



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

CERTIFIED MAIL # 91 7108 2133 3932 1838 0884

February 28, 2013

Mr. Ron McCarty
Owner
A1 Demolition Contractors
5515 Clover Valley Road
Johnstown, OH 43031

Re: Notice of Violation – No Notification of Demolition submitted and no asbestos survey performed prior to demolition of houses on Meek Avenue in Columbus Ohio.

Dear Mr. McCarty:

On January 14, 2013, Ohio EPA, Central District Office, Division of Air Pollution Control (CDO) received an anonymous complaint about demolition of houses along Meek Avenue, in Columbus Ohio. An inspector from CDO investigated the complaint and discovered that 24-26, 30-32, and 34 Meek Avenue had been demolished. Because there was more than one structure demolished at a single demolition site, the demolition does not qualify for the Residential Exempt Structure exemption; Ohio Administrative Code rule (OAC) 3745-20-01(45). Due to the fact that more than one structure was demolished; the demolition activity is classified as demolition of an Installation (OAC rule 3745-20-01(28)). An Installation is also considered a Facility and as such is subject to all applicable requirements of OAC rule 3745-20 and the federal National Emission Standards for Hazardous Air Pollutants.

1. Finding

Previous to the demolitions, an asbestos survey should have been performed for each facility. To be in compliance with 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 investigation, the CDO inspector noted that no *Ohio Environmental Protection Agency Notification of Demolition and Renovation* form had been submitted to CDO prior to the demolition activity. Because the demolition of a Facility occurred without submitting required notification, a violation of OAC 3745-20-03 has occurred. To be in compliance with Ohio Administrative Code rule 3745-20-03, proper notification must be submitted prior to demolition.

Violation

OAC rule 3745-20-03 contains content and submittal deadlines pertaining to demolition of facilities. Failure to observe these requirements is a violation of OAC rule 3745-20-03. Violation of OAC rule 3745-20-03 is also considered a violation of ORC 3704.05(G)

Requested Action

Ohio EPA requests that A1 Demolition Contractors assure that a valid asbestos survey has been performed and proper notification of demolition or renovation has been submitted, prior to demolition, for all future demolition of regulated structures. Ohio EPA also requests that A1 Demolition Contractors comply with all applicable requirements of OAC rule 3745-20. 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

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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
Kelly Toth, DAPC/CDO