



State of Ohio Environmental Protection Agency

Central District Office

REET ADDRESS:

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

TELE: (614) 728-3776 FAX: (614) 728-3898
www.epa.state.oh.us

MAILING ADDRESS:

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

CERTIFIED MAIL # 91 7108 2133 3932 4450 0126

March 3, 2009

Mr. Rick Bozman
Project Manager
Drummond Construction Incorporated
P.O. Box 746
Lancaster, OH 43130

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

Dear Mr. Bozman:

This letter shall serve as follow-up to Ohio Environmental Protection Agency, Central District Office, Division of Air Pollution Control's investigation of the demolition of the Casa Grande Motel at 2479 East Main Street, Lancaster, Ohio on February 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 (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

Ohio EPA is an Equal Opportunity Employer

VIOLATIONS

1. 140 CFR 61.145(a) and OAC 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 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, 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, 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 Casa Grande Motel at 2479 East Main Street, Lancaster, Ohio on February 24, 2009 under the operation, control or supervision of Drummond Construction Incorporated was at sometime before or on February 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.
- The results of a complete asbestos survey of the remaining building and or jobsite, debris remaining at the C&D Fill and soil and concrete wastes retained at the Ricketts Excavating shop area.

Copies of all of the completed waste shipment records for demolition materials.

Mr. Rick Bozman
Drummond Construction Incorporated
Page -3-

- 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 Drummond Construction NOV



1251 South Front Street, Columbus, Ohio 43206

614/228-7892
Fax 614/228-8007

January 23, 2009

Mr. Richard Fowler
Environmental Specialist
Ohio EPA
Central District Office
3232 Alum Creek Drive
Columbus, Ohio 43207

RE: Former Northmor Schools District Office

Mr. Fowler

As of this date all areas of concern from your site visit of Wednesday January 21, 2009 have been addressed. Our crew was on site Thursday morning and I returned to the site this morning to verify that all areas had been addressed in a satisfactory manner.

Once again, thank you for bringing this to my attention.

A handwritten signature in cursive script that reads "Richard M. Kenney".

Richard M. Kenney
President
AHC, Inc.

