



## **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](http://www.rapca.org)

August 6, 2010

### **CERTIFIED MAIL**

Ms. Jan Lepore-Jentleson  
Dayton Works Plus, LLC  
624 Xenia Avenue  
Dayton, Ohio 45410

**Re: Demolition activities located at 121, 137, and 215 S. Kilmer Street, Dayton, Ohio.**

### **NOTICE OF VIOLATION**

Dear Ms. Lepore-Jentleson:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds Dayton Works Plus, LLC (DWP) and Architectural Reclamation Company (ARC) to be in violation of federal, state, and local asbestos regulations as they relate to proper notification procedures for demolition operations at the above-referenced sites. A similar notice is being sent to ARC.

On December 17, 2009, a RAPCA representative attempted to inspect three residential structures located at 121, 137, and 215 S. Kilmer Street, Dayton, Ohio. The purpose of the inspection was to determine if the structures were considered an installation (located on the same city block), thus regulated under federal and state asbestos regulations. The RAPCA representative observed all three structures demolished and all three located on the same city block, therefore considered an installation and subject to federal, state, and local regulations.

On December 21, 2009, RAPCA received notifications for 121, 137, and 215 S. Kilmer Street, Dayton, Ohio from ARC. The demolition work to be performed by ARC was scheduled to take place from January 4, 2010 through February 2010 per the notification. On December 29, 2009, RAPCA informed ARC, via email, that the notifications were submitted after demolition was complete therefore a violation of federal, state, and local regulations occurred. It is RAPCA's understanding that DWP was contracted by the City of Dayton to perform the demolition of the above-listed structures and subsequently sub-contracted ARC to perform the deconstruction of the structures. DWP and ARC are considered operators of the demolition project.

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

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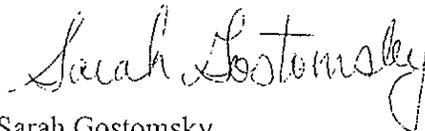
Control Standards and Procedures specified in Chapter 3745-20, and the National Emission Standards for Hazardous Air Pollutants (NESHAP) specified in 40 CFR Part 61, Subpart M.

The conditions found during the April 13, 2010 RAPCA inspection constitute corresponding violations of MCHAPCR 153.06 (A), OAC rules 3745-20-03 (A) and 40 CFR Section 61.145 (b) pertaining to proper notification procedures.

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

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<i>Sent</i>	Ms. Jan Lepore-Jentleson	
<i>Street or P.O. Box</i>	Dayton Works Plus, LLC	
<i>City</i>	624 Xenia Avenue	
	Dayton, OH 45410	

PS Form 3811, August 2005 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 checked="" type="checkbox"/> <i>Cheryl Brooks</i>      <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)      C. Date of Delivery  <span style="margin-left: 150px;"><i>8-9</i></span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                  If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Ms. Jan Lepore-Jentleson                  Dayton Works Plus, LLC                  624 Xenia Avenue                  Dayton, OH 45410</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>4. Restricted Delivery? (Extra Fee)      <input type="checkbox"/> Yes</p>

2. Article Number (Transfer from service label) 7009 3410 0001 7190 7966