



## 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 6, 2010

### CERTIFIED MAIL

Mr. Jim Thompson  
LVI Environmental Services, Inc.  
11480 Enterprise Park Drive  
Cincinnati, Ohio 45241

**Re: Asbestos abatement activities at a structure located at 320 S. Gettysburg Ave.,  
Dayton, Ohio.**

### NOTICE OF VIOLATION

Dear Mr. Thompson:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds LVI Environmental Services, Inc., (LVI) to be in violation of federal, state, and local asbestos regulations as they relate to asbestos emission control procedures during abatement operations at the above-referenced facility.

On March 29, 2010, RAPCA received a notification for multiple structures from LVI and Steve Rauch, Inc. (Rauch) which included the demolition and asbestos abatement of regulated asbestos containing materials (RACM) 130 square feet of thermal system duct insulation and 3,600 square feet of transite siding from a residential building located at 320 S. Gettysburg Ave., Dayton, Ohio. The asbestos removal work to be performed by LVI was scheduled to take place from April 12, 2010 through April 30, 2010.

On April 13, 2010, a RAPCA representative performed an inspection at the Gettysburg site in response to a complaint made by neighbors regarding improper siding removal concerns. Active asbestos abatement activities were taking place at the time of the RAPCA inspection. The RAPCA representative observed LVI employees removing asbestos transite siding off the back portion of the structure. Approximately three-fourths of the transite siding had already been removed at the time of arrival. During this inspection, the RAPCA representative observed: LVI workers using long metal scrappers to scrape and break off transite siding from the back porch wall allowing the ACM to fall onto the concrete slab causing further breakage and observed dry, friable, extensively damaged ACM transite debris along the perimeter of the property. Photographs and a sample were collected at the site.

Mr. Jim Thompson  
August 6, 2010  
Page 2

The RAPCA representative informed the LVI workers that the removal technique used was causing the transite to become extensively damaged thus rendering the material friable. RAPCA requested that all abatement activities to cease, for the perimeter of the site to be cleaned up of damaged transite debris, and for proper transite removal techniques to be reviewed with all workers prior to the start of further asbestos removal activities. LVI agreed to the RAPCA requests. LVI subsequently reviewed proper removal techniques with all workers per RAPCA's request.

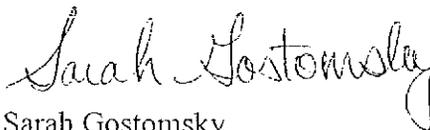
The April 13, 2010 RAPCA inspection was conducted for the purpose of determining compliance with the corresponding Montgomery County Hazardous Air Pollution Control Regulation 150 (MCHAPCR 150), the Ohio Administrative Code (OAC) Asbestos Emission Control Standards and Procedures specified in Chapter 3745-20, and the National Emission Standards for Hazardous Air Pollutants (NESHAP) specified in 40 CFR Part 61, Subpart M.

The conditions found during the April 13, 2010 RAPCA inspection constitute corresponding violations of MCHAPCR 153.07 (C), OAC rules 3745-20-04 (A)(2) and 40 CFR Section 61.145 (c)(2) pertaining to proper emission control.

These violations can be resolved through the signing of the Administrative Findings and Orders (Orders) which include a civil monetary penalty. Draft Orders will be issued after receipt of this Notice of Violation. 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 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 have to refer this issue to the Ohio EPA and/or the U.S. EPA for resolution at the state or federal level.

If you wish to schedule a meeting, please contact me or if you have any questions or comments, or wish to discuss this matter further, please feel free to contact Mr. John Paul at (937) 225-4435.

Sincerely,



Sarah Gostomsky  
Asbestos Coordinator  
Monitoring & Analysis Unit

cc: John Paul, Administrator, RAPCA  
Tom Kalman, Central District OEPA  
Max Fuller, Division Manager, City of Dayton

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7009 3410 0001 7190 7959

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total		
Sent To Mr. Jim Thompson LVI Environmental Services, Inc. 11480 Enterprise Park Drive Cincinnati, OH 45241		
Street, or P.O. #		
City, State, and ZIP+4®		

PS Form 3811, August 2004 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Jim Thompson  
LVI Environmental Services, Inc.  
11480 Enterprise Park Drive  
Cincinnati, OH 45241

2. Article Number  
(Transfer from service label)

7009 3410 0001 7190 7959

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
*Kim Meinig*

B. Received by (Printed Name) C. Date of Delivery  
*Kim Meinig 09/10/10*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes