April 8, 2010

Sergio Dipaolo
Ohio One Contractors
701 Andrews Ave
Youngstown, Ohio 44505

NOTICE OF VIOLATION

RE: Complaint #10-026

Certified Mail: 7009 1680 0001 7329 2841

Dear Mr. Dipaolo:

This agency issued a Notice of Violation (NOV)dated March 16, 2010 to Sergio Dipaolo and Von Vittersan, Le-Copla, USA, LLC concerning the demolition of a commercial structure at 400 Refractory Drive, Warren, Ohio 44483 (Trumbull County). This demolition 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 as detailed in the March 16, 2010 letter. Specifically, approximately 1,000 square feet of exterior transite panels were removed from the dryer mill area at the west or far end of the facility, and a written 10-day notification of the intention to demolish was not received by this office as required by the above stated rule. Futhermore, a 10-day notification received from AAA American Abatement and Asbestos Removal Corporation on March 12, 2010 states that 32,000 square feet of Cat II materials representing the exterior transite panels would not be removed.

An inspection on April 1, 2010 by this writer confirmed that additional demolition activities occurred after the March 16, 2010 NOV was issued at 400 Refractory Drive. Specifically, approximately 4,800 square feet of transite on top of a brick kiln were removed from the dryer mill area. As of April 1, 2010 this agency was not notified of any demolition activities that would be performed by Sergio Dipaolo at the above referenced facility. Please be advised that this letter serves as a second Notice of Violation for failure to provide written notification for demolition at 400 Refractory Drive.

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 demolish a facility is required whether or not there is any asbestos containing material in the 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 demolition contractor share the responsibility for complying with the applicable provisions of the NESHAP and OAC.

At this point, apparent violations committed in the demolition operation at 400 Refractory Drive, Warren, Ohio 44483 (Trumbull County) include:

1) Failure to submit prior, written notification of the intention to demolish 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).

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.

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
Ohio Attorney General, Richard Cordray
Greg Kovalchick, Geauga-Trumbull SWMD
Harold Firster, Geauga-Trumbull SWMD
Jeff Adler, Trumbull County Prosecutor
Kevin Frances, Trumbull County Health Department