PORTSMOUTH LOCAL AIR AGENCY

USEPA AND OEPA REPRESENTATIVE FOR ADAMS, BROWN, SCIOTO AND LAWRENCE COUNTIES
605 Washington Street, Third Floor, Portsmouth, Ohio 45662 (740) 353-5156 Fax (740) 353-3638

July 15, 2011

CERTIFIED MAIL

Michael Tissot
6580 Trailwoods Drive
Loveland, Ohio 45140

Re: Notice of Violation

Dear Mr. Tissot,

This letter is in reference to the demolition of a structure, specifically Hong Kong Buffet; located at 3650 Rhodes Avenue, New Boston, Ohio 45662. Demolition and renovation operations are subject to compliance with the National Emission Standards for Asbestos instituted in the Code of Federal Regulations (CFR) Chapter 40, Part 61, Subpart M and Ohio Administrative Code (OAC) rule 3745-20 titled Ohio Asbestos Emission Control Rules.

Section 61.145 of the federal rule and OAC Rule 3745-20-03 requires each owner or operator (demolition/renovation contractor) of a demolition or renovation to comply with notification requirements under these rules. Compliance with these requirements is possible by completing the enclosed form titled "OEPA notification of demolition and renovation" and submitting this form at least **ten working days** prior to the start of the demolition or renovation. Also in accordance with the above-mentioned rules, an evaluation for the purpose of identifying asbestos containing material (ACM) is to be conducted by an asbestos hazard evaluation specialist certified by the Ohio Department of Health prior to the start of any commercial demolition or renovation.

On June 13, 2011, personnel from this office identified completed demolition activities at the above-mentioned property. It was determined that the demolition of the above mentioned structure was subject to the requirements of 40 CFR Part 61, Subpart M, and Ohio asbestos emission control rules. It was further determined that your company violated 40 CFR Part 61, Subpart M, specifically 61.145 and OAC 3745-20-03 for failing to file a notification prior to the start of demolition. Without a proper and timely notification this office cannot determine the extent of compliance with the Federal and State rules. Failure to comply with these rules is a serious violation of the Clean Air Act, which provides for substantial penalties for non-compliance. Both the **facility owner** and

the **demolition contractor** are subject to compliance and enforcement action for infractions of the above-mentioned regulations.

This notice of violation in no way waives the right of the Ohio EPA or USEPA to pursue additional enforcement action. Further communications may be directed to you regarding these violations. All future demolition/renovation operations under your supervision or contractual control must comply with both Federal and State laws pertaining to demolitions/renovations.

Should you have any questions, please do not hesitate to contact Louis Boerger or myself at (740) 353-5156 for further guidance.

Sincerely,

Cindy Charles

Cindy Charles, Director
Portsmouth Local Air Agency

cc: John Paulian, DAPC
cc: Joe Holland, MWM
cc: Tom Buchan, DAPC
cc: William MacDowell, USEPA, REGION V