



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

March 30, 2012

CERTIFIED MAIL

McGovney Realty Inc.
Attn: Don Hadsell
55 River Avenue
Portsmouth, Ohio 45662

Re: Notice of Violation

Dear Mr. Hadsell:

This letter is in reference to the demolition of a structure, specifically the Christ Fellowship Church, located at 2301 Charles Street, Portsmouth, Ohio 45662. Demolition and renovation operations are subject to compliance with the National Emission Standards for Asbestos instituted in the 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.

Section 61.145 of the federal rule and OAC Rule 3745-20-03 requires each owner or operator (demolition/renovation contractor) of a demolition or renovation to comply with notification requirements under these rules. Compliance with these requirements is possible by completing the "OEPA notification of demolition and renovation" and submitting this form at least ten working days prior to the start of the demolition or renovation. Also in accordance with the 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 February 22, 2012, the Portsmouth Local Air Agency (PLAA) received a complaint regarding the demolition of a church at the corner of Harmon Street and Charles Street (2301 Charles Street) located in Portsmouth, Ohio. On February 27, 2012, personnel from this office identified completed demolition activities at the above-mentioned property owned by McGovney Realty Inc. It was determined that the demolition of the above mentioned structure was subject to the requirements of 40 CFR Part 61, Subpart M, and Ohio asbestos emission control rules. It was further determined that you violated 40 CFR Part 61, Subpart M, specifically 61.145 and OAC 3745-20-03 for failing to file a notification prior to the start of demolition. Without a proper and timely notification this office cannot determine the extent of compliance with the Federal and State rules. Failure to comply with these rules is a serious violation of the Clean Air Act, which provides for substantial penalties for non-compliance. Both the facility owner and the demolition contractor are subject to compliance and enforcement action for infractions of the above-mentioned regulations.

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On February 27, 2012, a PLAA investigator left a business card and a message with Brandi, at the McGovney Ready Mix office, for Rhett Hadsell to contact our office and provide required documentation for the demolition. On March 20, 2012, the PLAA investigator, via telephone, left a message with Amy, McGovney Ready mix office, for Rhett Hadsell to contact our office to discuss the demolition. On March 26, 2012, I left a message on your J & H Erectors business voicemail to return my call to discuss the alleged demolition of the church. As of today, our office has yet to receive any return phone calls from you or Rhett Hadsell to discuss the demolition of the church.

I am requesting a written response from you, within 14 days of receipt of this letter, that includes a completed "OEPA notification of demolition and renovation", a copy an evaluation for the purpose of identifying asbestos containing material (ACM) conducted by an asbestos hazard evaluation specialist certified by the Ohio Department of Health, and a copy of the landfill receipts as proof of proper disposal.

Acceptance by the Ohio EPA of this information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or to decline such penalties in this case will be made by Ohio EPA at a later date.

If you are unable to respond to any part of this request, within the timeframe discussed above, please inform us and explain so what we may be of assistance.

If you have any questions or need additional information, please contact me at (740) 353-5156 ext 288.

Sincerely,



Cindy Charles
Director
Portsmouth Local Air Agency

cc: John Paulian, OEPA, DAPC
Tom Buchan, OEPA, DAPC
Joe Holland, OEPA, SEDO, MWM
William MacDowell, USEPA