



State of Ohio Environmental Protection Agency

Northeast District Office

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

January 20, 2010

RE: NOTICE OF VIOLATION
CITY OF YOUNGSTOWN
URBAN DEMOLITIONS

CERTIFIED MAIL

Ms. Jean Schaefer
City of Youngstown
26 S. Phelps Street
Youngstown, OH 44503

Dear Ms. Schaefer:

The purpose of this letter is to inform you that based on Ohio EPA's review of recent City of Youngstown asbestos notifications and surveys, we have determined that the City of Youngstown is in violation of both the federal asbestos regulations as delineated in 40 CFR Part 61, Subpart M and Ohio regulations as delineated in Ohio Administrative Code (OAC) 3745-20.

As of November 3, 2009, per a request made by Ohio EPA, the City of Youngstown has been accompanying all of its demolition notices with asbestos surveys. Our reviewers of both the surveys and demolition notices submitted by the City of Youngstown documented both administrative violations that involved discrepancies within the notification forms, and also work practice violations that involved removals of regulated asbestos-containing material (RACM) and other ACM prior to the submittal of notification forms to Ohio EPA. These violations are delineated in a table attached to this letter.

During the document review conducted by Ohio EPA and in follow-up conversations with representatives from Youngstown, it came to light that in several instances, asbestos surveys indicated the presence of RACM in urban dwellings slated for demolition; however, the corresponding notification form had the box checked "No" for the Section IV question "Is asbestos present," and "None" for the Section VII Table "Approximate Amount of Asbestos Materials." Ohio EPA later ascertained that, in fact, asbestos was being removed from dwellings without prior notification to Ohio EPA, as required by OAC 3745-20-03. If ANY asbestos is planned for abatement prior to demolition (regardless of whether the structure is NESHAP-exempt, below Ohio EPA threshold amounts or above Ohio EPA threshold amounts), that asbestos must be listed

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in the appropriate column in Section VII of the notification form. It appears that in a number of cases (see attached table), the city has not listed asbestos amounts, regardless of whether it was to be abated prior to demolition or was scheduled to remain in place. These instances are in violation of OAC 3745-20-02 (B)(1), and (B)(2), respectively.

Due to the above facts and in accordance with the above-stated delegation of authority, you are hereby notified that the demolition of the structure(s) throughout the City of Youngstown listed in the attached table, under the operation, control or supervision of the City of Youngstown, was in violation of the NESHAP requirements in 40 CFR 61.145 (a), "applicability," and (b), "notification requirements" in the "Standard for Demolition and Renovation." This operation also constituted a violation of OAC 3745-20-02(B)(1) and (B)(2), "Standard for Demolition and Renovation, Facility Inspection, and Determination of Applicability," and OAC 3745-20-03, "Standard for Notification Prior to Demolition or Renovation," in the "Ohio Asbestos Emission Control Rules."

In instances where asbestos was abated prior to notification and demolition, the city is in potential violation of asbestos removal and handling (OAC 3745-20-04) along with transport and disposal regulations (OAC 3745-20-05). At present, Ohio EPA is unable to make a determination as to whether abatement activities conducted without notification occurred in compliance with these regulations.

Please submit to this office within ten (10) days of receipt of this letter the following information:

- All amounts of asbestos removed without the submittal of Ohio EPA Notification of Demolition and Renovation forms for residential properties for the period of November 2009 to present. Include with this information totals for all categories of asbestos, including RACM, Category I and Category II materials. Also include in this section the justification for conducting asbestos abatement activities without prior notification, along with the name and title of the Youngstown official who authorized these actions.
- Provide documentation or information to support that all removal activities were overseen and conducted by an authorized representative, in accordance with the requirements of OAC 3745-20-04 (B)(1). If any of these conditions were determined to be not applicable, please provide a justification as to why not, and the name and title of the Youngstown official responsible for that determination.
- Provide documentation (such as manifests, bills of lading, etc.) indicating the transportation company used to dispose of the asbestos-containing material, precautions taken during transportation, and the name and address of the landfill in which this material was deposited.

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Note that the acceptance by the Ohio EPA of any requested information does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code for any past or future violations of applicable requirements. The decision to pursue or decline to pursue such penalties in this matter will be made by the Ohio EPA at a later date.

Your cooperation in this matter will be appreciated. If you have any questions regarding this letter, please contact me at (330) 963-1230.

Sincerely,



Bob Princic
Environmental Supervisor
Division of Air Pollution Control

BP:bo

attachment

pc Ed Fasko; NEDO; DAPC
Darren Machuga; NEDO; DAPC
Marcus Glasgow, NEDO; DAPC
Tom Buchan; CO; DAPC
Tom Kalman; CO; DAPC
Charlotte Hickox, Director's Office
Lisa Holscher; U.S. EPA Region V
Jeff Bratko, U.S. EPA Region V

Notification Postmark Date	Structure Address	Potential Notification Violation	Potential Removal/Handling/ Disposal Violation	Survey Author
11/16/09	605 Idora	Cat I not to be removed not on form		Howland Company
11/16/09	1116 Stiles	Cat I not to be removed not on form		Howland Company
11/16/09	1106 Stiles	Cat I not to be removed not on form		Howland Company
11/16/09	1102 Stiles	Cat I not to be removed not on form		Howland Company
11/16/09	454 Idora	ACM not listed on form		Howland Company
11/16/09	1007 Parkview	Cat I not to be removed not on form		White Inc Assoc.
11/16/09	2929 Southern		ACM removed – no notification	Howland Company
11/27/09	1104 Parkview - back	400' TSI not listed on form		White Inc Assoc.
11/27/09	1104 Parkview - front	Cat I not to be removed not on form		White Inc Assoc.
11/27/09	1106 Parkview	Cat I not to be removed not on form		White Inc Assoc.
11/27/09	504 Almyra	Cat I not to be removed not on form		Howland Company
11/27/09	51 Lucius		ACM removed – no notification	Howland Company
12/18/09	573 Indianola	ACM not listed on form		Howland Company
12/18/09	840 Pennsylvania	ACM not listed on form		Howland Company
12/18/09	849 Pennsylvania		ACM removed – no notification	Howland Company
12/18/09	162 Brooklyn		ACM removed – no notification	Howland Company
12/21/09	471 Clearmont	ACM not listed on form, less than 10 day notification for demolition		Howland Company
12/21/09	433 Almyra	ACM not listed on form, less than 10 day notification for demolition		Howland Company
12/21/09	489 Almyra	Less than 10 day notification for demo		Howland Company
12/21/09	419 Almyra	Less than 10 day notification for demo		Howland Company
12/21/09	439 Almyra	Less than 10 day notification for demo	ACM removed – no notification	Howland Company
12/21/09	474 Idora		ACM removed – no notification	Howland Company
12/21/09	462 Clearmont	Less than 10 day notification for demo		Howland Company
01/04/10	346 Worthington	Less than 10 day notification for demo	ACM removed – no notification	Howland Company