



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

September 12, 2007

Certified Mail

Jeff Ulery

Owner, Clearview Mobile Home Park

3090 E. Possum Road

Springfield, OH 45502

NOTICE OF VIOLATION

Summary: On June 22, 2007, the Regional Air Pollution Control Agency (RAPCA) received a request for an open burning application from Sona Johnson and Donald McGowlan at the Clearview Mobile Home Park, 2710 Dayton Road, Springfield, Ohio. Ms. Johnson stated that she had been employed by Mr. Jeff Ulery to demolish mobile homes. An investigation of the site was performed on June 25, 2007, during which RAPCA found 2 partially demolished mobile homes and a burn barrel containing burned wood from the mobile homes. The open burning is a violation of local and state air pollution control regulations. In addition, the owner of the structures did not perform an asbestos survey or file an Ohio Environmental Protection Agency Notification of Demolition and Renovation Form prior to the demolition of the mobile homes. Further enforcement action including civil and/or criminal penalties may be pursued to resolve these violations.

Dear Mr. Ulery:

On June 22, 2007, RAPCA received an open burning permit request referred from the Ohio EPA. The request was from Sona Johnson and Donald McGowlan, 2710 Dayton Road, Springfield, Ohio. RAPCA contacted Ms. Johnson that same day via telephone. During the conversation, Ms. Johnson stated that she was employed by Mr. Jeff Ulery, owner of Clearview Mobile Home Park, to demolish four mobile homes and that Mr. Ulery stated that the wood from the mobile homes could be burned. On June 22, 2007, RAPCA contacted the Mad River Township Fire & EMS and obtained a fire incident report. The report stated that on June 21, 2007, the Mad River Township Fire & EMS responded to 2710 Dayton Road in response to an unauthorized burn and found a 50 gallon barrel with demolition items being burned. The individual cited in the report as being responsible for the open burning was Donald McGowlan.

RAPCA performed a site investigation on June 25, 2007 during which two partially demolished mobile homes were observed along with a barrel containing partially burned wood that appeared to be from the mobile homes.

Pursuant to Ohio Administrative Code (OAC) and Clark County Combined Health District Air Pollution Control Regulations (CCCHDAPCR) 3745-19-03, Open Burning in Restricted Areas, open burning of waste materials in a restricted area is prohibited. The location of the open burning, 2710 Dayton Road, is within one mile of the City of Springfield and is therefore a restricted area. The open burning documented by the June 21, 2007 fire incident report and by RAPCA on June 25, 2007 is a violation of OAC and CCCHDAPCR rule 3745-19-03.

In addition, on July 22, 2007, the Asbestos Coordinator for RAPCA performed an inspection of the Clearview Mobile Home Park and determined that you, as owner of the structures, did not perform an asbestos survey or file an Ohio Environmental Protection Agency Notification of Demolition and Renovation Form prior to the demolition of the mobile homes. Pursuant to OAC and CCCHDAPCR rule 3745-20-02(A), 3745-20-03(A) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR Part 61.145(a) and 40 CFR Part 61.145(b), you are required to perform an asbestos survey and file a Notification of Demolition and Renovation Form prior to the actual demolition operation. The demolition notification is required to be submitted at least ten (10) working days prior to the actual demolition occurring. Proper notification is a federal and state requirement which was established to ensure facilities are inspected for asbestos-containing material and that removal of asbestos is performed consistent with the asbestos regulations prior to any demolition activity. Notifications must contain certain specified information, including but not limited to, the scheduled starting and completion dates of the work, the location of the site, the names of the operators and/or asbestos removal contractors, methods of removal and the amount, if any, of asbestos located within the structure. Failure to properly notify, as required by the asbestos regulations, constitutes a violation of OAC and CCCHDAPCR rule 3745-20-02(A), 3745-20-03(A) and 40 CFR Part 61, Subpart M.

This is the second such notification of violations issued to you for open burning and asbestos regulation violations at 2710 Dayton Road. The first notification was issued on June 24, 2004 and resulted in Findings and Orders being agreed to and signed on May 26, 2005. Order 1 and 2 of Section V of those Findings and Orders requires the Clearview Mobile Home Park to submit to RAPCA, at least ten (10) working days prior to any demolition or renovation project in Ohio which is subject to OAC and CCCHDAPCR Chapter 3745-20, a Notification of Demolition and Renovation Form and to conduct any asbestos demolition/renovation operations, or permissible open burning activities in compliance with all applicable regulations. The open burning and demolition documented by the June 21, 2007 fire incident report and by RAPCA on June 25, 2007 and July 22, 2007 is a violation of these Final Findings & Orders.

As the property owner, you are responsible for the violations that have occurred on your property. These violations are very serious and RAPCA requires that, within fourteen (14) days of receipt

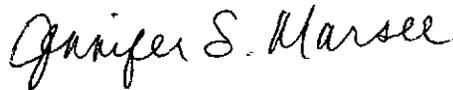
Ulery
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of this letter, you submit a written commitment to maintain compliance with all open burning and asbestos regulations in the future. This commitment shall include a detailed plan for disposing of the remaining material and shall comply with all applicable air and solid waste regulations.

Acceptance of this compliance plan by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to seek civil penalties as provided in Ohio Revised Code (ORC) 3704.06 and 3707.49. The determination whether to pursue such penalties will be made by the Ohio EPA and RAPCA at a later date.

If you have any questions regarding this matter, please contact me at (937)496-7540 or Eileen Moran at (937)225-4004.

Sincerely,



Jennifer S. Marsee
Supervisor, Abatement Unit
Regional Air Pollution Control Agency

cc: John Paul, RAPCA
Jefferis Canan, RAPCA
Sarah Gostomsky, RAPCA
Michael Matis, MCCHD
Lisa Holscher, USEPA
Tom Kalman, OEPA
Larry Schaeffer, Clark County Combined Health Disitric

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Total	Jeff Ulery, Owner		
Sent To	Clearview Mobile Home Park		
Street or PO	3090 E. Possum Road		
City, State	Springfield, OH 45502		

PS Form 3800, June 2002 See Reverse for Instructions

<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p>Jeff Ulery, Owner Clearview Mobile Home Park 3090 E. Possum Road Springfield, OH 45502</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>Allyssa Ulery</i></p> <p>B. Received by (Printed Name) <i>Allyssa Ulery</i></p> <p>C. Date of Delivery <i>9/13/07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <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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2. Article Number (Transfer from service label)
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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