

NON-HPV

**SOUTHWEST OHIO
AIR QUALITY AGENCY**

10/03/12

Mr. Doug Spitz
Coldwell Banker
340 Boal Street
Cincinnati, Ohio 45202

Re: NOTICE OF VIOLATION - Failure to Notify for Asbestos Abatement
Facility ID: Asbestos
Mr. Doug Spitz
Location: 1612 and 1618 Brewster Avenue, Cincinnati Ohio 45207

Dear Mr. Spitz:

On September 13, 2012, this agency received a call concerning an asbestos removal project which had taken place at 1612 and 1618 Brewster Avenue in Cincinnati. Further investigation determined that you had contracted a non licenced contractor to remove approximately 250 square feet of regulated asbestos containing material (RACM) which was removed from the aforementioned properties. Upon review of our records notification was not submitted to this agency at least ten working days prior to the asbestos removal work. This is a violation of 40 CFR 61.145 (b)(3)(i) and OAC Rule 3745-20-03 (A)(3)(a) which requires this agency be notified ten working days prior to the start of the project. A working day is defined as Monday through Friday and would include any holidays that may fall on Monday through Friday.

By October 17, 2012, you are required to submit to this agency notification for this asbestos removal portion of this project. Along with this notification you are also required to submit a compliance plan which will prevent this situation from recurring. There is a \$100.00 notification fee for each original notification submitted to this office, please make your check payable to the Treasurer of Hamilton County. Also by October 17, 2012, you are required to submit to this agency the names of the individuals who conducted the removal operations including their Ohio Department of Health certifications along with copies of the waste shipment manifests which show the asbestos containing waste material went to an EPA approved landfill allowed to accept RACM.

Acceptance by the Ohio EPA of a compliance plan does not constitute a waiver of the EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.