



Environmental
Protection Agency

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

CERTIFIED MAIL # 91 7108 2133 3932 4449 1011

July 7, 2011

Mr. Ken Fedor
Senior Project Manager
Quandel Group, Inc.
8181 Worthington Road
Westerville OH, 43082

Re: Demolition of facility without performing thorough asbestos survey and removing asbestos prior to demolition.

Dear Mr. Fedor:

On April 20, 2011, Ohio EPA, Central District Office, Division of Air Pollution Control (CDO) received an anonymous complaint about demolition debris blowing into yards from the demolition of the Miami Trace Jr. High School building at 103 Main Street in Bloomingburg, Ohio. A CDO inspector was sent to the site to investigate the complaint. While on site, the inspector noted the presence of suspect asbestos containing materials in the gymnasium debris pile. The inspector advised the demolition contractor of the presence of these suspect materials. A sample of the material was secured by the CDO inspector and taken to a laboratory for analysis. The laboratory analysis revealed that the suspect material contained 25 percent Chrysotile asbestos. The demolition contractor was notified by the CDO inspector and arrangements were made to dispose of asbestos contaminated demolition debris. Previous to demolition, the school had arranged for an asbestos survey and suspect materials were abated.

1. **Finding**

On April 20, 2011, asbestos containing materials were discovered at Miami Trace Junior High School by a CDO inspector. Given the size and quantity of the transite piping prior to demolition, a thorough asbestos survey should have detected their presence. A review of the supplied asbestos survey revealed that no destructive sampling had been performed. Therefore, a thorough survey of Miami Trace Junior High School had not been performed prior to demolition. Ohio Administrative Code (OAC) rule 3745-20-02(A) states:

"...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..."

Central District Office
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049

614 | 728 3778
614 | 728 3898 (fax)
www.epa.ohio.gov

Violation

Failing to perform a thorough asbestos survey, prior to the commencement of demolition 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."

Requested Action

Ohio EPA requests that, if additional demolition projects are planned, a thorough asbestos survey of the facility to be demolished be performed in accordance with the rules and regulations detailed in OAC chapter 3745-20.

2. Finding

On April 20, 2011, asbestos containing materials were discovered at Miami Trace Junior High School by a CDO inspector. This material was dislodged and broken up by demolition activities.

OAC rule 3745-20-04(A) states:

"...Each owner or operator of a demolition or renovation operation to whom this rule applies shall comply with the following procedures:

(1) Remove all regulated asbestos-containing material from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the materials for subsequent removal,..."

Violation

Failing to remove asbestos containing materials prior to the material being dislodged and broken up by demolition activities is considered a violation of OAC rule 3745-20-04(A).

Violation of OAC rule 3745-20-02(A) is also considered a violation of Ohio Revised Code (ORC) 3704.05(G)

Mr. Ken Fedor
Quandel Group, Inc.
Page -3-

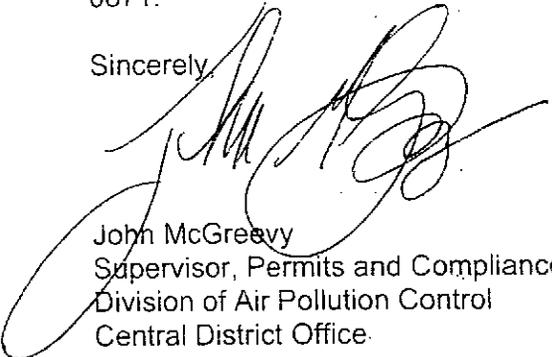
Requested Action

Ohio EPA requests that if additional demolition projects are planned, all asbestos containing materials are removed prior to demolition and in accordance with all applicable requirements contained in OAC chapter 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 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 Richard Fowler of my staff at (614) 995-0671.

Sincerely,



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