



REGIONAL AIR POLLUTION CONTROL AGENCY

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

17 South Main Street, Dayton, Ohio 45422-1280

937-225-4435 — Fax: 937-225-3486

www.rapca.org

April 27, 2009

Certified Mail

Mr. Doug Balsbaugh
Balsbaugh Excavating, Inc.
5405 Phillipsburg Rd.
Englewood, OH 45322

**Re: Demolition operations at the Cannery Storage building located at
23 Wayne Ave., Dayton, Ohio**

NOTICE OF WARNING

Dear Mr. Balsbaugh:

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

On or before May 31, 2007, Balsbaugh caused the demolition of a portion of a storage building located at 23 Wayne Ave., Dayton, Ohio. Balsbaugh is a contractor for the building owner hired to perform the demolition of the above-referenced site. On May 31, 2007, a representative of RAPCA performed an inspection of the demolition at the above-mentioned address. Demolition of several exterior walls and a small section of the storage building was observed by the RAPCA representative. Balsbaugh did not submit a notification of demolition to RAPCA prior to the May 31, 2007 RAPCA inspection. Photographs were taken.

This 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 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 May 31, 2007 inspection constitute violations of the MCHAPCR 153.06 (A), OAC rules 3745-20-03 (A), and 40 CFR Section 61.145 (b) pertaining to notification requirements. 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.

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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 and/or renovation 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.

This is the first time a notification violation has been uncovered by RAPCA for Balsbaugh, the demolition contractor. This violation will be considered resolved through this **NOTICE OF WARNING**. This letter also informs you that any future violations of this regulation will be addressed by a Notice of Violation including Administrative Findings and Orders which require payment of a monetary penalty. Therefore, RAPCA recommends that Balsbaugh consults with our agency prior to any future demolition activities.

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
Asbestos Coordinator
Monitoring and Analysis Unit

/mjb

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Sent to: Mr. Doug Balsbaugh
 Balsbaugh Excavating, Inc.
 Street or PO: 5405 Phillipsburg Rd.
 City: Englewood, OH 45322

PS Form 3800, August 2006

See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
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Mr. Doug Balsbaugh
 Balsbaugh Excavating, Inc.
 5405 Phillipsburg Rd.
 Englewood, OH 45322

2. Article Number
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 Bonnie Balsbaugh Agent
 Addressee

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