



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 20, 2008

CERTIFIED MAIL

Mr. Tom Wolfe
Alloyd Asbestos Abatement Co.
5734 Webster Street
Dayton, Ohio 45413

**Re: Renovation activities at former Oren building located at 4470 Taylorsville Road,
Huber Heights, Ohio 45424**

NOTICE OF VIOLATION

Dear Mr. Wolfe:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds Alloyd Asbestos Abatement Co. (Alloyd) to be in violation of federal, state, and local asbestos regulations as they relate to asbestos emission control and disposal of asbestos-containing waste materials and proper notification at the above-referenced facility.

On July 14, 2006, RAPCA became aware of an asbestos abatement project that had not submitted an Ohio EPA Notification for Demolition or Renovation. A demolition contractor contacted RAPCA requesting to add demolition information to the existing asbestos abatement notification submitted for the former Oren building site. RAPCA was informed that asbestos containing materials (ACM) were being removed by Alloyd from the former Oren Building, located at 4470 Taylorsville Road, Huber Heights, Ohio, prior to demolition. Alloyd had not informed RAPCA about the project, nor had Alloyd submitted an Ohio EPA notification.

On July 14, 2006, RAPCA performed an inspection at the former Oren building site. The RAPCA representative observed a large plastic sheet hanging loosely between the central and south portions of the warehouse. This sheeting was not sealed. The RAPCA representative observed, in the central part of the warehouse, Alloyd workers using a high-pressure water hose to spray off fireproofing from the metal roof decking and beams onto the floor below. Alloyd workers were wearing personal protective equipment. Openings in the metal roof above were not sealed during the spray removal activities. The RAPCA representative also observed no critical barriers/seals in place, no warning signs/demarcation posted, no air filtration devices (AFDs) used, and no decontamination area in place. The RAPCA representative also found inadequately wet fireproofing debris inside open waste bags. Samples were collected and photographs were taken of all areas of concern.

The RAPCA representative requested all abatement activities to cease during the July 14, 2006 inspection. The RAPCA representative informed Alloyd's site supervisor and project manager that no notification for the asbestos abatement project had been received by RAPCA and reviewed the identified areas of concern.

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RAPCA requested that critical barriers be placed immediately and that no further abatement activities to take place until Ohio Department of Health (ODH) inspected the site.

On July 17, 2006, RAPCA accompanied ODH on a site inspection at the former Oren site. Ohio Department of Health declared a Public Health Emergency (PHE) and required third party clearance testing, both visual and air, before reinspection by ODH to verify the building had been adequately decontaminated. All ACM and asbestos contaminated waste was required to be removed prior to demolition.

On July 17, 2006, subsequent to the RAPCA inspections, RAPCA received a notification from Alloyd for the removal of 5,000 square feet of regulated asbestos-containing material (ACM) in the form of fireproofing from the former Oren Building located at 4470 Taylorsville Road, Huber Heights, Ohio. The asbestos removal work was scheduled to take place from June 20, 2006 through July 28, 2006. Subsequent revisions to the notification extended the completion date to April 3, 2007.

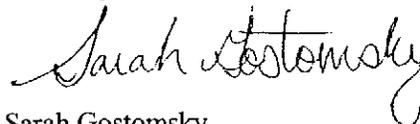
The RAPCA inspections were conducted for the purpose of determining compliance with the corresponding Montgomery County Hazardous Air Pollution Control Regulation 150 (MCHAPCR 150), the Ohio Administrative Code (OAC) Asbestos Emission Control Standards and Procedures specified in Chapter 3745-20, and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

The conditions found during this inspection constitute violations of the MCHAPCRs 153.07 (D), OAC rule 3745-20-04(A)(3), (A)(6) and 40 CFR Part 61.145 (c)(3), (c)(3)(B), (c)(6) pertaining to asbestos emission controls; MCHAPCRs 153.11(A)(1), OAC rule 3745-20-05(B), and 40 CFR Part 61.150(a) pertaining to disposal of asbestos-containing waste materials. The conditions found also constitutes violations of the MCHAPCRs 153.06 (A), OAC rule 3745-20-03 (A) and 40 CFR Part 61.145 (b) pertaining to proper notification. In essence, 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.

These violations can be resolved through the signing of the attached Findings and Orders which include a civil monetary penalty. 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 federal and/or state 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 me or Mr. Andrew Roth at (937)225-4435 if you have any questions or wish to arrange a meeting to discuss this matter further.

Sincerely,



Sarah Gostomsky
Asbestos Coordinator
Monitoring & Analysis Unit

/tjm

Enclosure

cc: Tom Kalman, Central District Office, Ohio EPA
Norman Fear, owner

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Tr Ser or Ch	Mr. Tom Wolfe Alloyd Asbestos Abatement Co. 5734 Webster Street Dayton, OH 45413
PS Form 3800, August 2005	
See Reverse for Instructions	