



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

CERTIFIED MAIL # 91 7108 2133 3932 1838 0945

February 13, 2013

Mr. James Jarrett
President
North American Environmental Services LLC
2848 Banwick Road
Columbus, OH 43232

**Re: Notice of Violation - Incomplete Asbestos Survey, incomplete asbestos Abatement
6517 East Broad Street, Columbus, Ohio**

Dear Mr. Jarrett:

On January 24, 2013, an inspector from Ohio EPA, Central District Office, Division of Air Pollution Control (CDO) inspected a residential structure at 6517 East Broad Street, Columbus, Ohio that was to be burned by the Columbus Fire Department for training. The inspector found asbestos containing furnace tape on the basement floor, an asbestos containing flue pipe, suspect asbestos containing automotive gaskets, and cookware in the basement. The inspector also found protective clothing, plastic sheeting, and tape (used as part of the abatement process) throughout the house.

1. Finding

Previous to the inspection, an asbestos survey and abatement activity had been performed. The inspector found asbestos containing material in the house that was not identified in the survey. To be in compliance with Ohio Administrative Code (OAC) rule 3745-20-02(A), a thorough survey must be performed for any facility to be demolished, renovated, or burned for fire training.

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 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."

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

2. **Finding**

During the inspection, the CDO inspector noted the presence of furnace tape, a Regulated Asbestos Containing Material (RACM), on the floor of the basement. In addition, the inspector also discovered disposable clothing, tape and plastic sheeting (used in the asbestos abatement process), suspect asbestos containing automotive gaskets, cookware, and transite flue pipe. To be in compliance with Ohio Administrative Code rule 3745-20-04(E), no regulated asbestos containing materials may be present in any structure that fire departments plan to intentionally burn for fire training.

Violation

OAC rule 3745-20-04(E) requires removal of all RACM prior to the facility being burned for fire training.

"If a facility is demolished by intentional burning, or if demolition debris is to be burned, all regulated asbestos-containing material including category I and category II nonfriable asbestos-containing material must be removed in accordance with this chapter before burning."

Failing to remove all RACM from a facility to be demolished by intentional burning is considered a violation of OAC rule 3745-20-04(E). Violation of OAC rule 3745-20-04(E) is also considered a violation of ORC 3704.05(G).

Requested Action

Ohio EPA requests that North American Environmental Services, LLC correctly survey all regulated structures and quantify the amount of asbestos present so that the appropriate abatement activities can occur prior to use of the structure for fire training.

Mr. James Jarrett
North American Environmental Services LLC
Page -4-

Please be aware that Ohio Environmental Protection Agency 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 Environmental Protection Agency at a later date.

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

Sincerely,



Kelly Toth
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

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

ec: Kelly Toth