



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) 728-3778 FAX: (614) 728-3896  
www.epa.state.oh.us

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

**CERTIFIED MAIL # 91 7108 2133 3932 4449 9383**

April 8, 2009

Mr. Jeff Rudzik  
Rudzik Excavating Incorporated  
Struthers, OH 44471

**Re: NOTICE OF VIOLATION - Failure to perform asbestos survey and submit  
demolition notice**

Dear Mr. Rudzik:

This letter shall serve as follow-up to Ohio Environmental Protection Agency (Ohio EPA), Central District Office, Division of Air Pollution Control's investigation of demolition of the Hudson Mobile Home Park located at 2194 Cassandra Lane on March 24, 2009.

Be advised that 40 CFR 61.145 requires that all facilities must be thoroughly inspected for the presence of asbestos prior to commencement of a demolition or renovation. In addition, Ohio Administrative Code rule (OAC) 3745-20-02 also requires an asbestos inspection and specifies inspector license requirements.

Additional provisions of 40 CFR 61 and OAC rule 3745-20 referring to, "Notification Requirements", and, "Procedures for Asbestos Emission Control" apply if friable asbestos materials were found and in amounts exceeding 160 square feet, or 260 linear feet or 35 cubic feet. Additional sections of these rules apply to asbestos waste disposal and handling.

Additionally, pursuant to 40 CFR 61.145 and OAC rule 3745-20-02(A), 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.

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

## VIOLATIONS

1. 140 CFR 61.145(a) and OAC rule 3745-20-02(A) require that prior to the commencement of demolition or renovation of an affected facility, a thorough inspection for asbestos be conducted. In addition, OAC rule 3745-20-02(A) requires that the inspection be performed by a certified asbestos hazard evaluation specialist.

By not having had the above noted inspection conducted at the facility, prior to demolition, a violation of 40 CFR 61.145(a) and OAC rule 3745-20-02(A) has occurred.

2. 40 CFR Part 61.145(b)(3) and OAC rule 3745-20-03(A) state that each owner or operator shall provide notification of demolition or renovation at least ten working days before the beginning of any demolition operation, asbestos stripping or removal work, or any other activities 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.

By not submitting the above noted notification, prior to demolition, a violation of 40 CFR Part 61.145(b)(3) and OAC rule 3745-20-03(A) has occurred.

In view of the above facts, you are hereby notified that the demolition activity conducted at The Hudson Mobile Home Park located at 2194 Cassandra Lane in Columbus, Ohio on March 24, 2009 under the operation, control, or supervision of Rudzik Excavating Incorporated was at sometime before or on March 24, 2009 in substantive violation of 40 CFR Part 61, Subpart M, Section 61.145(a), "Standard for demolition and renovation" and OAC rules 3745-20-02(A), "Standards for demolition and renovation, facility inspection, and determination of applicability". This demolition activity was also in substantive violation of 40 CFR Part 61.145(b)(1) "Notification requirements" and OAC rules 3745-20-03(A)(3).

Within fourteen (14) days after receipt of this notice, we are requesting that you submit to our office the following information:

- An update regarding your company's plans to comply with the requirements of 40 CFR Part 61 and OAC rule 3745-20.

Mr. Jeff Rudzik  
Rudzik Excavating Incorporated  
Page 3 of 3

- Copies of all of the completed waste shipment records for demolition materials.
- 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: Adam Ward, Unit Manager, DAPC/CDO  
Kelly Toth, Permits and Compliance Team Supervisor, DAPC/CDO

RF/ct Rudzik NOV