



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-1280

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www.rapca.org

November 19, 2008

CERTIFIED MAIL

Mr. Ed Keen

Keen & Cross Environmental Services, Inc.

504 Northland Blvd.

Cincinnati, Ohio 45240

Re: Renovation activities at former Norment House Dormitory building located at 416 President Drive, Yellow Springs, Ohio 45387

NOTICE OF VIOLATION

Dear Mr. Keen:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds Keen & Cross Environmental Services, Inc. (Keen & Cross) to be in violation of federal, state, and local asbestos regulations as they relate to asbestos emission control of asbestos-containing waste materials and proper notification at the above-referenced facility.

On November 20, 2006, RAPCA received a complaint regarding suspect asbestos pipe insulation damaged during a fire training exercise. A nearby resident to the former Norment House Dormitory building located at 416 President Drive, Yellow Springs, Ohio contacted and informed RAPCA of a structure used for fire training over the weekend had pipe insulation debris on pipe and within the burned rubble that appeared to be asbestos-containing. On October 26, 2006, RAPCA received a fire training notification from Miami Township Fire Department for fire training to be performed on November 18, 2006. The resident had informed a property owner representative, Antioch College, of the concern prior to contacting RAPCA therefore clean-up operations were already underway. RAPCA was informed that asbestos containing materials (ACM) was previously removed by Keen & Cross from the former Norment House Dormitory prior to fire training. Keen & Cross had not informed RAPCA about the project, nor had Keen & Cross submitted an Ohio EPA notification.

On November 21, 2006, RAPCA performed an inspection at the former Norment House Dormitory building site. The RAPCA representative observed remaining building debris in and around the basement of the former structure. The majority of the pipe insulation left in-place during the fire training exercise had been removed by Keen & Cross prior to the RAPCA inspection. The RAPCA representative met with the neighbor who called with the complaint, the consultant who performed the asbestos survey on the structure, and owner representatives, at Antioch College after the site inspection. RAPCA received a copy of the asbestos survey report, the project specifications, and the close-out package for the asbestos abatement project at the above-mentioned site during the meeting. The asbestos survey, the specifications, and the close-out contract all detailed that two-hundred and eighty (280) linear feet of asbestos-containing pipe insulation was removed from the above-mentioned site. No notification was submitted to RAPCA for the asbestos removal project.

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The RAPCA representative requested notification for the abatement clean-up activities to be submitted to RAPCA with the standard operating procedures for review prior to further abatement activities.

On November 29, 2006, subsequent to the RAPCA inspection, RAPCA received a notification from Keen & Cross for the removal of 55 linear feet and 40 yards of regulated asbestos-containing material (ACM) in the form of pipe insulation and asbestos contaminated waste materials from the above-mentioned site. The asbestos removal work was scheduled to take place from December 4, 2006 through December 8, 2006. Subsequent revisions to the notification extended the completion date to January 5, 2007.

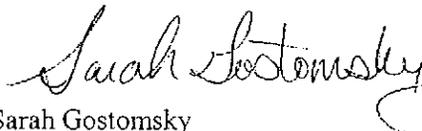
The November 21, 2006 RAPCA inspection was conducted for the purpose of determining compliance with the corresponding Greene County, Ohio, Board of Health's Local Air Pollution Control Regulation (BHLAPCR) Asbestos Emissions Chapter 3745-20, the Ohio Administrative Code (OAC) Asbestos Emission Control 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 BHLAPCR 3745-20-04(A)(1) and (E), OAC rule 3745-20-04(A)(1) and (E) and 40 CFR Part 61.145 (c)(1), (c)(3)(B)(10) pertaining to asbestos emission controls. The conditions found also constitutes violations of the BHLAPCR 3745-20-03 (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 Findings and Orders (Orders) document which includes a civil monetary penalty. The Orders document will be issued after receipt of this notice. 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 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

Enclosure

/tln

cc: Tom Kalman, Central District Office, Ohio EPA
Mike Miller, Antioch College, owner

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PS Form 3800, August 2006

See Reverse for Instructions

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Mr. Ed Keen
 Keen & Cross Environmental Services,
 Inc
 504 Northland Boulevard
 Cincinnati, OH 45240

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