



## **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

June 16, 2009

**Certified Mail**

Mr. Craig Kasper, President  
Hull & Associates  
6397 Emerald Parkway, Suite 200  
Dublin, Ohio 43016

**Re: Asbestos removal activities at the University of Dayton Building 26 facility, located at 1334 S. Patterson Blvd., Dayton, Ohio**

### **NOTICE OF VIOLATION**

Dear Mr. Kasper:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds Hull & Associates (Hull) to be in violation of corresponding local, state, and federal regulations as they relate to asbestos emission control for asbestos removal operations at the above-referenced facility. Please note that a similar Notice of Violation has also been issued to C2 Diversified Services, Inc. (C2).

On October 29, 2007, RAPCA received a notification from C2 for the abatement of 3,000 linear feet and 30,000 square feet of regulated asbestos-containing material (ACM) at the University of Dayton Building 26 facility located at 1334 S. Patterson Blvd., Dayton, Ohio scheduled for demolition. The asbestos removal work was scheduled to take place from November 8, through December 20, 2007. Subsequent revisions increased the abatement quantity to a total of 4,200 linear feet and 30,050 square feet of regulated ACM. The asbestos removal work schedule was also extended to January 11, 2008.

On December 21, 2007, a RAPCA representative, along with representatives with the Ohio Department of Health (ODH), University of Dayton (U.D.), Hull, and C2 conducted a post-abatement/pre-demolition asbestos inspection of the Building 26 facility. C2 had completed the asbestos abatement and Hull completed and passed final visual inspection of the facility. During the December 21, 2007 inspection, the RAPCA representative discovered dry, friable, ACM in the form of ACM ceiling plaster debris on walls, floors, drop-ceiling gridwork, registers, on top of drywall and behind wallpaper and cove base throughout the first floor of the facility. Hull was hired by the building owner, U.D., to provide project oversight and perform final visual inspection of the asbestos abatement project. Samples were collected and photographs were taken of all the areas in question.

The RAPCA representative immediately reviewed the areas of concern to the C2 site supervisor and requested C2 to immediately abate all ACM left at the facility and pass another final visual clearance from Hull. C2 agreed to the RAPCA requests.

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On January 11, 2007, a RAPCA representative performed a re-inspection of the Building 26 facility after C2 completed asbestos abatement and final visual inspection performed by Helix Environmental. During this inspection the RAPCA representative verified asbestos removal complete and all areas of concerns were addressed.

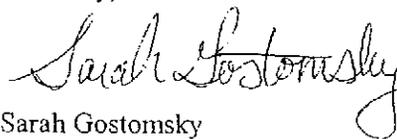
The above RAPCA inspections were conducted for the purpose of determining compliance with corresponding Montgomery County Hazardous Air Pollution Control Regulation 150 (MCHAPCR 150); the Ohio Administrative Code (OAC) Asbestos Emission Control Standards and Procedures specified in the Chapter 3745-20, 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 December 21, 2007 RAPCA inspection constitute violations of MCHAPCRs 153.07 (B), (D)(1), and (D)(4), OAC rules 3745-20-04 (A)(1), (A)(6)(a) and 3745-20-04(C), and 40 CFR Section 61.145 (c)(1) and (c)(6)(i) pertaining to proper emission control; and MCHAPCR 153.11 (A)(2), OAC rules 3745-20-05 (A), and (B)(1), and 40 CFR Section 61.150 (a)(1)(i), (a)(1)(iii) and (b) pertaining to waste disposal.

These violations can be resolved through the signing of the Administrative Findings and Orders, which include a civil monetary penalty. The Findings and Orders document will be mailed to you after receipt of this Notice of Violation. Please respond in writing within ten (10) days of receipt of the Findings & 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.

If you have any questions or comments, or wish to discuss this matter further, please feel free to contact Mr. Andrew Roth or me at (937) 225-4435.

Sincerely,



Sarah Gostomsky  
Asbestos Coordinator  
Monitoring and Analysis Unit

tlm

cc: Robin Oldfield, Director of Env. Health & Safety, University of Dayton  
Tom Kalman, Central District Ohio EPA

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Mr. Craig Kasper, President  
Hull & Associates  
6397 Emerald Parkway, Suite 200  
Dublin, OH 43016

PS Form 3800, August 2006

See Reverse for Instructions

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Mr. Craig Kasper, President  
Hull & Associates  
6397 Emerald Parkway, Suite 200  
Dublin, OH 43016

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