OhioEPA

State of Ohio Environmental Protection Agency

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January 27, 2010

Mr. Raymond Stillwell
President
Circle Green, LLC
P.O. Box 249
Alton, IL 62002

Dear Mr. Stillwell:

Ohio Environmental Protection Agency Division of Air Pollution Control's Central District Office (CDO) has received your letter of December 4, 2009 titled *"Response to Notice of Violation for Demolition Activity at Former Jefferson Smurfit Facility dated November 18, 2009, Circleville, Ohio."* CDO has reviewed your letter and would like to respond.

Failure to submit demolition notification

The aforementioned letter states: *"It was Renu's intention to conduct salvage operations at the property and not to conduct demolition at the property as it is defined in OAC 3745-20-01(B)(13)."*

Prior to the removal activity Mr. Carlos Avitia, of RENU Recycling Inc. (RENU) had corresponded with CDO personnel. CDO personnel had not required submittal of a demolition notice because it was understood, via email correspondence that included pictures (attached), that only the two tanks, located outside of any building, were to be recycled. Mr. Avitia specifically stated in his email that "*...there is plenty of room from here to work from and not disturb anything.*" However, additional unspecified salvage operations damaged a building and RENU performed a demolition in violation of Ohio Administrative Code (OAC) rule 3745-20-03(A)(3) on a portion of the building.

The letter also states: *"...it was not Renu's intent to proceed with demolition at the property, only to conduct salvaging operation of storage tanks at the property of which you were duly notified prior to the salvage operation."*

Regardless of intent, based on RENU's November 25, 2009 letter to Raymond Stillwell and CDO's examination of photos, significantly more removal activity occurred than was initially represented to CDO. Specifically, stainless steel vessels inside of a building adjacent to the tanks were removed for salvage. Please note that CDO had only approved the removal of two storage tanks located outside of any building. In order to perform the additional vessel salvage, RENU apparently removed a load supporting structural member which destabilized the building. RENU then proceeded to demolish the part of the building that had lost structural integrity. Please refer to CDO's correspondence with Mr. Avitia (attached) describing the extent of authorized removal. Had RENU limited its salvage activities to the two storage tanks outside of the facility building, it is unlikely that violations of OAC rule 3745-20-03(A) would have occurred.

Failure to perform survey

The fact that the building became unstable after RENU demolished part of the wall, indicates that a load supporting structural member had been removed and therefore a demolition, as defined in OAC rule 3745-20-01(B)(13), had occurred. The demolition occurred prior to the performance of an asbestos survey resulting in a violation of OAC rule 3745-20-02(A).

October 27, 2009 on site meeting summary

CDO met with representatives of Hina Environmental Solutions (Hina), City of Circleville, RENU, and Pandy Environmental LLC. (Pandy). This meeting consisted of a tour of the facility, focusing on where additional abatement activities need to occur. The tour also included areas where abatement had occurred prior to the Hina abatement. In one of the previously abated areas, suspect asbestos containing pipe insulation was found on the floor as well as remaining on pipes. In the area below where the paper machine was located, there were debris piles which contained suspect asbestos containing pipe insulation. This debris was likely asbestos containing or contaminated with asbestos. Asbestos pipe wrap (see October 17, 2009 Hina survey) was also seen in the ceilings of the laboratory area.

A thorough survey of the facility still needs to be performed to determine the proper abatement strategy. During the meeting a partial asbestos survey, performed by Hina, was presented to CDO. The survey included abatement work done by Hina as well as additional abatement work that needs to be performed. The survey is not inclusive of the entire facility nor was any abatement plan presented or discussed.

Failure to submit accurate notification

Demolition notices received by CDO on July 8, 2009 and August 6, 2009 (original notification and a revised notification) indicate that a survey of the facility had been done by Shawn Tatman. OAC rule 3745-20-02 (A) requires that a thorough survey be performed by a certified Asbestos Hazard Evaluation Specialist. Shawn Tatman is not and was not an Asbestos Hazard Evaluation Specialist. CDO notes the indication that an error was made by listing Shawn Tatman on the demolition notification.

