



Environmental
Protection Agency

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

CERTIFIED MAIL # 91 7108 2133 3932 4449 1196

May 26, 2011

Mr. Keith Sjostrand
P.O. Box 807
Newark, OH 43058

Dear Mr. Sjostrand:

On April 20, 2011, Ohio EPA, Central District Office, Division of Air Pollution Control (CDO) received an anonymous complaint about the demolition of a commercial facility at the corner of West Main and 23rd Streets in Newark, Ohio. Upon arrival a CDO inspector met with Mr. Rodney Hoskinson, who was coordinating the demolition activities. It was determined that the owner/operator of the commercial facility being demolished had not had an asbestos survey or submitted an *OHIO ENVIRONMENTAL PROTECTION AGENCY NOTIFICATION OF DEMOLITION AND RENOVATION* form in accordance with the requirements of Ohio Administrative Code rule (OAC) 3745-20-02 and OAC rule 3745-20-03. OAC rule 3745-20-02(A) States:

"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."

1. Finding

On April 20, 2011, a commercial facility was demolished on your property without a proper asbestos survey being performed as required by OAC rule 3745-20-02(A).

Violation

Failure to perform an asbestos survey of a facility prior to 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:

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

"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, that 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, a commercial facility was demolished on your property without an OHIO ENVIRONMENTAL PROTECTION AGENCY NOTIFICATION OF DEMOLITION AND RENOVATION form being submitted to CDO as required by OAC rule 3745-20-03(A). Please note that OAC rule 3745-20-03(A) requires:

"(A) Each owner or operator to whom this rule applies shall:

(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;..."

Violation

Failure to submit proper notification for demolition and/or abatement activities and observe the required 10 working day waiting period before beginning demolition and/or abatement activity 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 ORC 3704.05(G)

Requested Action

Ohio EPA requests that, if additional demolition projects are planned, that a OHIO ENVIRONMENTAL PROTECTION AGENCY NOTIFICATION OF

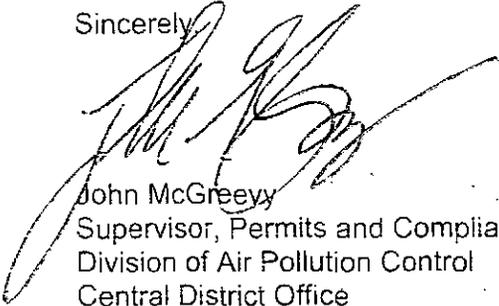
Mr. Keith Sjostrand
Page -3-

DEMOLITION AND RENOVATION form be submitted to CDO for each project in accordance with the rules and regulations detailed 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

JM/c: NOV, Sjostrand