



Environmental  
Protection Agency

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

**CERTIFIED MAIL # 91 7108 2133 3932 1838 2918**

August 3, 2012

Mr. Charles Kelly  
Director, Environmental Services  
Advanced Civil Design  
422 Beecher Road  
Gahanna, OH 43230

**Re: Notice of Violation - Failure to conduct a proper asbestos survey**

Dear Mr. Kelly:

On July 16, 2012, the Ohio Environmental Protection Agency, Central District Office (CDO) received notification of planned abatement and demolition activities to occur at 1393 Stringtown Road in Grove City, Ohio.

CDO inspected the property on July 27, 2012. During an inspection of the house, the inspector discovered suspect furnace tape on duct work, in plain sight, in the flooded basement (Attachment A, B, and C). This material was not included in the asbestos survey performed by Advanced Civil Design (ACD). The CDO inspector obtained samples and sent them to a testing laboratory to determine if the material contained asbestos. Laboratory testing confirmed the presence of asbestos. One sample of furnace tape contained 35 percent asbestos and the other contained 30 percent asbestos.

Because ACD is listed as having performed the asbestos survey to facilitate the demolition of the building, ACD is considered an operator under Ohio Administrative Code rule (OAC) 3745-20-01(B)(39)(a). As an operator, ACD is required to comply with all applicable asbestos rules and regulations, including, but not limited to, OAC rule 3745-20-02 through OAC rule 3745-20-05.

**1. Finding**

CDO received an abatement and demolition notification for the home at 1393 Stringtown Road in Grove City, Ohio. The notification indicated that ACD had performed the survey. The inspection performed by CDO found asbestos materials that had not been indicated on the asbestos survey. Please note that OAC rule 3745-20-02(A) requires each regulated structure to be demolished be thoroughly inspected for the presence of asbestos.

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*“Notwithstanding any other exclusion of this rule, and to determine which requirements of this rule and of rules 3745-20-03 and 3745-20-04 of the Administrative Code apply, each owner or operator of any demolition or renovation operation shall have the affected facility or part of the facility where a demolition or renovation operation will occur thoroughly inspected by a certified asbestos hazard evaluation specialist, in accordance with paragraph (C) of rule 3701-34-02 of the Administrative Code prior to the commencement of the demolition or renovation for the presence of asbestos, including category I and category II nonfriable asbestos-containing material.”*

### **Violation**

Failing to perform a thorough survey is considered a violation of OAC rule 3745-20-02(A). Violation of OAC rule 3745-20-02(A) is also considered a violation of Ohio Revised Code (ORC) 3704.05(G) which states:

*“No person shall violate any order, rule, or determination of the director issued, adopted, or made under this chapter.”*

### **Requested Action**

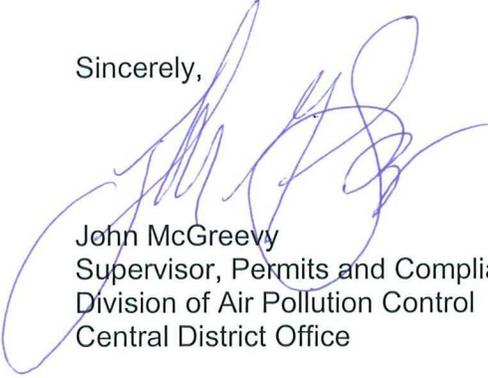
CDO requests that in the future, ACD take steps to document all asbestos containing materials in accordance with all applicable OAC rules prior to demolition or renovation. CDO also requests that ACD immediately enact asbestos survey procedures that will assure future asbestos surveys comply with all requirements found in OAC rule 3745-20-02(A). CDO requests that ACD submit a copy of these procedures to CDO.

Please be aware that Ohio Environmental Protection Agency has the authority to seek civil penalties as provided in section 3704.06 of the ORC. Violation of Ohio's Asbestos Control Regulations may subject the building owner and removal, renovation, or demolition contractor to civil penalties of up to \$25,000 dollars per day of violation. This letter or information submitted pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by Ohio Environmental Protection Agency at a later date.

If you have any questions regarding this matter, please contact Richard Fowler, of my staff at 614-995-0671.

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Director Environmental Services  
Advanced Civil Design  
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Sincerely,



John McGreevy  
Supervisor, Permits and Compliance  
Division of Air Pollution Control  
Central District Office

- c: Adam Ward, Manager, DAPC/CDO  
Kelly Toth, Supervisor, Permits and Compliance, DAPC/CDO  
Josh Koch, Sanitarian Program Specialist, ODH/Asbestos Program  
Mark Needham Asbestos Program Administrator, ODH/Asbestos Program  
John Paulian, DAPC/CO  
Tom Buchan, DAPC/CO  
Richard Fowler, DAPC/CDO



# Attachment B



# Attachment C