Please be aware that an Asbestos Management Plan differs significantly from a thorough asbestos survey. CDO's review of the partial document titled *ASBESTOS MANAGEMENT PLAN PREPARED BY INDUSTRIAL ASBESTOS CONSULTANTS* (submitted to CDO) indicated that the purpose of the plan was to identify where asbestos was, its condition, removal costs, and how to manage the asbestos while the facility was in operation. Equipment salvage activities, theft of salvageable materials, vandalism, and conditions inside and outside of the buildings have affected the state and location of materials that may contain asbestos. A thorough survey is still needed to identify and quantify asbestos containing materials and debris as they currently exist.

The letter also states:

> *It is unclear why the comment refers to "in the vicinity of the boiler" when asbestos abatement activities conducted by Hina extended beyond this area as inspected by you on August 28, 2009. Mr. Mike Tatman was certified to take samples referenced in the Asbestos Management Plan.*

The wording "in the vicinity of the boiler" was used to differentiate the bulk of the current work being performed by Hina Environmental Solutions from previous abatement activities at the site. Please note that neither the original or revised notifications contain the name or certification number of Michael Tatman. Also, they do not appear in the Asbestos Management Plan supplied to CDO.

The letter also states:

> *"Based upon Hina's removal of 980 linear feet of pipe insulation, 8,500 square feet of boiler and tank insulation, 27,128 square feet of transite and 4,700 square feet of asbestos containing debris, and their preparation of an asbestos survey dated October 17, 2009, we do not believe that additional friable asbestos containing material exists at our property..."*

Please note that the Hina survey identifies additional asbestos materials to be removed. Be aware that the Hina survey is not a survey of the entire facility. Also, CDO has observed indications of incomplete (asbestos on floor and pipe) asbestos abatement, asbestos pipe wrap (identified as asbestos containing in Hina's October 17, 2009 survey), suspect asbestos containing debris piles (paper machine building), asbestos contaminated (CDO sampled) demolition debris, and asbestos containing Galbestos siding during CDO's inspections of the facility. Based on CDO's observations, additional survey and abatement activities are required before further demolition can occur.

CDO has reviewed RENU's letter titled *Final Disposition of Debris Piles Former Jefferson Smurfit Paper Mill Property Circleville, Ohio* dated November 25, 2009. As proposed, RENU's manipulation of the demolition debris to remove recyclable materials and separate asbestos containing debris will cause the asbestos containing debris to be entrained in the ambient air and thus create an environmental health hazard. RENU's plan does not include asbestos containment or control strategies. Further, RENU's plan fails to address worker training

concerning applicable state and federal regulations and safety requirements. Also the plan does not specify removal and handling and (if necessary) containment strategies. Mechanical removal of weathered Galbestos is likely to make this material friable and if this material became airborne it could threaten the neighborhood to the East of the facility. This may trigger a large cleanup effort, and likely cause any material the flaking Galbest fell into or onto to become Asbestos Containing Waste and require appropriate disposal. For the aforementioned reasons, CDO cannot approve this plan. CDO recommends that a licensed asbestos abatement contractor be consulted to develop an appropriate disposal plan that complies with applicable state and federal requirements

If you have any questions regarding this matter, please me at (614) 995-0671.

Sincerely,

Richard Fowler
Environmental Specialist
Division of Air Pollution Control
Central District Office

c: Adam Ward, Unit Manager, DAPC/CDO
Kelly Toth, Supervisor, Permits and Compliance DAPC/CDO
John McGreevy, Supervisor, Permits and Compliance DAPC/CDO
Jeffery Gerdes, Sanitarian Program Specialist/ODH
Steve Lowry, DAPC/SEDO
John Paulian, DAPC/CO
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DAPC/CDO File

RF/ct Stillwell reply final