



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) 728-5778 FAX: (614) 728-3898  
www.epa.state.oh.us

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

**CERTIFIED MAIL # 91 7108 2133 3932 4449 8522**

May 28, 2009

Mr. Keith Beal  
Project Manager  
Ruscilli Construction Company  
2041 Arlingate Lane  
Columbus, OH 43228

**Re: NOTICE OF VIOLATION - Violation of NESHAP and Ohio Administrative Code rules  
pertaining to asbestos abatement and pre-demolition activities at Fairbanks Elementary  
School**

Dear Mr. Beal:

This letter serves as follow-up to Ohio Environmental Protection Agency, Central District Office, Division of Air Pollution Control's (CDO) inspection of pre-demolition activities at Fairbanks Local School District's Fairbanks Elementary School at 153 East State Street in Milford Center, Ohio. You have been identified by the district superintendent, Mr. Bob Humble, as the appropriate contact concerning oversight of this project.

In accordance with 40 CFR 61.145 and OAC 3745-20-02, all facilities must be thoroughly inspected for the presence of asbestos prior to commencement of demolition or renovation.

On April 20, 2009, CDO received a notification of demolition and renovation from Badger Construction concerning partial demolition of Fairbanks Elementary School. The notification stated that any asbestos contained in the portion of the school to be demolished was "Below regulatory threshold". On May 4, 2009, a CDO inspector conducted a compliance inspection of the school. The inspector discovered suspect pipe insulation in both the stairways on the basement level. The inspector noted that the pipe insulation was deteriorated and appeared to be friable. The inspector sampled the insulation and both samples exceeded (14 and 25 percent Chrysotile Asbestos) the regulatory thresholds.

During the compliance investigation the inspector questioned the demolition contractor as to the source of the asbestos survey. The inspector indicated it had been provided as a part of the bid package. The inspector noted that on page 007330-4 of the August 2006 *Fairbanks Local School District ... Enhanced Environmental Assessment Report* contained the following disclaimer:

*"These enhanced environmental hazard assessments were prepared using information provided by school district personnel, data obtained during cursory surveys, and accepted industry standards. As such they are not comprehensive nor were they prepared to satisfy regulatory compliance. Engineer does not guarantee the accuracy of the information provided. Additional survey work and field reconnaissance will be necessary to properly design environmental abatement work."*

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

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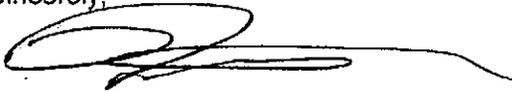
In view of the above facts, you are hereby notified that the pre-demolition survey conducted at the aforementioned school, under the operation, control, or supervision of Ruscilli Construction Company, is in violation of 40 CFR 61.145(a), *Standard for demolition and renovation* and OAC rule 3745-20-02 *Standards for demolition and renovation, facility inspection, and determination of applicability*,

Within thirty (30) days after receipt of this notice, CDO requests that you submit the following information:

- An update regarding Ruscilli Construction Company plans to comply with the requirements of 40 CFR 61 and OAC rule 3745-20.
- A copy of Ruscilli Construction Company plans to assure contractors comply with all applicable federal and state requirements relating to abatement and demolition and/or remodeling of schools or facilities owned, operated, or managed by Ruscilli Construction Company
- Any clarifications, responses, explanations or evidence on your behalf pertaining to the above-stated violations. Any additional information that you 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/DAPC/CDO  
DAPC/CDO File

RF/ct NOV Ruscilli