



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

March 30, 2011

RE: **WARNING LETTER**
DEMOLITION ACTIVITIES at 73 RUTLEDGE DRIVE,
80 RUTLEDGE DRIVE, 246 LILBURNE AVENUE,
AND 62 WHITMAN LANE, YOUNGSTOWN, OHIO

CERTIFIED MAIL

Mr. Randy Ware
Ware's Demolition
906 South Avenue
Youngstown, Ohio 44502

Dear Mr. Ware:

On March 25, 2011, representatives from the Ohio EPA Northeast District Office (NEDO), Division of Air Pollution Control (DAPC), inspected the structures associated with the following addresses: 73 Rutledge Drive, 80 Rutledge Drive, 246 Lilburne Avenue, and 62 Whitman Lane, all located in Youngstown, Ohio. Ohio Environmental Protection Agency Notifications of Demolition and Renovation had previously been submitted for these properties, stating that demolition would start on March 22, 2011. The inspections conducted on March 25, 2011, determined that no demolition work had taken place, nor had a revision been submitted to NEDO changing the start date.

In view of the above facts, these demolition projects scheduled to be conducted at 73 Rutledge Drive, 80 Rutledge Drive, 246 Lilburne Avenue, and 62 Whitman Lane, all located in Youngstown Ohio, were subject to compliance with the Clean Air Act and regulations promulgated there under, setting forth a National Emission Standard for Asbestos 40 CFR 61.140, et seq. (NESHAP Asbestos Standard) specifically section 40 CFR 61.145 (b) Notification Requirements.

40 CFR 61.145 (b) (iv) states, "For asbestos stripping or removal work in a demolition or renovation operation... and for a demolition described in (a) (2) of this section, that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator as follows:

(A) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin after the date contained in the notice,

(1) Notify the Administrator of the new start date by telephone as soon as possible before the original start date, and

(2) Provide the Administrator with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by the U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

These types of operations are also subject to Ohio Administrative Code (OAC) chapter 374520, "Ohio Asbestos Emission Control Rules," specifically OAC 3745-20-03 Standard for Notification prior to Demolition or Renovation.

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3745-20-03 (A) states, Each owner or operator to whom this rule applies shall:

(d) For asbestos stripping or removal work in any subject demolition or renovation operation (except for any nonscheduled renovation operations, emergency renovation operations and emergency demolition operations) that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the director as follows:

(i) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin after the date contained in the notice,

(a) Notify the Ohio EPA field office of the new start date by telephone as soon as possible before the original start date, and

(b) Postmark or deliver to the Ohio EPA field office a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the amended notice shall be by the United States postal service, commercial delivery service, or hand delivery.

This letter is to inform you that a revised notification, containing a corrected start date, is to be submitted to our office as soon as possible. Any work started or completed without the submittal of a corrected notification will be noted, and may be deemed to be in violation of the NESHAP requirements in 40 CFR 61.145 (b) "notification requirements", and OAC rule 3745-20-02, "Standard for Notification" in the Ohio Asbestos Emission Control Rules.

This Warning Letter in no way waives the right of Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications may be directed to you regarding this violation or additional violations that may be found.

If you have any questions, or concerns regarding the information being presented to you in this warning letter, please contact myself at (330) 963-1223, or Bob Princic at (330) 963-1230.

Sincerely,



Christopher Williams, R.S.
District Representative
Division of Air Pollution Control

CW:bo

pc: Ed Fasko, DAPC, NEDO
Bob Princic, DAPC, NEDO
Tim Fischer, DAPC, NEDO
Tom Buchan, DAPC, CO