



**Environmental
Protection Agency**

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

July 26, 2011

Certified Mail 7009 1410 0001 1394 0941

Mr. Derek Fuller
National Salvage
P. O. Box 300
Clear Creek, Indiana 47426

Re: **Notice of Violation**
Demolition at 820 Steiner Avenue, Kenton, Ohio

Dear Mr. Fuller:

The Ohio Environmental Protection Agency (EPA), Northwest District Office (NWDO) received notification on June 23, 2011, for asbestos abatement and demolition at King Forge located at 820 Steiner Avenue, Kenton, Ohio. On July 7 and July 11, 2011, Ohio EPA inspected the King Forge site to determine compliance with U.S. EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) for asbestos and Ohio's air pollution control regulations adopted under Chapter 3745-20 of the Ohio Administrative Code (OAC).

Ohio EPA's inspection of the 820 Steiner Avenue property found the friable asbestos roofing material on building 5 was not removed prior to demolition and is now scattered throughout the property and debris piles on site. Specifically, Ohio Administrative Code (OAC) Rule 3745-20-04(A)(1) requires removal of all Regulated Asbestos Containing Material (RACM) from a facility being demolished before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the materials for subsequent removal. Since RACM was not removed prior to demolition, the debris which remains is considered RACM and will need to be disposed of in accordance with OAC Rule 3745-20-05. In addition, the debris must now be maintained adequately wet at all times. "Adequately wet" is defined in OAC Rule 3745-20-01 and means sufficiently mix or penetrate with liquid to prevent the release of particulates. In addition, during the inspection, it was found that the roll-off containers onsite containing RACM were not labeled properly, double lined, or maintained adequately wet.

This Notice of Violation letter is being issued for the following rule violations:

1. Violation of OAC Rule 3745-20-04(A)(1) "Demolition and renovation procedures for asbestos emission control," for failure to remove all regulated asbestos containing material from a facility being demolished before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the materials for subsequent removal.

Mr. Derek Fuller
July 26, 2011
Page Two

- * 2. Violation of OAC Rule 3745-20-04(B) "Demolition and renovation procedures for asbestos emission control," for handling RACM without at least one authorized representative, trained in the provision of OAC 3745-20 being present at the location of operations.
- * 3. Violation of OAC Rule 3745-20-04(A)(6)(a) "Demolition and renovation procedures for asbestos emission control," for failure to maintain the friable asbestos roofing material adequately wet until collected and contained for disposal.
4. Violation of OAC Rule 3745-20-05(A) "Standard for asbestos waste handling," for failure to deposit the waste at an active waste disposal site operated in accordance with the provisions of OAC Rule 3745-20-06, "Standard for active waste disposal site".
5. Violation of OAC Rule 3745-20-05(B) "Standard for asbestos waste handling," for discharging visible emissions to the outside air during the collection, processing, packaging, transporting, or deposition of any asbestos containing waste material.
- * 6. Violation of OAC Rule 3745-20-05(C)(1) "Standard for asbestos waste handling," for failure to properly label the roll-off container storing asbestos containing waste material.
- * 7. Violation of OAC Rule 3745-20-05(C)(4) "Standard for asbestos waste handling," for failure to line the roll-off boxes with at least .012 inch (twelve mils) of leak-tight plastic.

NWDO is requesting the company submit written response to this letter by August 5, 2011, which includes confirmation of the company's understanding of the demolition procedures for asbestos emission control and standards for asbestos waste handling.

Please be advised that this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code section 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date. If you have any questions, please feel free to contact me at (419) 373-3058.

Sincerely,



Amy Heller
Division of Air Pollution Control

/cs

pc:  DAPC-NWDO-File

ec: Tom Sattler, Supervisor, DAPC, NWDO
Jennifer Jolliff, Supervisor, DAPC, NWDO
Mark Budge, Manager, DAPC, NWDO
Amy Heller, DAPC, NWDO
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Mr. Derek Fuller

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National Salvage
 P.O. Box 300
 Union Creek, IN 47426

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1. Article Addressed to:

Mr. Derek Fuller
 National Salvage
 P.O. Box 300
 Union Creek, IN
 47426

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 XI *Rebecca Herenton* Addressee

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