



REGIONAL AIR POLLUTION CONTROL AGENCY

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September 17, 2007

Certified Mail

Mr. Scott Vagedes
City Engineer/Service Director
City of Tipp City
260 S. Garber Street
P.O. Box 188
Tipp City, Ohio 45371

Re: Demolition without prior notification of a garage behind the Old Service Center building located on inlot 1175, off of N. Fourth Street, Tipp City, Ohio

NOTICE OF VIOLATION

Dear Mr. Vagedes:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds the City of Tipp City (Tipp City) to be in violation of local, state and federal regulations as they relate to notification for demolition at the above-referenced site.

On or before August 25, 2006, Tipp City caused the demolition of a garage behind the Old Service Center building located on inlot 1175, off of N. Fourth Street, Tipp City, Ohio. Tipp City is the property owner, and used Tipp City employees to demolish the above-referenced site. On this date a representative of RAPCA performed an inspection of the building demolition at the above-referenced site due to a demolition complaint. At this time demolition of the building and excavation of the demolition rubble was complete. Demolition debris was contained in one dumpster with two layers of plastic sheeting sealing the top of the dumpster. No Ohio Environmental Protection Agency (EPA) Notification of Demolition was received by RAPCA prior to the August 25, 2006 inspection. Background information regarding this site is as follows:

On August 23, 2006, RAPCA received two phone calls regarding the demolition of the above-referenced site. One complaint call was received reporting a demolition without prior notification. A second call, made by Tipp City, was received also reporting the demolition without prior notification. Tipp City became aware of the demolition activities that had previously taken place and called to report the incident and requested guidance. No known asbestos survey had been performed on the structure prior to demolition activities. RAPCA requested Tipp City to have the demolition debris inspected for asbestos by a licensed Asbestos Hazard Evaluation Specialist. Tipp City was informed that RAPCA would inspect the site and after review of the asbestos survey, make recommendations on the disposal of the demolition debris.

On August 24, 2006, Tackett Environmental Services, Inc. (Tackett) performed an asbestos inspection of the dumpster at the above-mentioned site. Tackett's inspection and sample results verified no asbestos

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containing materials within the dumpster. On August 29, 2006, Tackett faxed a copy of this report and analysis to RAPCA. RAPCA reviewed the report and recommended to Tipp City that the demolition debris go to a licensed Construction and Demolition Debris landfill for disposal.

The August 25, 2006 RAPCA inspection was conducted for the purpose of determining compliance with the corresponding Miami County Board of Health's Local Air Pollution Control Regulations Asbestos Emission Control (MCBHLAPCR) specified in the Chapter 3745-20, Ohio Administrative Code (OAC) Asbestos Emission Control Standards and Procedures specified in the Chapter 3745-20 and the National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 Code of Federal Regulations (CFR) Part 61, Subpart M.

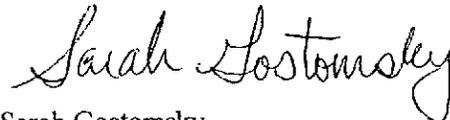
The conditions found during the August 25, 2006 RAPCA inspection constitute violations of the MCBHLAPCR rule 3745-20-02 (A), 3745-20-03 (A), OAC rule 3745-20-02 (A), 3745-20-03 (A) and 40 CFR Part 61.145 (a), (b) pertaining to proper survey and notification. In essence, a thorough inspection must be performed and a demolition notification must be completed and submitted to RAPCA or to the Ohio EPA jurisdictional office at least ten (10) working days prior to the actual demolition operation.

Proper notification is a federal and state requirement which was established to ensure that facilities are inspected for asbestos-containing materials and that removal 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 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.

These violations can be resolved through the signing of the Findings and Orders which include a civil monetary penalty. Draft Findings and Orders are included with this Notice of Violation. Please respond in writing within ten (10) days of receipt of this 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 refer this issue to the Ohio EPA and/or the U.S. EPA for resolution at the state or federal level.

Please contact myself or Mr. Andrew Roth at (937) 225-4435 if you have any questions or comments or wish to arrange a meeting with RAPCA to discuss this matter further.

Sincerely,



Sarah Gostomsky
NESHAP Coordinator
Monitoring and Analysis Unit

/mjb

cc: Tom Kalman, Central Office, OEPA

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Mr. Scott Vagedes
 City Engineer/Service Director
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 260 S. Garber Street
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PS Form 3800, June 2002

See Reverse for Instructions

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<p>1. Article Addressed to:</p> <p>Mr. Scott Vagedes City Engineer/Service Director City of Tipp City 260 S. Garber Street P.O. Box 188 Tipp City, Ohio 45371</p>	<p>3. Service Type</p> <p><input checked="" 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>
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