

**Environmental  
Protection Agency**

Ohio Governor  
Ohio Lt. Governor  
Ohio Director

August 29, 2011

RE: **NOTICE OF VIOLATION**  
DEMOLITION AT  
2883 GH DRIVE  
AUSTINBURG, OHIO

**CERTIFIED MAIL**

Totus Tuus LLC  
c/o Glen Gray  
PO Box 391683  
Solon, Ohio 44139

Dear Mr. Gray:

On May 20, 2011 the Ohio EPA Northeast District Office (NEDO) Division of Air Pollution Control (DAPC) received a call regarding an ongoing demolition at 2883 GH Drive, Austinburg, Ohio 44010. A review of our files indicated that no notification of demolition had previously been submitted to NEDO. A subsequent inspection on May 23, 2011, confirmed that the structure was completely demolished, and all the debris had been removed from the site.

In view of the above facts, this demolition project conducted at 2883 GH Drive, Austinburg, Ohio 44010 on an undetermined date was subject to compliance with the Clean Air Act and regulations promulgated there under, setting forth a National Emission Standard for Asbestos 40 CFR 61.140, et seq. (NESHAP Asbestos Standard). These types of operations are also subject to Ohio Administrative Code (OAC) chapter 3745-20, "Ohio Asbestos Emission Control Rules."

The asbestos standard applies to, among other things, demolition activities at regulated facilities. Pursuant to 40 CFR 61.145 all facilities must be inspected for the presence of asbestos prior to commencement of a renovation or demolition. Paragraphs (b), "Notification Requirements," and (c), "Procedures for Asbestos Emission Control" of this section would apply if the accumulative or total amount of friable asbestos materials in the structure was found to be equal to or greater than 260 linear feet on pipes and/or equal to or greater than 160 square feet on any other component. Paragraph (b), "Notification Requirements," of this section also applies if no friable asbestos materials were found, or if the accumulative or total amount of friable materials in the structure were less than 260 linear feet on pipes and/or less than 160 square feet on any other component. (Similar requirements are also stated in OAC rules 3745-20-02, and 3745-20-03, "Ohio Asbestos Emission Control Rules.")

Pursuant to 40 CFR 61.141, an "owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls or supervises the facility being demolished or renovated, or any person who owns, leases, operates, controls or supervises the demolition or renovation operation, or both." Any owner or operator is prohibited under 40 CFR 61.19 from circumvention of a visible emission standard or notification requirements by the piecemeal carrying out of an operation.

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Finally, pursuant to Section 112 (KK), the authority to implement and enforce the NESHAP has been delegated to the State of Ohio Environmental Protection Agency's Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of U.S. EPA for any violations for which Ohio is unable to initiate a required enforcement action.

In accordance with the above stated delegation of authority, you are hereby notified that the demolition conducted at 2883 GH Drive, by Lower Cork Company, LLC., was in violation of the NESHAP requirements in 40 CFR 61.145(a) and (b), "applicability" and "notification requirements" in the "Standard for Demolition and Renovation." This was also a violation of OAC rule 3745-20-02, "Standards for Demolition and Renovation, Facility Inspections, and Determination of Applicability", and OAC rule 3745-20-03 "Standard for Notification Prior to Demolition or Renovation", in the Ohio Asbestos Emission Control Rules.

Within fourteen (14) days of receipt of this letter, you are requested to submit the following information. This request for information is made pursuant to OAC Rule 3745-15-03.

- 1) The name, address, phone number and contact person of all contractors involved in the demolition project and an explanation of each company's involvement.
- 2) The name, address, phone number and contact person of all contractors involved in the disposal of the demolition debris
- 3) The locations of the site where the demolition debris was disposed of, including a copy of any manifests or receipts.
- 4) A completed Ohio Environmental Protection Agency Notification of Demolition and Renovation, including the actual starting and ending dates of the demolition project.

This Notice of Violation in no way waives the right of Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications may be directed to you regarding this violation or additional violations that may be found.

Clarification, explanation or evidence pertaining to this violation should be brought to our immediate attention. If you have any questions, please contact me at (330) 963-1223 or Bob Princic at (330) 963-1230.

Sincerely,



Christopher Williams, R.S.  
District Representative  
Division of Air Pollution Control

cc: Ed Fasko, DAPC, NEDO  
Bob Princic, DAPC, NEDO  
Tim Fischer, DAPC, NEDO  
Tom Buchan, DAPC, CO  
Tom Kalman, DAPC, CO  
Bill MacDowell, U.S. EPA, Region 5  
Ray Saporito, Ashtabula County Health Department