



## 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. Steve Rauch  
Steve R. Rauch, Inc.  
1550 Soldiers Home-West Carrollton Rd.  
Dayton, Ohio 45418

**Re: Demolition and asbestos abatement activities at residential structures located at 23 and 25 S. Van Lear Street, Dayton, Ohio and 1910 Auburn Avenue, Dayton, Ohio.**

### NOTICE OF VIOLATION

Dear Mr. Rauch:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds Steve R. Rauch, Inc., (Rauch) to be in violation of federal, state, and local asbestos regulations as they relate to asbestos emission control and waste disposal procedures during demolition operations at the above-referenced facilities.

#### 23 and 25 S. Van Lear Street

On August 7, 2009, RAPCA received a notification from Rauch and C2 Diversified Services, Inc. (C2) for the demolition and asbestos abatement of 8,000 square feet of regulated asbestos-containing material (ACM), in the form of transite siding extensively damaged due to fire and demolition activities, from two adjacent residential structures located at 23 and 25 S. Van Lear Street, Dayton, Ohio. Both residential buildings were extensively damaged due to an unintentional fire. The asbestos removal work to be performed by C2 was scheduled to take place, in conjunction with excavation activities, from August 21, 2009 through September 25, 2009.

On August 25, 2009, a RAPCA representative performed a routine inspection at the 23 and 25 S. Van Lear site. The RAPCA representative observed four Rauch employees on-site performing final excavation activities with no one from C2 on-site. Majority of the building debris was already removed from the site and removal of basements was taking place at the time of arrival. Rauch employees informed RAPCA they were not aware of asbestos issues at the site and removed, transported, and disposed demolition debris materials without C2's involvement. Rauch employees also stated that all demolition debris was transported and disposed as construction and demolition debris at SRI Landfill (not a licensed asbestos landfill). During this inspection, the RAPCA representative observed: dry, friable, extensively damaged suspect ACM transite debris along the perimeter of the property, no evidence of water usage, no demarcation for asbestos removal, no plastic barrier used to line or cover debris in disposal container (back of dump truck), and no signage

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on Rauch trucks for waste transportation and disposal. Photographs and transite samples were collected at the site.

The RAPCA representative informed the on-site Rauch employees that all demolition debris is considered contaminated asbestos waste due to the extensively damaged transite mixed with the building materials and was notified to be removed by C2 and disposed as RACM. RAPCA requested that all excavation activities to cease and Rauch and C2 would be informed of the violations and concerns at the site. RAPCA contacted Rauch to cease excavation activities and requested the asbestos contaminated waste still remaining on-site and the asbestos contaminated waste improperly disposed at SRI Landfill to be properly removed, adequately wetted, and properly packaged and disposed of by a licensed asbestos abatement contractor. Rauch agreed to the RAPCA requests. C2 removed the on-site waste and the demolition debris from the SRI landfill, properly packaged and disposed of the waste at a licensed asbestos landfill.

The August 25, 2009 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 August 25, 2009 RAPCA inspection constitute corresponding violations of MCHAPCR 153.07 (A), (B), OAC rules 3745-20-04 (A)(1), (A)(6)(a), (B), (D) and 40 CFR Section 61.145 (c)(1)(iii), (6)(i), (8) and (9) pertaining to proper emission control and MCHAPCR 153.11 (A), OAC rules 3745-20-05 (A), (B)(2), (C), (D), and (G) and 40 CFR Section 61.150 (a)(1), (a)(3), (a)(5), (b), (c), and (d) pertaining to proper waste disposal.

#### 1910 Auburn Avenue

On November 23, 2009, RAPCA received a notification for multiple structures from Rauch and LVI Environmental Services, Inc. (LVI) which included the demolition and asbestos abatement of 525 square feet of regulated asbestos-containing material (ACM), in the form of thermal system duct insulation, from an apartment building located at 1910 Auburn Avenue, Dayton, Ohio. The asbestos removal work to be performed by LVI was scheduled to take place from December 7, 2009 through December 18, 2009.

On December 14, 2009, RAPCA received an email from Rauch stating that Rauch demolished and disposed of the 1910 Auburn structure prior to the asbestos abatement of the 525 square feet of ACM duct insulation. Rauch informed RAPCA that the demolition debris was disposed at SRI Landfill, which is not a licensed asbestos landfill. Demolition and excavation activities were performed by Rauch without the presence of LVI.

On December 17, 2009, a RAPCA representative performed a landfill inspection at SRI to verify disposal of the 1910 Auburn debris. Photographs were taken. RAPCA requested the asbestos contaminated waste improperly disposed at SRI Landfill to be properly removed, adequately wetted, and properly packaged and disposed of by a licensed asbestos abatement contractor. Rauch agreed to

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the RAPCA requests. LVI removed the demolition debris from the SRI landfill, properly packaged, and disposed of the waste at a licensed asbestos landfill.

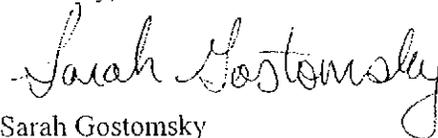
The December 17, 2009 RAPCA inspection was conducted for the purpose of determining compliance with the corresponding Montgomery County Hazardous Air Pollution Control Regulation 150 (MCHAPCR 150), the Ohio Administrative Code (OAC) Asbestos Emission Control Standards and Procedures specified in Chapter 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 December 17, 2009 RAPCA inspection constitute corresponding violations of MCHAPCR 153.07 (A), (B), OAC rules 3745-20-04 (A)(1), (A)(6)(a), (B), (D) and 40 CFR Section 61.145 (c)(1)(iii), (6)(i), (8) and (9) pertaining to proper emission control and MCHAPCR 153.11 (A), OAC rules 3745-20-05 (A), (B)(2), (C), (D), and (G) and 40 CFR Section 61.150 (a)(1), (a)(3), (a)(5), (b), (c), and (d) pertaining to proper waste disposal.

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 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)*

7002 0510 0000 7312 0673

Postage	\$	Postmark: Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total:</b>	Mr. Steve Rauch	
Sent	S.R.I. Incorporated	
Street or PO	1550 Soldiers Home-West Carrollton Rd.	
City	Dayton, OH 45418	

PS Form 3800, January 2001 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>[Signature]</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>John M. Dietrich</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Mr. Steve Rauch            S.R.I. Incorporated            1550 Soldiers Home-West Carrollton Rd.            Dayton, OH 45418</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number            (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7002 0510 0000 7312 0673</p>	