



**Environmental
Protection Agency**

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

October 19, 2012

**RE: NOTICE OF VIOLATION
FIRE TRAINING BURN
4399 STANHOPE-KELLOGSVILLE RD.
MONROE TWP, ASHTABULA COUNTY**

CERTIFIED MAIL

Mr. Jason Coy, Chief
Monroe TWP Fire Department
4095 Center Rd.
Conneaut, Ohio 44030

Dear Chief Coy:

The Ohio EPA received information that the Monroe TWP Fire Department conducted fire training by burning part of a residential structure located at 4399 Stanhoppe-Kellogsville Road in Monroe Township, Ashtabula County. The training was alleged to have occurred on October 13, 2012 and was in violation of Ohio's open burning standards and asbestos emission control rules.

Ohio EPA considers the fire to have been "open burning" because of air contaminants from combustion were emitted directly into the ambient air. The fire training was therefore, subject to compliance with Ohio Administrative Code (OAC) Chapter 3745-19, "Open Burning Standards," which requires that an application for permission to conduct open burning be submitted to Ohio EPA's Northeast District Office. Written permission from Ohio EPA is required to be received at least 10 working days prior to burning. No such application was received or approved by this office for the referenced fire training event.

In addition, the intentional burning of a facility constitutes "demolition." Property owners and/or fire departments that control any structure to be burned are therefore subject to compliance with 40 Code of Federal Regulations (CFR) Part 61, Subpart M, "National Emission Standards for Asbestos" and OAC Chapter 3745-20, "Ohio asbestos Emission Control Rules." Specifically:

1. OAC Rule 3745-20-02 requires the structure to be thoroughly inspected for the presence of asbestos containing-materials prior to the commencement of the demolition. The inspection must be conducted by an "Asbestos Hazard Evaluation Specialist" certified by the Ohio Department of Health.

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2. OAC Rule 3745-20-03 requires a written notice of intention to demolish a structure on an Ohio EPA Notification of Demolition and Renovation form, to be submitted to Ohio's Northeast District Office at least ten (10) working days prior to the training.
3. OAC Rule 3745-20-04 requires that all asbestos-containing material (including friable and non-friable materials) be removed in accordance with all applicable sections of OAC Chapter 3745-20 before destruction by fire.

Similar federal asbestos requirements are found in 40 CFR Part 61, Subpart M, "National Emission Standards for Asbestos." Pursuant to Section 112 (KK), the authority to implement and enforce federal asbestos emission control requirements has been delegated to the State of Ohio Environmental Protection Agency's Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of U.S. EPA for any violation for which the State of Ohio is unable to initiate a required enforcement action.

Prior to the start of the fire training, this office did not receive the required Notification of Demolition and Renovation forms.

You are hereby notified that the fire training conducted on October 13, 2012, by the Monroe Township Fire Department was in violation of OAC Chapter 3745-19, "Open Burning Standards." In addition, this activity was in violation of the applicability and notification requirements contained in 40 CFR Part 61, Subpart M of the federal "Standards for Demolition and Renovation." This was also in violation of OAC Rule 3745-20-02, "Standards for Notification" in Ohio's Asbestos Emission Control Rules.

Within **five (5) days of receipt of this letter**, you are requested to submit the following information. This information is made pursuant to OAC Rule 3745-15-03:

1. The name, address, phone number and contact person for all parties, including fire departments, involved in the fire training and explanation of each department's involvement.
2. The name, address, phone number and contact person for all parties involved in the disposal of waste from the site and explanation of their involvement.
3. The location of the landfill where any waste from the site was disposed, including a copy of any manifests or receipts.
4. The type and amount (In linear feet for pipes and square feet for other components) of any asbestos-containing material which was in the structure, or a copy of any asbestos evaluation report that may have been conducted prior to the burn.

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5. A copy of any notification of demolition and renovation forms, if you believe any were submitted prior to the training.
6. A copy of any application for permission to open burn, if you believe any was submitted prior to training.

This notice of violation in no way waives the right of Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communication may be directed to you regarding these violations or additional violations that may be found.

Clarification, explanation or evidence pertaining to these violations should be brought to our immediate attention. If you have any questions, please contact me at (330)-963-1241 or Bob Princic at (330) 963-1230.

Sincerely,



Richard Kolosionek
District Representative
Division of Air Pollution Control

RK:bo

pc: Tom Buchan, OEPA/CO
Ed Fasko, OEPA/NEDO
Bob Princic, OEPA/NEDO
Tim Fischer, OEPA/NEDO
Bill MacDowell, U.S. EPA, Region 5