



**Environmental  
Protection Agency**

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

February 15, 2011

RE: NOTICE OF VIOLATION  
DEMOLITION OF STRUCTURES  
137 & 139 RAVINE ST.  
EAST LIVERPOOL, OHIO

**CERTIFIED MAIL**

Mr. William Cowan  
City of East Liverpool  
Director of City Planning/City Engineer  
126 West Sixth Street  
East Liverpool, OH 43920

Dear Mr. Cowan:

On January 6, 2011, Ohio EPA received a complaint regarding demolition activities that had taken place at 137 and 139 Ravine Street in East Liverpool, Ohio. The complainant stated that the building(s) consisted of a residence and a dry cleaning facility. On January 6, 2011, Darren Machuga of Ohio EPA investigated this complaint and observed that the structures at these locations had been demolished and the demolition debris had been removed from the property. At the time of the investigation, Mr. Machuga spoke to Mr. Walt Beatty of X-treme Trucking & Demolition. Mr. Beatty stated that X-treme Trucking & Demolition was contracted by the City of East Liverpool to demolish these structures and that the demolition had occurred on December 20, 2010.

On January 27, 2011, Mr. Machuga contacted you to gather more information regarding this issue. During the phone conversation, you stated that prior to the scheduled demolition, the required Notification of Demolition and Renovation form was not submitted to Ohio EPA, Northeast District Office (NEDO), Division of Air Pollution Control (DAPC). This notification form includes questions pertaining to the types and amounts of asbestos-containing materials (ACM) that are associated with the structure(s). You also stated that during the demolition activities, personnel were on-site to determine whether any of the building materials appeared to be suspect ACM.

The demolition of the structure(s) conducted at 137 and 139 Ravine Street, East Liverpool, Ohio, was subject to compliance with the Clean Air Act and regulations promulgated thereunder, 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) Rule 3745-20, "Ohio Asbestos Emission Control Rules." Pursuant to 40 CFR 61.04(b)(KK), the authority to implement and enforce the NESHAP has been delegated to the State of Ohio, Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of the United States Environmental Protection Agency (U.S. EPA) for any violations for which Ohio is unable to initiate a required enforcement action.

MR. WILLIAM COWAN  
FEBRUARY 15, 2011  
PAGE 2

The asbestos standard applies to, among other things, a demolition operation. Pursuant to 40 CFR 61.145 (a), all facilities must be inspected for the presence of asbestos prior to commencement of a demolition. 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(s) 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 would apply if **no** friable asbestos materials were found, or if the accumulative or total amount of friable asbestos materials in the structure were found to be less than 260 linear feet on pipes and/or less than 160 square feet on any other component.

Similarly, in accordance with Ohio Administrative Code (OAC) 3745-20-02, "Standard for Demolition and Renovation, Facility Inspection, and Determination of Applicability," all facilities must be thoroughly inspected for the presence of asbestos prior to commencement of a demolition. Requirements of OAC Rule 3745-20-03, "Standard for Notification," OAC Rule 3745-20-04, "Demolition and Renovation Procedures for Asbestos Emission Control," and OAC 3745-20-05, "Standard for Asbestos Waste Handling," apply if the **combined** amount of friable asbestos containing material going to be disturbed exceeds 160 square feet on facility components, or 260 linear feet on pipes. OAC Rule 3745-20-03, "Standard for Notification," would apply if **no** friable asbestos materials were found, or if the accumulative or total amount of friable asbestos materials in the structure were found to be less than 260 linear feet on pipes and/or less than 160 square feet on any other component.

Finally, pursuant to 40CFR 61.141 and OAC Rule 3745-20-01(B)(38), "owner or operator" means any person who owns, leases, operates, controls or supervises a facility or demolition or renovation operation.

As of the present date, this office has not received the required "Ohio EPA Notification of Demolition and Renovation" form, nor did we receive any asbestos survey conducted in the structure(s) referenced above prior to the demolition.

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) conducted at 137 and 139 Ravine Street, East Liverpool, Ohio, before, on and after December 20, 2010, under the operation, control or supervision of the City of East Liverpool, 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 operation also constituted a violation of OAC 3745-20-02(A), "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."

MR. WILLIAM COWAN  
FEBRUARY 15, 2011  
PAGE 3

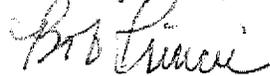
Within fourteen (14) days after receipt of this letter, you are requested to submit the following information:

- The name, address, phone number and contact person of all contractors involved in the demolition project.
- The name, address, phone number and contact person of all contractors involved in identifying suspect ACM at the site. Include any certification information as required from the Ohio Department of Health asbestos certification program.
- The name, address, phone number and contact person of all contractors involved in the disposal of waste from the demolition site.
- The location of the site where the waste from the demolition was disposed, including a copy of any manifests or receipts.
- A completed "Ohio EPA Notification of Demolition and Renovation" form for demolition located at 137 and 139 Ravine Street, East Liverpool, Ohio.
- Copies of any asbestos survey reports that may have been conducted inside the structure prior to demolition.
- Any clarifications, explanations or evidence on your behalf, pertaining to these violations.

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 either Darren Machuga at (330) 963-1287 or me at (330) 963-1230.

Sincerely yours,



Bob Prinic  
Environmental Supervisor  
Division of Air Pollution Control

BP:bo

pc: Ed Fasko; NEDO; DAPC  
Darren Machuga; NEDO; DAPC  
Tom Buchan; CO; DAPC  
Tom Kalman; CO; DAPC  
Allan Richards, ODH  
Bill MacDowell; USEPA; Region V