



State of Ohio Environmental Protection Agency

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July 23, 2010

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

Re: **Notice of Violation** - Failure to conduct a thorough asbestos survey and proper asbestos abatement for 155 Franklin Street, Canal Winchester, Ohio

Dear Mr. Tatman:

On May 11, 2010, Ohio Environmental Protection Agency (Ohio EPA) received a demolition notification for a building located at 155 Franklin Street in Canal Winchester, Ohio. Industrial Insulation Specialist (IIS) is listed as a Removal Contractor on the demolition notification. The notification also specifies that IIS performed an asbestos survey to facilitate the demolition of the facility. A copy of the Asbestos Survey was requested and received. The notification and Asbestos Survey, performed by IIS, identified the building as being asbestos free.

The notification was for a demolition in conjunction with a training fire to be performed by the Madison Township Fire Department. Ohio EPA first inspected the structure on May 13, 2010. Suspect duct insulation was discovered in the basement. Samples were analyzed and found to contain regulated asbestos. The Madison Township Fire Department was advised that the materials would have to be removed prior to the training fire. Signs of asbestos abatement activity, not indicated on the notification, were also observed.

On June 8, 2010, Ohio EPA inspectors re-inspected the facility to confirm removal of the asbestos material. The majority of the regulated asbestos containing material discovered previously, had been removed by IIS. However, not all of the previously identified material was removed.

OAC rule 3745-20-01(B)(39)(a) defines "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. Because IIS is listed as a Removal Contractor on the demolition notification and performed an asbestos survey and asbestos abatement activities to facilitate the demolition of the facility, IIS is an operator under OAC Rule 3745-20-01(B)(39)(a). As an operator, IIS is required to comply with asbestos rules and regulations, including, but not limited to OAC 3745-20-02 through OAC 3745-20-05.

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

1. **Finding:** Failure to conduct a thorough asbestos survey.

According to a demolition notice submitted by the Madison Township Fire Department, IIS conducted an asbestos survey at 155 Franklin Street. Ohio EPA reviewed the Asbestos Survey and noted the following deficiencies:

- The address in the survey incorrectly indicated a nearby school building (131 Franklin Street) as having been the building surveyed;
- The purpose of the survey was to identify asbestos materials present that would affect the renovation of the structure, however demolition by fire was planned;
- The survey did not identify suspect materials sampled;
- The survey referenced laboratory analysis results not included in survey report; and
- The survey indicated that structure was "Asbestos Free" while the structure actually contained asbestos. Some of this asbestos had already been abated by IIS.

**Violation**

OAC rule 3745-20-02(A) requires the operator of any demolition operation to have a thorough asbestos survey performed to determine the presence of asbestos prior to demolition activities commencing. Due to the deficiencies detailed above, IIS, as an operator of the facility, failed to perform a thorough asbestos survey of the facility and therefore violated OAC rule 3745-20-02(A). Failure to detect and remove all regulated asbestos containing material prior to intentional burning of a facility is a violation of OAC rule 3745-20-04(E).

**Requested Action**

Ohio EPA requests that all future surveys performed by IIS include at a minimum: sampling locations, sampling strategies, and a complete laboratory analysis (including chain of custody documents). Please ensure that all reports indicate all suspect materials tested as well as clear and concise abatement recommendations. Ohio EPA also suggests that IIS consult the *NESHAP Compliance Checklist* as a guide in the preparation of a thorough survey and demolition notification. A copy of the requirements has been provided with this document.

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2. **Finding:** Failure to fill out an accurate Demolition Notification and observe a 10 day wait period.

On May 13, 2010 Ohio EPA inspected the structure for regulated asbestos. Asbestos duct insulation was discovered in the basement. In addition, the inspector noted signs that an asbestos tile abatement project had been performed in the second floor bathroom. Abatement of suspect bathroom tile, by IIS, was confirmed by the Canal Winchester School System's (owner of structure) Maintenance Supervisor. The tile abatement project, dates, and amounts abated were not indicated on the Demolition Notification. Please note that IIS failed to revise the notification to reflect the discovery and removal of regulated asbestos.

#### **Violation**

OAC rule 3745-20-03(A) requires an operator to provide Ohio EPA with written notice at least 10 days prior to demolishing a facility or beginning any activity that would break up, dislodge, or disturb asbestos material. By removing asbestos containing material without proper notification, a violation of OAC rule 3745-20-03(A) has occurred.

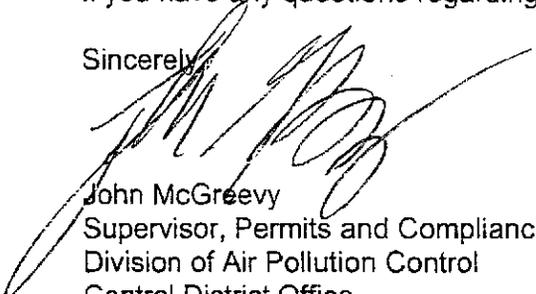
#### **Requested Action**

Ohio EPA requests that IIS submit a notice of intent to demolish at least 10 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 both the building owner 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 contact me at 614-728-3818.

Sincerely,



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

Mr. Michael L. Tatman  
Industrial Insulation Specialists  
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c: Adam Ward, Manager, DAPC/CDO  
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JM/cl IIS Franklin St July 2010 NOV