



Environmental  
Protection Agency

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

**CERTIFIED MAIL # 91 7108 2133 3932 4449 2407**

March 11, 2011

Mr. Michael L. Tatman  
President  
Industrial Insulation Specialists  
4703 State Route 361  
Circleville, OH 43113

**Re: Notice of Violation – Failure to Submit Proper Notification for Asbestos Abatement  
at 110 Clark and 838 South Broad Streets**

Dear Mr. Tatman:

On November 24, 2010, the Ohio Environmental Protection Agency's Division of Air Pollution Control Central Office received demolition notifications for residential structures at 838 South Broad and 110 Clark Streets in Lancaster, Ohio. These notifications were postmarked November 15, 2010. These notifications were forwarded to The Ohio Environmental Protection Agency's Central District Office (CDO).

The two properties are adjacent to one another and were under the control of the City of Lancaster. The proximity and common control make the structures an "Installation" as defined by Ohio Administrative Code (OAC) rule 3745-20-01(B)(28). CDO contacted the listed contact for the City of Lancaster, Mr. Sean Fowler. Mr. Fowler was questioned about the notifications and CDO learned that information concerning the presence of asbestos and abatement activities, at the residences, was incorrect. Specifically, asbestos-containing materials were found, yet the notification indicated none was present. CDO requested that Mr. Fowler submit revised demolition notifications and surveys for the residences.

On November 30, 2010, CDO received from Mr. Fowler revised demolition notifications and asbestos surveys which indicated that Industrial Insulation Specialists (IIS) had found asbestos-containing materials during a survey of the properties and recommended abatement prior to demolition. Both revised notifications indicated that IIS performed asbestos removal activities at both residences between November 16 and November 23, 2010. Please note that the earliest abatement activities could have begun in accordance with OAC rule 3745-20-03(A)(3)(a) was November 27, 2010.

On December 2, 2010, Ohio EPA inspected both residences. The inspector noted that it appeared as if abatement activities had already occurred, and was unable to find any asbestos containing materials documented in IIS's surveys of the structures.

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

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[www.epa.ohio.gov](http://www.epa.ohio.gov)

OAC rule 3745-20-01(B)(39)(a) defines "Owner or Operator" ... as any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation, or both. Due to the fact that the City of Lancaster controls the demolition and abatement activities at the aforementioned properties, it is considered an Operator. Because IIS is listed as a Removal Contractor on the revised demolition notification and performed an asbestos survey and asbestos abatement activities to facilitate the demolition of the Installation, IIS is an Operator under OAC Rule 3745-20-01(B)(39)(a). As an operator, both the City of Lancaster and IIS are required to comply with asbestos rules and regulations, including, but not limited to OAC 3745-20-02 through OAC 3745-20-05.

1. **Finding**

On November 24, CDO received demolition notifications for 838 South Broad and 110 Clark Streets. CDO then contacted the City of Lancaster concerning the demolition notifications, and learned that the demolition notifications were inaccurate and requested that corrected revisions be submitted. On November 30, CDO received the revised notifications. Reviewing the revised notifications, CDO learned that asbestos-containing materials were present and were removed without proper notification and observance of the required waiting period. 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;..."*

Please also note that the earliest abatement activities could have begun in accordance with OAC rule 3745-20-03(A)(3)(a) was November 27, 2010. Mr. Sean Fowler confirmed that abatement activities had occurred and revised the notifications to indicate that the asbestos was removed.

**Violation**

Failure to submit proper notification for abatement activities and observe the required 10 working day waiting period before beginning abatement is considered a violation of OAC rule 3745-20-03(A)

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Industrial Insulation Specialists  
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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."*

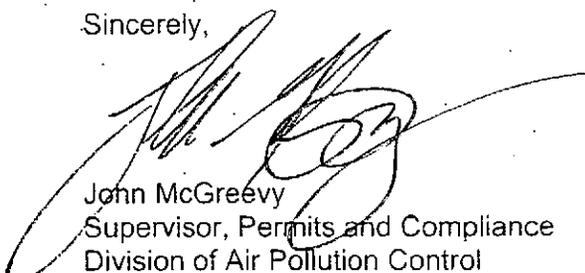
**Requested Action**

Ohio EPA requests that in the future IIS ensure that IIS or its client has submitted complete and approvable notice(s) of intent to abate asbestos containing materials at least 10 working days prior to disturbing, and/or removing any asbestos containing material from a facility that is subject to the asbestos 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 Ohio Revised Code (ORC). Violation of Ohio's Asbestos Control Regulations may subject the operator and removal, 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  
Kelly Toth, Supervisor, Permits and Compliance DAPC/CDO  
Steve Lowry, DAPC/SEDO  
Mark Needham Supervisor, Environmental Abatement Program/ODH  
John Paulian, DAPC/CO  
Tom Buchan, DAPC/CO  
Richard Fowler, DAPC/CDO