



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korieski, Director

June 14, 2007

**RE: NOTICE OF VIOLATION
FIRE TRAINING BURN
3451 STATE ROUTE 534
5438 WHITE RD
TRUMBULL TWP., ASHTABULA COUNTY**

CERTIFIED MAIL

Chief Don Crites
Trumbull Township Fire and Rescue
2160 State Route 534
Geneva, Ohio 44041

Dear Chief Crites:

On or about May 26, 2007, the Trumbull Township Fire Department conducted fire training by burning a garage structure located at 3451 State Route 534, and on or about June 2, 2007, an outbuilding at 5439 White Road in Trumbull Township, Ashtabula County. The trainings were conducted in violation of Ohio's open burning standards and asbestos emission control rules.

Ohio EPA considers the fires to have been "open burning" because air contaminants from the combustion were emitted directly into ambient air. The fire trainings were therefore, subject to compliance with Ohio Administrative Code (OAC) Chapter 3745-19, "Open Burning Standards," which requires that an application for permission to conduct open burning be submitted to Ohio EPA's Northeast District Office. Written permission from Ohio EPA is required to be received prior to burning. No such applications were received or approved by this office for the referenced fire training events.

In addition, the intentional burning of a facility constitutes "demolition." Property owners and/or fire departments that control any structure to be burned are therefore, subject to compliance with 40 Code of Federal Regulations (CFR) Part 61, Subpart M, "National Emission Standard for Asbestos" and OAC Chapter 3745-20, "Ohio Asbestos Emission Control Rules." Specifically:

1. OAC Rule 3745-20-02 requires the structure to be thoroughly inspected for the presence of asbestos containing-materials prior to the commencement of the demolition. The inspection must be conducted by an "Asbestos Hazard Evaluation Specialist" certified by the Ohio Department of Health.

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2. OAC Rule 3745-20-03 requires a written notice of intention to demolish a structure on an Ohio EPA Notification of Demolition and Renovation form to be submitted to Ohio EPA's Northeast District Office at least ten (10) working days prior to the training.
3. OAC Rule 3745-20-04 requires that any asbestos-containing material (including friable and non-friable materials) be removed in accordance with all applicable sections of OAC Chapter 3745-20 before demolition.

Similar federal asbestos requirements are found in 40 CFR Part 61, Subpart M, "National Emission Standards for Asbestos." Pursuant to Section 112 (KK), the authority to implement and enforce federal asbestos emission control requirements has been delegated to the State of Ohio Environmental Protection Agency's Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of U.S. EPA for any violation for which the State of Ohio is unable to initiate a required enforcement action.

Prior to the start of the fire trainings, this office did not receive the required Notification of Demolition and Renovation forms.

You are hereby notified that the fire trainings conducted by the Trumbull Township Fire Department on or about May 26, 2007 and June 2, 2007, were in violation of OAC Chapter 3745-19, "Open Burning Standards." In addition, these activities were in violation of the applicability and notification requirements contained in 40 CFR Part 61, Subpart M of the federal "Standards for Demolition and Renovation." These were also violations of OAC Rule 3745-20-02, "Standards for Notification" in Ohio's Asbestos Emission Control Rules.

Within **five (5) days of receipt of this letter**, you are requested to submit the following information. This information request is made pursuant to OAC Rule 3745-15-03:

1. The name, address, phone number and contact person for all parties, including all fire departments, involved in the fire trainings and explanations of each department's involvement.
2. The name, address, phone number and contact person for all parties involved in the disposal of waste from the sites and an explanation of their involvement.
3. The location of the landfill where any waste from the sites were disposed, including a copy of any manifests or receipts.
4. The type and amount (in linear feet for pipes and square feet for other components) of any asbestos-containing material which was in the structures, or a copy of any asbestos evaluation reports that may have been conducted prior to the burnings.

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5. A copy of any notification of demolition and renovation forms, if you believe any were submitted prior to the trainings.
6. A copy of any applications for permission to open burn, if you believe any were submitted prior to the trainings.

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

Clarification, explanation or evidence pertaining to these violations should be brought to our immediate attention. If you have any questions, please contact me at (330) 963-1241.

Sincerely,



Richard Kolosionek
District Representative
Ohio EPA Northeast District Office
Division of Air Pollution Control

RK:bo

cc: Dennis Bush, Ohio EPA, NEDO, DAPC
Jennifer Kurko, Ohio EPA, NEDO, DAPC
Bob Princic, Ohio EPA, NEDO, DAPC
Lisa Holscher, U.S. EPA, Region 5
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Trumbull Township Trustees
State Fire Marshall
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