

**Environmental
Protection Agency**

John T. Kasich, Governor
Gary Taylor, Lt. Governor
Thomas J. Bopp, Director

March 5, 2012

RE: **NOTICE OF VIOLATION**
DEMOLITION AT 1358 SHEHY ST. AND
1218 REPUBLIC AVE YOUNGSTOWN, OHIO

CERTIFIED MAIL

Ms. Roxanna Holton
Holton Incorporated
3259 Lyntz Road
Lordstown, Ohio 44481

Dear Ms. Holton:

On February 17, 2012, the Ohio EPA Northeast District Office (NEDO), Division of Air Pollution Control (DAPC), received a call regarding the demolition of two residential structures located at 1218 Republic Avenue and 1358 Shehy Street in Youngstown, Ohio 44509. A review of our files indicated that a notification of demolition for each structure had previously been submitted to NEDO. The notification for 1218 Republic Avenue stated that the demolition was to begin on February 27, 2012, and the notification for 1358 Shehy Street stated that the demolition was to begin on February 28, 2012. An inspection was completed on February 17, 2012, revealing that both structures had been demolished prior to the scheduled start dates contained in the notifications submitted to NEDO. The notifications submitted for these structures also included asbestos abatement dates of February 16, 2012 and February 17, 2012, respectively. Upon confirming the demolition of the structures, it was also confirmed, that the asbestos abatement at these structures did not take place prior to the demolitions.

In view of the above facts, these demolition projects conducted at 1218 Republic Avenue and 1358 Shehy Street in Youngstown, Ohio 44509 on an undetermined date, were 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

MS. ROXANNA HOLTON
MARCH 5, 2012
PAGE 2

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.

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 demolitions conducted at 1218 Republic Avenue and 1358 Shehy Street in Youngstown, Ohio 44509, by Holton Incorporated, were in violation of the NESHAP requirements in 40 CFR 61.145 (b) and (c), "Notification requirements" and "Procedures for asbestos emission control" in the "Standard for Demolition and Renovation." This was also a violation of OAC rule 3745-20-03 "Standard for Notification Prior to Demolition or Renovation," and rule 3745-20-04 "Demolition and Renovation Procedures for Asbestos Emission Control," 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.

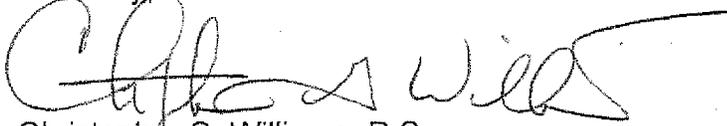
- 1) The name, address, phone number and contact person of all contractors involved in the demolition project and an explanation of each company's involvement.
- 2) The name, address, phone number and contact person of all contractors involved in the disposal of the demolition debris.
- 3) The locations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

MS. ROXANNA HOLTON
MARCH 5, 2012
PAGE 3

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

CGW:bo

pc: Ed Fasko, DAPC, NEDO
Bob Princic, DAPC, NEDO
Tim Fischer, DAPC, NEDO
Tom Buchan, DAPC, CO
Tom Kalman, DAPC, CO
Allan Richards, ODH
Charles Shasho, City of Youngstown
Bill MacDowell, U.S. EPA, Region 5