



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Sean J. McElroy, Director

**CERTIFIED MAIL # 91 7108 2133 3932 1838 2529**

September 6, 2012

Mr. Kenneth Beatty  
DSEA Services Incorporated  
Keen & Cross Environmental Services Incorporated  
504 Northland Boulevard  
Cincinnati, OH 45240

**Re: Notice of Violation - Incomplete Asbestos Survey  
7480 New Albany Condit Road, New Albany, Ohio**

Dear Mr. Beatty:

On July 26, 2012, an inspector from Ohio EPA, Central District Office, Division of Air Pollution Control (CDO) inspected a house that is to be burned for fire training by the Plain Township Fire Department. The inspector found asbestos containing furnace tape and suspect insulation on residual furnace ductwork in the basement. Later, additional survey work performed by DSEA Services Incorporated - Keen & Cross Environmental Services Incorporated (DSEA/Keen), detected asbestos containing flooring that had to be abated prior to the issuance of an open burning permit.

**1. Finding**

On July 26, 2012, an inspector from CDO inspected 7480 New Albany Condit Road in New Albany, Ohio. An asbestos survey, supplied by the Plain Township Fire Department, indicated that the structure contained no regulated asbestos materials. To be in compliance with Ohio Administrative Code (OAC) rule 3745-20-04(E), no regulated asbestos containing materials may be present in any structure to be intentionally burned for fire training. The CDO inspector found regulated asbestos containing furnace tape in the basement of the house. The survey prepared by DSEA/Keen indicated that no regulated asbestos was present.

**Violation**

OAC rule 3745-20-02(A) requires each regulated structure to be demolished be thoroughly inspected for the presence of asbestos.

*"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*

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*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."*

Failure to perform a thorough survey is considered a violation of OAC rule 3745-20-02(A). Violation of OAC rule 3745-20-02(A) and 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."*

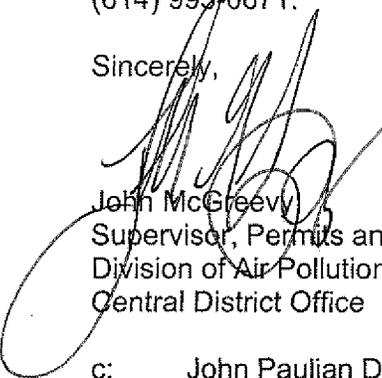
### **Requested Action**

CDO requests that DSEA/Keen thoroughly survey all regulated structures and quantify the amount of asbestos present so that the appropriate abatement activities can occur prior to fire training, demolition, or renovation. CDO requests that DSEA/Keen submit to CDO a plan detailing the steps/procedures that DSEA/Keen plans to enact to prevent future non-compliance situations from occurring.

Please be aware that Ohio EPA 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 owner, operator, and removal or 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 EPA at a later date.

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

Sincerely,



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

c: John Paulian DAPC/CO  
Tom Buchan DAPC/CO  
Mark Needham Asbestos Program Administrator ODH/Asbestos Program  
Richard Fowler, DAPC/CDO

ec: John McGreevy