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

December 12, 2007

Certified Mail
Mr. Raymond Jergens
Jergens Bales Contractors, Inc.
2734 Armstrong Lane
P.O. Box 13645
Dayton, Ohio 45413

Re: Demolition without prior notification of six structures located at 227, 229, 231, 241, 247, 251 Grand Avenue, Dayton, Ohio

NOTICE OF VIOLATION

Dear Mr. Jergens:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds Jergens Bales Contractors, Inc., (Jergens), to be in violation of federal, state, and local regulations as they relate to asbestos emission controls and proper notification for demolition at the above-referenced sites.

On October 14, 2005, a Jergens representative hand-delivered seven (7) City of Dayton wrecking permit applications to be signed by the RAPCA asbestos coordinator. The addresses listed on the wrecking permits are as follows: 221, 227, 229, 231, 241, 247, 251 Grand Avenue, Dayton, Ohio. On this day, after reviewing the documents, the RAPCA representative informed the Jergens representative, via telephone, of the Environmental Protection Agency's (EPA) asbestos requirements. An asbestos survey must be performed on all structures and an Ohio EPA notification for demolition must be submitted to RAPCA, ten (10) working days prior to the start of demolition activities. No Ohio EPA Notification of Demolition for the above-mentioned addresses had been received by RAPCA prior to October 14, 2005. The Jergens representative acknowledged the requirements.

On October 25, 2005, a Jergens representative returned to the RAPCA office to meet with a RAPCA representative. During this meeting, the Jergens representative stated that six (6) of the seven (7) structures were already demolished prior to the October 14, 2005 submittal of the wrecking permit applications. The Jergens representative stated that a wrecking permit was not issued prior to demolition either. The Ohio EPA notification for demolition was reviewed and partially filled out with instructions during the October 25, 2005 meeting.

On or before October 26, 2005, Jergens caused the demolition of six residential structures, located at 227, 229, 231, 241, 247, 251 Grand Ave., Dayton, Ohio. Jergens is a contractor for the building owner, Grandview Hospital, hired to perform the demolition of the above-referenced site to expand the hospital's parking lot. On this date, a representative of RAPCA performed an inspection at the above-referenced site once informed of the demolition without prior notification during the October 25, 2005 meeting with Jergens. The RAPCA representative observed residential structures, located at 227, 229,

231, 241, 247, 251 Grand Ave., Dayton, Ohio were demolished and demolition debris remaining on-site. No Ohio EPA Notification of Demolition was received by RAPCA prior to the October 26, 2005 inspection. No known asbestos survey had been performed on the structures prior to the demolition. Damaged, dry, friable suspect asbestos-containing thermal system insulation and transite was observed in the demolition debris during the RAPCA inspection. Samples were collected and photographs were taken.

Based on the October 26, 2005 inspection, RAPCA requested that an asbestos survey of the demolition rubble be performed prior to any further activity on the site. RAPCA requested a copy of the survey once it became available for review. RAPCA requested that all asbestos-containing materials (ACM) be removed, by a licensed contractor, and properly disposed of prior to the start of and during any excavation/disposal activities.

On November 3, 2005, RAPCA received an Ohio EPA Notification of Demolition and Renovation from Eyler Asbestos, LLC (Euler) for the asbestos cleanup and excavation oversight at the above-mentioned site. Mr. Douglas Kohnen of ERAtech performed an asbestos survey and confirmed the presence of asbestos-containing thermal system pipe and duct insulation and transite materials mixed within the demolition debris. Cleanup activities began on October 31, 2005 and were completed on February 28, 2006.

The October 26, 2005 RAPCA inspection was conducted for the purpose of determining compliance with the corresponding Montgomery County Hazardous Air Pollution Control Regulation 150 (MCHAPCR 150), 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 this inspection constitute violations of the MCHAPCRs 153.07 (B), OAC rule 3745-20-04 (A)(1), (A)(6)(a) and 40 CFR Part 61.145 (c)(1) pertaining to asbestos emission controls. In essence, all regulated asbestos-containing materials must be removed from a facility being demolished or renovated before any activity begins that would disturb the material and kept adequately wet until disposed of. The conditions found also constitutes violations of the MCHAPCRs 153.06 (A) and (C), OAC rule 3745-20-02 (A), 3745-20-03 (A), and 40 CFR Part 61.145 (b) pertaining to proper notification. In essence, a facility must be thoroughly inspected 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

Sarah Gostomsky
NESHAP Coordinator
Monitoring and Analysis Unit

cc: Jim Porter, Grandview Hospital
Tom Kalman, Central Office, OEPA

/mjb

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Sent To: Mr. Raymond Jergens
Jergens Bales Contractors, Inc.
Street, Apt. No. or PO Box No.: 2734 Armstrong Lane
P.O. Box 13645
City, State, ZIP+4: Dayton, Ohio 45413

PS Form 3800, June 2002 — See Reverse for Instructions

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Mr. Raymond Jergens
Jergens Bales Contractors, Inc.
2734 Armstrong Lane
P.O. Box 13645
Dayton, Ohio 45413

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