



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

CERTIFIED MAIL # 91 7108 2133 3932 1838 3649

March 20, 2012

Mr. Jeff Paetz
Geotechnical Consultants, Inc.
720 Greencrest Drive
Westerville, OH 43081

Re: Notice of Violation: Failure to Perform a Thorough Asbestos Survey of 940 East Broad Street, Columbus, Ohio

Dear Mr. Paetz:

On February 22, 2012, an inspector from the Ohio EPA, Central District Office, Division of Air Pollution Control (CDO) inspected abatement activities at a commercial structure at 940 East Broad Street in Columbus Ohio, that was to be demolished. While inspecting the building at the rear of the property, the inspector noted Thermal System Insulation (TSI) in several of the former hotel rooms. The representative of the abatement company agreed that the material was very likely to contain asbestos and directed workers to clean the materials up. Additional pipe insulation (analyzed, 8 percent Chrysotile) was found above the ceiling in a room on the eastern corner of the building. Floor tile (assumed to asbestos containing in pre-demolition survey) in poor condition was also discovered on the first floor of the building along East Broad Street. All of the aforementioned materials were in addition to those identified in the pre-demolition asbestos survey.

1. Finding

On February 22, 2012, an inspector from CDO inspected 940 East Broad Street in Columbus, Ohio. During his inspection of the buildings, asbestos containing TSI and poor condition floor tile (similar to other floor tile the survey assumed to be asbestos containing) were found. This material was in plain sight and not included in the pre-demolition asbestos survey. Therefore, the survey cannot be considered thorough. This survey was performed by Mr. Jeff Paetz of Geotechnical Consultants. Ohio Administrative Code (OAC) rule 3745-20-02(A) requires each regulated structure to be demolished be thoroughly inspected for the presence of asbestos. OAC rule 3745-20-02(A) states:

"Notwithstanding any other exclusion of this rule, and to determine which requirements of this rule and of rules 3745-20-03 and 3745-20-04 of the Administrative Code apply, each owner or operator of any demolition or renovation operation shall have the affected facility or part of the facility where a demolition or renovation operation will occur thoroughly inspected by a certified asbestos hazard evaluation specialist, in accordance with paragraph (C) of rule 3701-34-02 of the

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Administrative Code prior to the commencement of the demolition or renovation for the presence of asbestos, including category I and category II nonfriable asbestos-containing material."

Violation

Failing to perform a thorough survey is considered a violation of OAC rule 3745-20-02(A). Violation of OAC rule 3745-20-02(A) is also considered a violation of Ohio Revised Code (ORC) 3704.05(G) which states:

"No person shall violate any order, rule, or determination of the director issued, adopted, or made under this chapter."

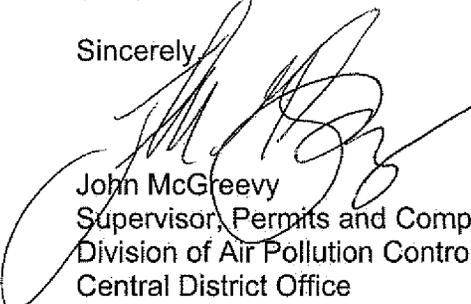
Requested Action

Ohio EPA requests that Mr. Paetz and Geotechnical Consultants Incorporated correctly survey all structures and identify the amount of asbestos present so that the appropriate abatement activities can occur prior to demolition.

Please be aware that Ohio Environmental Protection Agency has the authority to seek civil penalties as provided in section 3704.06 of the ORC. Violation of Ohio's Asbestos Control Regulations may subject the owner, operator, and removal or renovation, or demolition contractor to civil penalties of up to \$25,000 dollars per day of violation. This letter or information submitted pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by Ohio Environmental Protection Agency at a later date.

If you have any questions regarding this matter, please contact Richard Fowler of my staff at (614) 995-0671.

Sincerely,



John McGreevy
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

c: Adam Ward, Manager, DAPC/CDO
Richard Fowler, DAPC/CDO
Mark Needham Asbestos Program Administrator/ODH Asbestos Program

e: John McGreevy