



Environmental  
Protection Agency

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

CERTIFIED MAIL # 91 7108 2133 3932 4449 0861

August 2, 2011

Mr. Mike Runkle  
Two Men & A Bobcat  
5674 Albany Springs Drive  
Westerville OH 43081

**Re: Demolition of facility without submitting proper notification prior to demolition**

Dear Mr. Runkle:

On July 11, 2011, an inspector from the Central District Office, Division of Air Pollution Control was traveling on Olentangy River Road in Columbus Ohio. The inspector observed an active demolition site (3025 Olentangy River Road in Columbus, Ohio) emitting a large amount of dust, and stopped to investigate. The inspector's investigation revealed that no notification of the demolition, as required by Ohio Administrative Code (OAC) rules, had been submitted.

**1. Finding**

On July 11, 2011, an Ohio Environmental Protection Agency (Ohio EPA) Central District Office (CDO), inspector observed a demolition project. Upon investigation, the inspector learned that the demolition project was being performed by Two Men & A Bobcat without having submitted an *OHIO ENVIRONMENTAL PROTECTION AGENCY NOTIFICATION OF DEMOLITION AND NOTIFICATION* form as required by OAC rule 3745-20-03(A)(3).

OAC rule 3745-20-03(A)(1) and 3745-20-03(A)(3)(a) require that each Owner or Operator to whom the rule applies:

*(1) Provide the director of Ohio EPA with written notice of intention to demolish or renovate.*

*(3) Postmark or deliver the notice to the Ohio EPA field office having jurisdiction in the county where the demolition or renovation is to occur as follows:*

*"(a) At least ten working days before the beginning of any demolition operation, asbestos stripping or removal work, or any other activity including salvage activities and preparations that break up, dislodge or similarly disturb asbestos material if the operation is a demolition or renovation operation subject to this rule..."*

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**Violation**

Failing to submit the required demolition notification 10 working days prior to the commencement of demolition is considered a violation of OAC rule 3745-20-03(A). Violation of OAC rule 3745-20-03(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."*

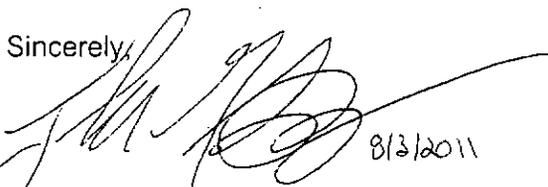
**Requested Action**

Ohio EPA requests that, if additional demolition projects are to be performed by Two Men & A Bobcat, a complete and approvable ENVIRONMENTAL PROTECTION AGENCY NOTIFICATION OF DEMOLITION AND NOTIFICATION form be submitted, for each demolition project, to the Ohio EPA field office having jurisdiction in the county where the demolition is to occur. Ohio EPA also requests that Two Men & A Bobcat comply with all other requirements, pertaining to demolition activities, as detailed in the rules and regulations of OAC chapters 3745-20 and 3745-17.

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,



8/3/2011

John McGreevy  
Supervisor, Permits and Compliance  
Division of Air Pollution Control  
Central District Office

c: Adam Ward, Manager, DAPC/CDO  
Richard Fowler, DAPC/CDO

ec: John McGreevy