 19, 2011, these buildings were inspected by Ohio EPA's Central District Office (CDO).

On September 15, 2011, a CDO inspector inspected both buildings. He was told that the abatement work was complete on 1827 and abatement work in the basement of 1821 and 1823 had been completed (exterior transite removal was on-going). The inspector found residual Thermal System Insulation (TSI), regulated Asbestos Containing Materials (RACM), in both buildings (see attachment A).

On October 19, 2011, the buildings were again inspected (abatement work inside both buildings had reportedly been completed) and the inspector again found RACM in both buildings (see Attachment B). The inspector advised North American employees that this material and any other materials which came into contact with the overlooked RACM must be properly disposed of as well.

North American was hired by the City of Columbus Land Bank to remove all RACM from the buildings prior to demolition. Because North American is listed as the abatement contractor on the abatement and demolition notifications, and performed asbestos abatement activities to facilitate the demolition of the buildings, North American is an operator under Ohio Administrative Code rule (OAC) 3745-20-01(B)(39)(a). As an operator, North American is required to comply with asbestos rules and regulations, including, but not limited to OAC rule 3745-20-02 through OAC rule 3745-20-05.

**1. Finding**

On September 15, 2011, and October 19, 2011, CDO inspected buildings that had had asbestos abatement performed by North American. CDO found overlooked RACM in these buildings.

Central District Office  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, OH 43216-1049

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**Violation**

Please note that OAC rule 3745-20-04 (A)(1) requires that:

*(A) Each owner or operator of a demolition or renovation operation to whom this rule applies shall comply with the following procedures:*

*(1) Remove all regulated asbestos-containing material from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the materials for subsequent removal....*

North American's failure to do so has resulted in a violation of OAC rule 3745-20-04 (A)(1). Violation of OAC rule 3745-20-04(A)(1) is also considered a violation of Ohio Revised Code (ORC) 3704.05(G) which states:

*"No person shall violate any order, rule, or determination of the director issued, adopted, or made under this chapter."*

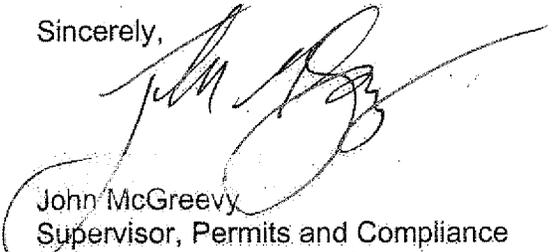
**Requested Action**

CDO requests that North American remove all remaining RACM and contaminated debris prior to demolition. CDO also requests that as a response to this Notice of Violation, North American document the operational processes that will be enacted to assure future compliance with all applicable OAC rules when performing asbestos abatement work.

Please be aware that Ohio Environmental Protection Agency has the authority to seek civil penalties as provided in section 3704.06 of the ORC. Violation of Ohio's Asbestos Control Regulations may subject both the building owner and removal, renovation, or demolition contractor to civil penalties of up to \$25,000 dollars per day of violation. This letter or information submitted pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by Ohio Environmental Protection Agency at a later date.

If you have any questions regarding this matter, please contact Richard Fowler, of my staff, 614-995-0671.

Sincerely,



John McGreevy  
Supervisor, Permits and Compliance  
Division of Air Pollution Control  
Central District Office

Mr. James Johnson  
North American Environmental Services, LLC.  
Page -3-

c: Adam Ward, Manager, DAPC/CDO  
Kelly Toth, Supervisor, Permits and Compliance DAPC/CDO  
Josh Koch Sanitarian Program Specialist, ODH/Asbestos Program  
Mark Needham Asbestos Program Administrator, ODH/Asbestos Program  
John Paulian, DAPC/CO  
Tom Buchan, DAPC/CO  
Richard Fowler, DAPC/CDO

JM/ct NOV 1827 and 1821-3 Cleveland Ave N American

