



## 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

04/13/2010

### CERTIFIED MAIL

JR General Construction  
Mr. Roy Easter Jr  
939 Piketon Road  
Lucasville, OH 45648

Re: Warning Letter

Dear Mr. Easter:

This letter is in reference to the demolition of the Reinhardt Truck Sales, 7515 Ohio River Road, Sciotoville, OH 45662. Demolition operations are subject to compliance with the National Emission Standards for Asbestos 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. A copy of these rules is enclosed for your reference.

Section 61.145 of the federal rule and OAC Rule 3745-20-03 requires each owner or operator (demolition contractor) of a demolition 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 **ten working days** prior to the start of the demolition or renovation. Also in accordance with 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 March 22, 2010, an inspection of the previously mentioned location indicated that the demolition had been completed.

It was determined that this demolition is subject to the requirements under 40 CFR Part 61, Subpart M, and Ohio asbestos emission control rules. It was further determined that there had been no notification of the demolition/renovation prior to any wrecking or breaking up of the structure.

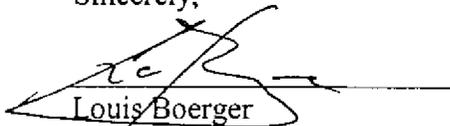
Failure to submit a notification for demolition/renovation activity is a serious violation of the Clean Air Act, which provides for substantial penalties for non compliance. Without a proper and timely notification, this office cannot inspect the operations to determine the extent of

compliance. Both the facility owner and the demolition contractor are subject to compliance with the abovementioned rules.

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

If you have any questions, please do not hesitate to contact me (740) 353-5156 ext. 289 for further guidance.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Boerger', is written over a horizontal line. The signature is stylized and somewhat cursive.

Louis Boerger  
Permit Specialist  
Portsmouth Local Air Agency

**§ 61.145 Standard for demolition and renovation.**

(a) *Applicability.* To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

(1) In a facility being demolished, all the requirements of paragraphs (b) and (c) of this section apply, except as provided in paragraph (a)(3) of this section, if the combined amount of RACM is

(i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, or

(ii) At least 1 cubic meter (35 cubic feet) off facility components where the length or area could not be measured previously.

(2) In a facility being demolished, only the notification requirements of paragraphs (b)(1), (2), (3)(i) and (iv), and (4)(i) through (vii) and (4)(ix) and (xvi) of this section apply, if the combined amount of RACM is

(i) Less than 80 linear meters (260 linear feet) on pipes and less than 15 square meters (160 square feet) on other facility components, and

(ii) Less than one cubic meter (35 cubic feet) off facility components where the length or area could not be measured previously or there is no asbestos.

(3) If the facility is being demolished under an order of a State or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse, only the requirements of paragraphs (b)(1), (b)(2), (b)(3)(iii), (b)(4) (except (b)(4)(viii)), (b)(5), and (c)(4) through (c)(9) of this section apply.

(4) In a facility being renovated, including any individual nonscheduled

renovation operation, all the requirements of paragraphs (b) and (c) of this section apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is

(i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, or

(ii) At least 1 cubic meter (35 cubic feet) off facility components where the length or area could not be measured previously.

(iii) To determine whether paragraph (a)(4) of this section applies to planned renovation operations involving individual nonscheduled operations, predict the combined additive amount of RACM to be removed or stripped during a calendar year of January 1 through December 31.

(iv) To determine whether paragraph (a)(4) of this section applies to emergency renovation operations, estimate the combined amount of RACM to be removed or stripped as a result of the sudden, unexpected event that necessitated the renovation.

(5) Owners or operators of demolition and renovation operations are exempt from the requirements of §§ 61.05(a), 61.07, and 61.09.

(b) *Notification requirements.* Each owner or operator of a demolition or renovation activity to which this section applies shall:

(1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(2) Update notice, as necessary, including when the amount of asbestos affected changes by at least 20 percent.

(3) Postmark or deliver the notice as follows:

(i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in paragraph (a)(2) of this section, notification

and method(s) to be employed, including demolition or renovation techniques to be used and description of affected facility components.

(xi) Description of work practices and engineering controls to be used to comply with the requirements of this subpart, including asbestos removal and waste-handling emission control procedures.

(xii) Name and location of the waste disposal site where the asbestos-containing waste material will be deposited.

(xiii) A certification that at least one person trained as required by paragraph (c)(8) of this section will supervise the stripping and removal described by this notification. This requirement shall become effective 1 year after promulgation of this regulation.

(xiv) For facilities described in paragraph (a)(3) of this section, the name, title, and authority of the State or local government representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification.

(xv) For emergency renovations described in paragraph (a)(4)(iv) of this section, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or an unreasonable financial burden.

(xvi) Description of procedures to be followed in the event that unexpected RACM is found or Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder.

(xvii) Name, address, and telephone number of the waste transporter.

