OhioEPA

State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
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May 10, 2007

CERTIFIED MAIL

Mr. Steve Jones
124½ E. 4th Street
East Liverpool, Ohio 43920

RE: Asbestos Rule Violations From Salvaging Pipe at 233 and 233½ West 9th Street, East Liverpool, Ohio

Dear Mr. Jones:

The Ohio Environmental Protection Agency's Division of Air Pollution Control (DAPC) has found you in violation of state and federal asbestos regulations for stripping asbestos insulation from pipes in the basement of an East Liverpool home. The regulations are applicable because the insulation contained greater than 1% asbestos, and because more than 260 linear feet and 35 cubic feet of it was removed. In addition, operations were being performed without the required notification, and without following required work practices. Please read the details below, and send an explanation of the events and any clarification within 10 days of receipt of this letter.

Details of Investigation and Findings

On January 11, 2007, DAPC representatives from Ohio EPA's Northeast District Office were informed that asbestos was being stripped from a large number of pipes in the basement of a duplex located at 233 and 233½ West 9th Street, East Liverpool, Ohio. We were told that the asbestos was being stripped so the pipes could be salvaged and sold to a scrapper. We were also told that at some time in late December 2006, the pipes were brought to the duplex from A&L Salvage Construction and Demolition Debris Landfill, 11225 State Route 45, Lisbon, Ohio.

Rich Kolosionek and I investigated the complaint during the afternoon of January 11, 2007, and upon our arrival, we met with Captain Norm Curtis of the East Liverpool Police Department. He told us that Mr. George Webber, tenant in the front portion of the duplex (233 West 9th Street), and you were working in the basement at the time of their arrival, and he had both of you discontinue your work.

We observed the basement to be completely filled with suspected regulated asbestos-containing pipe insulation. The piles of insulation ranged from two (2) to five (5) feet deep throughout the basement, and the floor was covered with pulverized insulation because of the stripping. The amount of insulation observed at the time was estimated to be much greater than 35 cubic feet. Later inspections found at least 96 pieces of 4 feet length insulation on the surface of the piles, and did not include an unknown number of insulation lengths inside the piles. This amount totaled more than 260 linear feet of material from pipes.

We took a sample of the insulation from the basement and one from material found on the sidewalk next to the basement entrance. Analysis of both samples showed they contained greater than 1% asbestos. We also found two "generator labels" in the basement attached to wrapping that originally covered the insulation. The labels showed the material was asbestos-containing pipe insulation that came from North American Ship Recycling, 600 Shipyard Road, Baltimore, Maryland. (Information on copies of Waste Shipment Records we received from A&L Salvage matched the information on these generator labels.)

When we talked with Mr. George Webber on January 11, 2007, he said you went home to clean up and would return later. He said you were his brother-in-law, and that he had allowed you to bring the pipe to the basement so both of you could strip and sell it. He said you brought it there about two weeks earlier from A&L Salvage. When you returned you told me you were an employee at A&L Salvage Landfill and that you had taken the pipe from the company so you and your brother-in-law could sell it.

The stripping of the asbestos pipe insulation in the duplex basement was a renovation operation and had to comply with the federal asbestos standard found in the Federal Clean Air Act. This requirement is in the National Emission Standard for Asbestos, 40 CFR, Part 61, Subpart M, Section 61.140. This type of activity also had to comply with the State of Ohio Asbestos Rules, which can be found in Ohio Administrative Code (OAC) Chapter 3745-20, "Ohio Asbestos Emission Control Rules."

During a demolition or renovation operation, the "Notification Requirements" in paragraph (b) and the "Procedures for Asbestos Emission Control" in paragraph (c) of the federal rule applies if regulated asbestos-containing materials were stripped from facility components in amounts that are greater than 260 linear feet on pipes or greater than 35 cubic feet from any other facility component. This can be found in the "Standard For Demolition and Renovation Applicability" in 40 CFR Part 61, Subpart M, Section 61.145 (a). Also, the "Standard for Notification Prior to Demolition or Renovation" in the state OAC Rule 3745-20-03, and the "Demolition and Renovation Procedures for Asbestos Emission Control," in the state OAC Rule 3745-20-04, applies if regulated asbestos-containing materials were stripped from facility components in amounts that are greater than 260 linear feet on pipes or greater than 35 cubic feet from any other facility component. This can be found in OAC Rule 3745-20-02, "Standards for Demolition and Renovation Applicability."

The federal and state asbestos rules define "facility component" as any part of a facility including structural members, pipes, ducts....or other equipment at a facility. The pipes you took to the duplex were components that were taken out in sections or units from a "facility" as defined in the federal and state asbestos rules. Also, "renovation," is defined as altering one or more facility components in any way, including the stripping or removal of regulated asbestos-containing material from a facility component.

Finally, pursuant to 40 CFR 61.141 and OAC Rule 3745-20-01 (B) (38), "owner or operator" means any person who owns, leases, operates, controls or supervises a facility or demolition or renovation operation.

The specific federal asbestos standard in 40 CFR Part 61, Subpart M, Section 61.145(b)(3)(I), and the state asbestos rule in OAC 3745-20-03(A)(3)(a) states that notification of any asbestos stripping or removal work, including salvage activities, must be sent to our office at least 10 working days before such activity begins. No notification was sent to our office prior to the asbestos stripping and salvaging activity Mr. Webber and you conducted.

The federal asbestos standard in 40 CFR Part 61, Subpart M, Section 61.145(c) (4), and the state asbestos rule in OAC 3745-20-04(A)(4) also states that after a facility component which is covered or coated with regulated asbestos-containing material has been taken out of a facility as a unit or in sections, you shall adequately wet the material during any stripping activities, or use a collection system so that there are no visible emissions during any stripping activities. Neither of these procedures for asbestos emission control were taken when Mr. Webber and you stripped the insulation from the pipes.

Conclusion

In view of the above facts, we must inform you that the asbestos stripping you conducted in the basement of the duplex at 233 and 233½ West 9th Street, East Liverpool, Ohio, under your operation and control, was at some time on and before January 11, 2007, in violation of 40 CFR Part 61, Subpart M, Section 61.145(b)(3)(I), "Notification requirements," as well as in violation of OAC Rule 3745-20-03(A)(3)(a), "Standard for Notification Prior to Demolition or Renovation." This activity was also conducted in violation of 40 CFR Part 61, Subpart M, Section 61.145(c), "Procedures for Asbestos Emissions Control," as well as in violation of OAC Rule 3745-20-04(A)(4), "Demolition and Renovation Procedures for Asbestos Emission Control."

As noted above, please send me any clarifications or explanations you may have pertaining to these violations within ten (10) days after receipt of this letter.

If you have any questions regarding this letter, please contact me at (330) 963-1288.

Sincerely,

Jim Veres

Jim Veres
District Representative
Division of Air Pollution Control

JV:bo

cc: Dennis Bush; NEDO; DAPC
Jennifer Kurko; NEDO; DAPC
Bob Princic; NEDO; DAPC
Tom Kalman; CO; DAPC
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