



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Central District Office

MAILING ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 728-3774 FAX: (614) 728-3898
www.epa.state.oh.us

P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL # 91 7108 2133 3932 4449 7846

July 31, 2009

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

Re: NOTICE OF VIOLATION - Violations of NESHAP and Ohio Administrative Code rules pertaining to asbestos notification and survey at 10825 North Royalton Road, Amanda, Ohio

Dear Mr. Tatman:

On May 21, 2009, Ohio EPA received and reviewed a demolition notice for a house located at 10825 North Royalton Road. After reviewing the notification, a call was made to Industrial Insulation Specialists (IIS) requesting a revision be submitted due to insufficient information and needed corrections to answers to standardized questions. At that time, it was noted that question IV (Is Asbestos Present) was marked "no". Because the home was to be demolished by burning, by the Amanda Township Fire Department, an inspection was deemed necessary.

On May 27, 2009, the house was inspected by an Ohio EPA inspector. During the inspection, the inspector noted suspect asbestos containing furnace tape and insulation on ductwork and a pile of furnace tape and insulation on the basement floor. Samples were collected and asbestos content later verified by laboratory analysis. The material was in poor condition. The inspector also discovered these materials on furnace ductwork within walls of the house. The inspector requested a copy of the inspection but one was not available. The inspector told the IIS representative, the homeowner, and the fire department representative demolition by fire could not occur until all asbestos was removed. The inspector explained to the IIS representative, Michael Tatman, the need for IIS to submit a revised notification.

Ohio EPA finds that IIS failed to detect asbestos containing materials on numerous furnace related components, in plain view and in walls. Ohio EPA finds that the pre-demolition inspection conducted at the aforementioned house under the operation, control, or

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

Mr. Michael Tatman
Industrial Insulation Specialists Incorporated
Page -2-

supervision of IIS is in violation of 40 CFR 61.145(a), *Standard for demolition and renovation*. Also, please note that IIS is found to be in violation of OAC rule 3745-20-02 *Standards for demolition and renovation, facility inspection, and determination of applicability*. In accordance with 40 CFR 61.145(a) and OAC 3745-20-02, all facilities must be thoroughly inspected for the presence of asbestos prior to commencement of demolition or renovation.

Additionally, pursuant to 40 CFR 61.145(a) and OAC rule 3745-20-02, these rules apply to both the owner and operator of a demolition or renovation project. Owner or operator means any person who owns, leases, operates, controls, or supervises a facility or demolition or renovation operation.

The inspector asked the onsite IIS representative why asbestos was present when the notice indicated no asbestos was present. The IIS representative told the inspector that it meant asbestos would not be present at the time of the fire department training. The inspector advised that this was an incorrect interpretation of applicable rules. Please note that the instructions for filling out line IV of the *OHIO ENVIRONMENTAL PROTECTION AGENCY NOTIFICATION OF DEMOLITION AND RENOVATION FORM* states: *Declare whether or not asbestos is present in any quantity*. The inspector also noted question VII (Approximate Amount of Asbestos Materials) was marked NA [Not applicable].

The notification form requires the inspector to indicate the presence of, amounts of, and plans for abatement of (if necessary) asbestos prior to any abatement, demolition, or renovation activity. Information supplied on the form is required documentation of the condition and state of the site at the time of the inspection. During the ensuing conversation, the IIS representative stated, in passing, he was as aware of the rules as the Ohio EPA inspector.

Marking "no" on question IV (Is Asbestos Present?) and marking "NA" [Not applicable] on question V (Facility Information) and "NA" on question IX (Dates for Asbestos Removal) makes the notice inaccurate. Please note that instructions for question IV state: *Declare whether or not asbestos is present in any quantity*. Instructions for question V state: *All spaces must be completed identifying the Owner, Removal Contractor and other responsible operator (if applicable) such as a demolition contractor or general contractor*. The instructions for question IX state: *Include the scheduled dates for asbestos removal and specify the hours of operation and check off the days of the week operations will be active*.

Ohio EPA believes that IIS has violated OAC rule 3745-20-03 (E) which states: ... *The certification required in paragraph (A)(4)(p) of this rule shall acknowledge the existence of laws prohibiting the submission of false or misleading statements and shall certify that the facts contained in the notice are true, accurate and complete*.

Mr. Michael Tatman
Industrial Insulation Specialists Incorporated
Page -3-

In view of the above facts Ohio EPA finds IIS in violation of 40 CFR 61.145(b) *Notification Requirements* and Ohio Administrative Code rule 3745-20-03 *Standard for notification prior to demolition or renovation*.

Within thirty (30) days after receipt of this notice, Ohio EPA requests that IIS submit the following information:

- A letter stating that IIS understands all applicable Federal and State regulations as well as a commitment to comply with the requirements of 40 CFR 61 and OAC rule 3745-20, and
- Any clarifications, responses, explanations or evidence on IIS's behalf pertaining to the above-stated violations. Any additional information that IIS can supply regarding oversight of the project that may be useful in Ohio EPA's evaluation of the above noted violations.

Finally, be advised that this Notice of Violation in no way waives the right of Ohio EPA or United States Environmental Protection Agency to pursue additional enforcement action. Further communications may be directed to you regarding this violation or any additional violations that may be found. If you have any questions regarding this matter, please contact me at (614) 995-0671.

Sincerely,



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

c: Isaac A. Robinson, III, Chief, CDO
Adam Ward, Unit Manager, DAPC/CDO
Kelly Toth, Permits and Compliance Team Supervisor
Steve Lowry, DAPC/SEDO
Jeffery Gerdes, Sanitarian Program Specialist/ODH
DAPC/CDO File
John Paulian, DAPC/CO
Tom Buchan, DAPC/CO