(5) The information required in paragraph (b)(4) of this section must be reported using a form similar to that shown in Figure 3.

(c) *Procedures for asbestos emission control.* Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

(1) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. RACM need not be removed before demolition if:

(i) It is Category I nonfriable ACM that is not in poor condition and is not friable.

(ii) It is on a facility component that is encased in concrete or other similarly hard material and is adequately wet whenever exposed during demolition; or

(iii) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as asbestos-containing waste material and adequately wet at all times until disposed of.

(iv) They are Category II nonfriable ACM and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition.

(2) When a facility component that contains, is covered with, or is coated with RACM is being taken out of the facility as a unit or in sections:

(i) Adequately wet all RACM exposed during cutting or disjoining operations; and

(ii) Carefully lower each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.

(3) When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation.

(i) In renovation operations, wetting is not required if:

(A) The owner or operator has obtained prior written approval from the Administrator based on a written application that wetting to comply with this paragraph would unavoidably damage equipment or present a safety hazard; and

(B) The owner or operator uses of the following emission control methods:

be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every 2 years, the trained on-site individual shall receive refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) fil-

ters; waste disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Administrator at the demolition or renovation site.

(9) For facilities described in paragraph (a)(3) of this section, adequately wet the portion of the facility that contains RACM during the wrecking operation.

(10) If a facility is demolished by intentional burning, all RACM including Category I and Category II nonfriable ACM must be removed in accordance with the NESHAP before burning.

(A) Each owner or operator to whom this rule applies shall:

- (1) Provide the director of Ohio EPA with written notice of intention to demolish or renovate.
- (2) Delivery of the notice shall be by the United States postal service, commercial delivery service, or hand delivery. Update notice, as necessary, including when the amount of asbestos affected changes by at least twenty percent.
- (3) Postmark or deliver the notice to the Ohio EPA field office having jurisdiction in the county where the demolition or renovation is to occur as follows:
  - (a) At least ten working days before the beginning of any demolition operation, asbestos stripping or removal work, or any other activity including salvage activities and preparations that break up, dislodge or similarly disturb asbestos material if the operation is a demolition or renovation operation subject to this rule; or
  - (b) At least ten working days before the end of the calendar year preceding the year for which notice is being given for individual nonscheduled renovations described in paragraph (B)(4)(a) of rule 3745-20-02 of the Administrative Code; or
  - (c) As early as possible before, but not later than, the following working day if the operation is an emergency demolition, or if the operation is an emergency renovation;
  - (d) For asbestos stripping or removal work in any subject demolition or renovation operation (except for any nonscheduled renovation operations, emergency renovation operations and emergency demolition operations) that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the director as follows:
    - (i) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin after the date contained in the notice,
      - (a) Notify the Ohio EPA field office of the new start date by telephone as soon as possible before the original start date, and
      - (b) Postmark or deliver to the Ohio EPA field office a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the amended notice shall be by the

area in square feet on other facility components, or volume in cubic feet where the length or area cannot be measured. Also, estimate the approximate amount of category I and category II nonfriable asbestos-containing material in the affected part of the facility that will not be removed before demolition;

- (h) Description of the procedures, including analytical methods, employed to detect the presence of and to estimate the quantity of regulated asbestos-containing material and category I and category II nonfriable asbestos-containing material in the facility;
  - (i) Scheduled starting and completion dates of asbestos removal work or any other activity, such as site preparation that would break up, dislodge, or similarly disturb asbestos material in the demolition or renovation; planned renovation operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period as described in paragraph (B)(4)(a) of rule 3745-20-02 of the Administrative Code;
  - (j) Description of the planned demolition or renovation work to be performed and method(s) to be employed including demolition or renovation techniques to be used and a description of affected facility components;
  - (k) Description of work practices and engineering controls to be used to comply with the requirements of this chapter, including asbestos removal and waste handling emission control procedures;
  - (l) Name and location of the waste disposal site where the asbestos-containing waste material will be deposited;
  - (m) Scheduled starting and completion dates of demolition or renovation;
  - (n) Description of procedures to be followed in the event that unexpected regulated asbestos-containing material is found or nonfriable asbestos-containing material becomes crumbled, pulverized, or reduced to powder;
  - (o) Name, address, and telephone number of the waste transporter;
  - (p) A certification that at least one person trained as required by paragraph (B) of rule 3745-20-04 of the Administrative Code will supervise the stripping and removal described by this notification.
- (B) In addition to the information required in paragraph (A)(4) of this rule, each owner or operator of an emergency renovation operation shall supply the date and hour that the emergency occurred, a description of the sudden unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment

Effective: 02/02/2007

R.C. 119.032 review dates: 11/13/2006 and 02/02/2012

CERTIFIED ELECTRONICALLY  
Certification

01/23/2007  
Date

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