



REGIONAL AIR POLLUTION CONTROL AGENCY

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

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www.rapca.org

October 14, 2010

CERTIFIED MAIL

Max Fuller, Division Manager

City of Dayton

371 West 2nd Street

Dayton, Ohio 45404

Re: City of Dayton Apartment Buildings: 2800 Jerome Ave., 1230 Euclid Ave., 333 Cambridge Ave., and 614 Dearborn Ave., Dayton, Ohio

NOTICE OF VIOLATION

Dear Mr. Fuller:

You are hereby notified that the Regional Air Pollution Control Agency (RAPCA) finds the City of Dayton (City) and A.R. Environmental Inc. (A.R.) to be in violation of federal, state, and local asbestos regulations as they relate to proper notification procedures for asbestos abatement and demolition operations for above-mentioned facilities and asbestos emission controls at 2800 Jerome and 614 Dearborn. A similar notice is being sent to A.R.

It is RAPCA's understanding that the City has conducted a nuisance structure demolition project throughout the city of Dayton. This demolition project is controlled by the City and as such, the City is an owner/operator for the nuisance demolition projects. The City contracted with A.R. to perform asbestos abatement and/or demolition activities at the above-mentioned facilities. As owner/operators for the nuisance demolition projects, the City and A.R. are responsible for complying with all federal, state, and local asbestos regulations.

On August 10, 2010 RAPCA received a notification for the asbestos abatement and demolition of three apartment buildings located at 2800 Jerome Ave., 333 Cambridge Ave., and 1230 Euclid Ave., Dayton, Ohio. The notification's envelope had a Pitney Bowes postage paid stamp date of July 15, 2010 but was not received by RAPCA until August 10, 2010. According to the notification A.R. removed: 2,890 linear feet of thermal system insulation (TSI) pipe insulation, 18 square feet of asbestos-containing material (ACM) debris, 35 windows, and 720 square feet of transite from 2800 Jerome Ave. on July 29, 2010; 3,490 linear feet of TSI pipe insulation, 60 square feet of ACM debris, and 68 windows from 333 Cambridge Ave. on July 30, 2010 through August 1, 2010; and 2,400 linear feet of TSI pipe insulation, 207 linear feet of transite, and 40 windows from 1230 Euclid Ave. on August 2, 2010 through August 6, 2010. All asbestos abatement activities were completed prior to RAPCA's receipt of the notification, therefore

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a work practice inspection could not be conducted. Federal and state EPA regulations require a ten (10) working day wait from the day of post-mark, or hand-delivery prior to the commencement of asbestos abatement and/or demolition activities can begin.

On August 19, 2010, RAPCA representatives, along with a City of Dayton representative, performed a post-abatement/pre-demolition inspection at 333 Cambridge Ave., 1230 Euclid Ave., and 2800 Jerome Ave., Dayton, Ohio. At the 333 Cambridge Ave. site, the RAPCA representatives observed flooring and windows removed throughout, plastic critical barriers left in-place where it appeared flooring materials were removed and was unable to locate areas where 3,490 linear feet of TSI pipe insulation was removed previously. At the 1230 Euclid Ave. site, the RAPCA representatives observed flooring and windows were removed throughout and was unable to locate area where 2,400 linear feet of TSI pipe insulation was removed previously. At the 2800 Jerome Ave. site the RAPCA representatives observed windows removed throughout and was unable to locate area where 2,890 linear feet of TSI pipe insulation was removed previously. The City of Dayton representative stated to RAPCA that he believed all the walls and ceilings in the 2800 Jerome Ave. site contained asbestos which were in-place during the August 19th inspection. RAPCA requested a copy of the asbestos surveys performed at each of the three structures.

On August 19, 2010, RAPCA received from the City of Dayton a copy of an asbestos survey dated December 15, 2009 performed on the 2800 Jerome Ave. structure. The survey verified 1.8% Chrysotile asbestos (point count analysis) in the textured surfacing material on walls and ceilings. The asbestos inventory table indicated 19,632 square feet of asbestos surfacing material within the 2800 Jerome Ave. structure. No TSI pipe insulation was identified in the survey.

On August 24, 2010, RAPCA received from the City of Dayton a copy of asbestos surveys performed by A.R. on structures located at 2800 Jerome Ave., 1230 Euclid Ave., and 333 Cambridge Ave., Dayton, Ohio. The A.R. survey for 2800 Jerome Ave. did not indicate asbestos in wall or ceiling materials but did indicate asbestos in TSI pipe insulation, window caulking, and cementitious materials (transite). The 1230 Euclid Ave. survey and the 333 Cambridge Ave. survey indicated same materials and quantities of asbestos listed on the A.R. notifications.

On August 24, 2010, RAPCA representatives performed an inspection at the 2800 Jerome Ave. site in response to information provided by the City of Dayton, that the structure had been demolished and the building debris remained on-site. The RAPCA representatives observed the entire structure had been demolished with ACM surfacing materials on drywall board in-place. The RAPCA representatives observed dry, friable ACM surfacing material mixed throughout all the demolition debris, no evidence of water or emission controls, and no barriers or signage warning of the asbestos hazards. The building, thus the contaminated debris, was located within a residential neighborhood. Photographs were taken and samples collected by RAPCA during the August 24th inspection.

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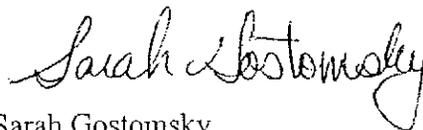
On August 24, 2010, RAPCA representatives identified a second apartment building, also demolished down the street from the 2800 Jerome Ave. site. The building was located at 614 Dearborn Ave., Dayton, Ohio. A large pile of demolition debris remained on-site with half the concrete foundation cleared exposing extensively damaged floor tiles. Photographs were taken and samples collected by RAPCA. The City of Dayton later informed RAPCA that A.R. had performed the demolition activity for 614 Dearborn and no notification for the demolition was submitted by A.R. to RAPCA.

The RAPCA inspections were 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 RAPCA inspections constitute corresponding violations of MCHAPCR 153.06 (A), OAC rules 3745-20-03 (A), (A)(3) and 40 CFR Section 61.145 (b) pertaining to proper notification procedures, MCHAPCR 153.07 (B),(F), OAC rules 3745-20-04 (A)(1), (A)(6)(a), (C) and 40 CFR Section 61.145 (c)(1),(6)(i) pertaining to asbestos emission controls, and MCHAPCR 153.11 (A), OAC rules 3745-20-05 (A) and 40 CFR Section 61.150 (a) pertaining to proper waste disposal.

RAPCA will be referring this case to the Ohio Environmental Protection Agency (OEPA) Central District Office to undertake appropriate enforcement action to resolve the associated asbestos violations. After a determination has been made by OEPA enforcement staff as to the appropriate action to take, you will be contacted directly. In the meantime, if you have any questions you may contact Mr. John Paul at (937) 225-4435.

Sincerely,



Sarah Gostomsky
Asbestos Coordinator
Monitoring & Analysis Unit

cc: John Paul, Administrator, RAPCA
Tom Kalman, Ohio EPA

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1. Article Addressed to:

Max Fuller, Division Manager
 City of Dayton
 371 West 2nd Street
 Dayton, Ohio 45404

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