



## REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-1280

937-225-4435 — Fax: 937-225-3486

www.rapca.org

August 6, 2010

### CERTIFIED MAIL

Max Fuller, Division Manager

City of Dayton

371 West 2<sup>nd</sup> Street

Dayton, Ohio 45404

**Re: City of Dayton Nuisance Demolition Project: 1618-20, 1630-32, 1638-40 Home Ave.,  
and 2800 Guthrie Road, Dayton, Ohio**

### NOTICE OF VIOLATION

Dear Mr. Fuller:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds the City of Dayton (City) and A.R. Environmental Inc. (A.R.) to be in violation of federal, state, and local asbestos regulations as they relate to proper notification procedures for demolition operations for above-mentioned facilities. A similar notice is being sent to A.R.

It is RAPCA's understanding that the City has conducted a nuisance structure demolition project throughout the city of Dayton. This demolition project is controlled by the City and as such, the City is an owner/operator for the nuisance demolition projects. The City contracted with A.R. to perform asbestos abatement and/or demolition activities at the above-mentioned facilities. As owner/operators for the nuisance demolition projects, the City and A.R. are responsible for complying with all federal, state, and local asbestos regulations.

Federal and state asbestos regulations govern over the demolition and renovation of all facilities. The Ohio Administrative Code (OAC) 3745-20 defines a facility as "any institutional, commercial, public, industrial or residential structure, installation, or building..." The OAC also defines an installation as "any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator, or owner or operator under common control." The 1618-20, 1630-32, 1638-40 Home Ave., Dayton, Ohio structures are considered "facilities" therefore subject to federal, state, and local regulations and notification must be submitted to RAPCA prior to the start of asbestos abatement activities.

A.R. removed 120 square feet of duct insulation from 1618-20 Home Ave., 50 square feet of duct insulation from 1630-32 Home Ave., and 120 square feet of duct insulation from 1638-40

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Home Ave., Dayton, Ohio. The three structures are considered an installation and the combined amount of duct insulation removed exceeds the 160 square feet threshold, therefore notification for the asbestos abatement is required ten (10) working days prior to the start of asbestos abatement activities. No notification from A.R. was received by RAPCA prior to the start of abatement activities.

A.R. demolished an administration building owned by the City located at 2800 Guthrie Road, Dayton, Ohio. No notification for the demolition of the facility was received by RAPCA prior to the start of demolition activities.

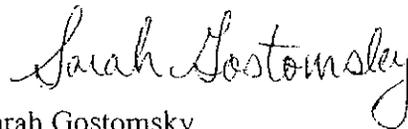
The RAPCA inspections were conducted for the purpose of determining compliance with the corresponding Montgomery County Hazardous Air Pollution Control Regulation 150 (MCHAPCR 150), the Ohio Administrative Code (OAC) Asbestos Emission Control Standards and Procedures specified in Chapter 3745-20, and the National Emission Standards for Hazardous Air Pollutants (NESHAP) specified in 40 CFR Part 61, Subpart M.

The conditions found during the RAPCA inspections constitute corresponding violations of MCHAPCR 153.06 (A), OAC rules 3745-20-03 (A) and 40 CFR Section 61.145 (b) pertaining to proper notification procedures.

These violations can be resolved through the signing of the Administrative Findings and Orders (Orders) which include a civil monetary penalty. Draft Orders will be issued after receipt of this Notice of Violation. Please respond in writing within ten (10) days of receipt of the Orders document if you wish to pursue a local settlement. Violations of this nature may carry substantial civil penalties at the state and/or federal level, however, RAPCA has the authority to exhibit latitude in a mutually agreeable resolution if this matter can be settled at the local level. If this matter cannot be resolved locally, RAPCA will have to refer this issue to the Ohio EPA and/or the U.S. EPA for resolution at the state or federal level.

If you wish to schedule a meeting, please contact me, or if you have any questions or comments, or wish to discuss this matter further, please feel free to contact Mr. John Paul at (937) 225-4435.

Sincerely,



Sarah Gostomsky  
Asbestos Coordinator  
Monitoring & Analysis Unit

cc: John Paul, Administrator, RAPCA  
Tom Kalman, Ohio EPA

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Total P Max Fuller  
 Division Manager  
 City of Dayton  
 371 West 2nd Street  
 Dayton, OH 45404

PS Form 3800, August 2006 See Reverse for Instructions

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| <p>1. Article Addressed to:<br/>         Max Fuller<br/>         Division Manager<br/>         City of Dayton<br/>         371 West 2nd Street<br/>         Dayton, OH 45404</p>   | <p>3. Service Type<br/> <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br/> <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br/> <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
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