February 25, 2010

Re: Notice of Violation
Burdman Group Inc.

Certified Mail 7009 1680 0001 7329 2926

Kreidler Construction
Bill Kreidler
9548 South Ave.
Poland, Ohio 44514

Dear Mr. Kreidler,

On February 11, 2010 this writer and Misty Koletich, Administrator, M-TAPCA met with Joseph F. Caruso, Executive Director, Burdman Group Inc. at approximately 11:30 pm at M-TAPCA.

Caruso advised this writer and Koletich that renovation activities had occurred at the Burdman Group facility, 278 Broadway, Youngstown, Ohio 44504 without the proper notification and asbestos inspection. During the renovation suspect asbestos containing material was discovered by the contractor. Caruso indicated that an asbestos hazard evaluation specialist (AHES) was then called to sample the suspect material. At the time of the meeting, Caruso stated that all three samples taken by the AHES were point counted and contained over 1% of asbestos. Caruso stated he was unaware of the notification and asbestos survey requirements prior to the renovation and was advised by the abatement contractor to contact this agency. Caruso indicated that the majority of the renovation had been completed and one dumpster of material had been disposed of.

This renovation operation was subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR, Part 61, subpart M, Asbestos and Ohio Administrative Code (OAC) 3745-20, Asbestos Emission Control Rules.

The Federal and State rules cited above regulate all facility demolitions and certain renovations. A facility is "any institutional, commercial, public, industrial or residential structure, installation, or building . . . excluding residential buildings having four or fewer dwelling units."

Briefly, the Federal Asbestos NESHAP requires that the affected facility or part of the facility where a demolition or renovation operation is to occur must be thoroughly inspected for asbestos. In Ohio, this inspection must be conducted by an individual certified as an Asbestos Hazard Evaluation Specialist. If the inspection reveals that there is more than 260 linear feet of regulated asbestos containing material (RACM) on pipes, 160 square feet of RACM on facility components, or 35 cubic feet of RACM off facility components, then all RACM must be removed from the facility by a licensed abatement contractor prior to demolition or before any activity occurs that would break up RACM or preclude access to it for subsequent removal. Specific work practice, waste handling, and disposal provisions apply when removing RACM from a facility.

Prior written notification of the intention to renovate a facility is also required if more than the trigger levels of RACM will be disturbed in the course of a renovation.

These Federal and State notification requirements are not met when a local demolition or building permit is issued. Both the facility owner and the contractor share the responsibility for complying with the applicable provisions of the NESHAP and OAC.

At this point, apparent violations committed in the renovation of 278 Broadway, Youngstown, Ohio include:

1) Failure to conduct a thorough inspection as required by 40 CFR 61.145 (a) and OAC 3745-20-02 (A).

2) Failure to submit prior, written notification of the intention to renovate as required by 40 CFR 61.145 (b) (1), OAC 3745-20-02 (B) (2), and OAC 3745-20-03 (A) (1) and postmark or deliver this notification at least 10 working days before demolition began pursuant to 40 CFR 61.145 (b) (3) (i) and OAC 3745-20-03 (A) (3) (a).

3) In this instance where regulated asbestos may have been present, there is a potential violation of asbestos removal and handling (OAC 3745-20-04) along with transport and disposal regulations (OAC 3745-20-05). At present M-TAPCA is unable to make a determination as to whether renovation activities occurred in compliance with these regulations.

A first time violation of the notification requirement can result in a fine of $10,000. For substantive violations, depending on the amount of asbestos containing material involved, first time work practice violations can result in fines of $5,000 to $15,000 per day.

Please provide the information requested below within five (5) working days after receiving this letter:

1) The dates when renovation began and ended.

2) Any documents identifying the contractor. These documents may include, but are not limited to, contracts, agreements, purchase orders, letters to proceed, work orders, invoices and permits.

3) Any documentation in your possession that indicates the facility had been inspected for asbestos prior to renovation.

Violations of the NESHAP and OAC can result in maximum penalties of up to $25,000 per day and imprisonment for one year, or both. The US EPA Asbestos Demolition and Renovation Civil Penalty Policy is used to calculate monetary penalties for violations of these rules.

Be advised that this letter does not constitute a waiver of M-TAPCA's ability to pursue further enforcement action through Ohio EPA concerning this or other violations, or to seek civil penalties as provided in Revised Code, Chapter 3704.

If you have any questions please feel free to contact me at (330) 743-3333 extension 283.

Sincerely,

Tara Cioffi
Registered Sanitarian

cc: Lisa Holscher, USEPA
Tom Kalman, OEPA
Allen Richards, ODH
Joseph Caruso, Burdman Group