REGIONAL AIR POLLUTION CONTROL AGENCY
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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 2nd Street
Dayton, Ohio 45404

Re: City of Dayton Nuisance Demolition Project

NOTICE OF VIOLATION

Dear Mr. Fuller:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds the City of Dayton (City) to be in violation of federal, state, and local asbestos regulations as they relate to proper notification procedures for demolition operations for seven projects throughout the city of Dayton, Ohio.

It is RAPCA's understanding that the City has conducted a city-wide nuisance structure demolition project. This demolition project is controlled by the City and as such, the City is an owner/operator for the nuisance demolition projects. As the owner/operator for the nuisance demolition projects, the City is 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." Numerous structures involved in the City's nuisance demolition project are considered "facilities" therefore subject to federal, state, and local regulations and must be inspected for asbestos and notification must be submitted to RAPCA prior to the start of demolition activities.

RAPCA reviewed the City's wrecking permits and performed various site inspections to determine if the structures were considered an installation thus regulated under federal and state regulations. The following structures were identified as installations and were demolished without prior notification submitted to RAPCA:

1322 Home Ave. / 1326 Home Ave. / 1344 Home Ave.

1536-38 Home Ave. / 1548 Home Ave.

4514 Hoover / 4602 Hoover

643 Circle / 627 Circle

26 Horton / 38 Horton / 17 S. Findlay

32/34 Paisley / 320 Dakota

114 Pulaski / 205 Burns

It is not known at this time if asbestos surveys were performed on the above-listed structures.

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

Sarah Gostomsky
Asbestos Coordinator
Monitoring & Analysis Unit

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

7009 3410 0001 7190 7980

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Sent To: Max Fuller
Division Manager
City of Dayton

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City, Stai: Dayton, OH 45404

PS Form 3800, August 2006 — See Reverse for Instructions

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

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