



**Environmental
Protection Agency**

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

March 22, 2011

RE: **NOTICE OF VIOLATION
ASBESTOS ABATEMENT AT
252 EAST MAIN ROAD
CONNEAUT, OHIO**

CERTIFIED MAIL

Mr. John Williams, Acting City Manager
City of Conneaut
294 Main Street
Conneaut, Ohio 44030

Dear Mr. Williams:

On March 7, 2011, the Ohio EPA Northeast District Office (NEDO) Division of Air Pollution Control (DAPC) received an asbestos demolition notification from Northcoast Construction, along with a copy of the building survey associated with 252 East Main Road, Conneaut, Ohio 44030. The notification indicated a demolition date of March 19, 2011, and noted that asbestos abatement had previously been completed. After reviewing the building survey, it was determined that a total of approximately 280 linear feet of asbestos containing pipe insulation was identified during the survey. The survey, completed by your company, noted that the friable asbestos must be removed prior to demolition after all applicable EPA notifications had been filed. The Northcoast Construction notification had listed no dates for asbestos removal, nor is there any earlier abatement notification in Ohio EPA files for the 252 East Main Road structure.

On March 8, 2011, representatives from NEDO performed an inspection at the above-mentioned structure, and determined that the asbestos-containing pipe insulation had been removed without proper prior notification. Another inspection was conducted at the property on March 17, 2011, by representatives of NEDO along with Mr. Hugh Ingram (Northcoast Construction), Mr. Allan Richards Ohio Department of Health (ODH), yourself representing the City of Conneaut, and various members of the Conneaut Fire Department. During the inspection, a more in-depth inspection for asbestos-containing pipe insulation was completed (which included previously unperformed destructive wall sampling), and resulted in no additional suspect pipe insulation being detected.

In view of the above facts, this asbestos abatement project conducted at 252 East Main Road, Conneaut, Ohio, on an undetermined date, was 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). These types of operations are also subject to Ohio Administrative Code (OAC) chapter 3745-20, "Ohio Asbestos Emission Control Rules."

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The asbestos standard applies to, among other things, an asbestos abatement operation. Pursuant to 40 CFR 61.145, all facilities must be inspected for the presence of asbestos prior to commencement of a renovation. Paragraphs (b), "Notification Requirements," and (c), "Procedures for Asbestos Emission Control," of this section would apply if the accumulative or total amount of friable asbestos materials in the structure was found to be equal to or greater than 260 linear feet on pipes and/or equal to or greater than 160 square feet on any other component. Paragraph (b), "Notification Requirements," of this section also applies if no friable asbestos materials were found, or if the accumulative or total amount of friable materials in the structure were less than 260 linear feet on pipes and/or less than 160 square feet on any other component. (Similar requirements are also stated in OAC rules 3745-20-02, 3745-20-03 and 3745-20-04, "Ohio Asbestos Emission Control Rules.")

Pursuant to 40 CFR 61.141, an "owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls or supervises the facility being demolished or renovated, or any person who owns, leases, operates, controls or supervises the demolition or renovation operation, or both." Any owner or operator is prohibited under 40 CFR 61.19 from circumvention of a visible emission standard or notification requirements by the piecemeal carrying out of an operation.

Finally, pursuant to Section 112 (KK), the authority to implement and enforce the NESHAP 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 violations for which Ohio is unable to initiate a required enforcement action.

In accordance with the above-stated delegation of authority, you are hereby notified that the asbestos abatement conducted at 252 East Main Road, by Medico Systems Inc., was in violation of the NESHAP requirements in 40 CFR 61.145(a) and (b), "applicability" and "notification requirements" in the "Standard for Demolition and Renovation." This was also a violation of OAC rule 3745-20-02, "Standard for Notification" in the Ohio Asbestos Emission Control Rules.

Within fourteen (14) days of receipt of this letter, you are requested to submit the following information. This request for information is made pursuant to OAC Rule 3745-15-03.

- 1) The name, address, phone number and contact person of all contractors involved in the renovation project and an explanation of each company's involvement.
- 2) The name, address, phone number and contact person of all contractors involved in the disposal of the asbestos containing materials (ACMs), and an explanation of the involvement.
- 3) The locations of the site where the asbestos containing debris was disposed of, including a copy of any manifests or receipts.
- 4) The actual beginning and ending dates of the abatement project.

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This Notice of Violation in no way waives the right of Ohio EPA, the Ohio Department of Health 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.

Clarification, explanation or evidence pertaining to this violation should be brought to our immediate attention. If you have any questions, please contact me 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
Tom Kalman, DAPC, CO
Allan Richards, ODH
Bill MacDowell, U.S. EPA, Region 5