

PORTSMOUTH LOCAL AIR AGENCY

SERVING ADAMS, BROWN, SCIOTO AND LAWRENCE COUNTIES

605 Washington Street, Third Floor, Portsmouth, OH 45662 (740) 353-5156 Fax (740) 353-3638

April 10, 2013

CERTIFIED MAIL

Timothy Gordley
256 Wendell Ave.
Peebles, Ohio 45660

Re: Notice of Violation

Dear Mr. Gordley:

This letter is in reference to the demolition of a structure, specifically the Gordley's Fill R Up Service Station, located at 129 S. High Street, Peebles, Ohio 45660. Demolition and renovation operations are subject to compliance with the National Emission Standards for Asbestos instituted in the Code of Federal Regulations (CFR) Chapter 40, Part 61, Subpart M and Ohio Administrative Code (OAC) rule 3745-20 titled Ohio Asbestos Emission Control Rules.

Section 61.145 of the federal rule and OAC Rule 3745-20-03 requires each owner or operator (demolition/renovation contractor) of a demolition or renovation to comply with notification requirements under these rules. Compliance with these requirements is possible by completing the "OEPA notification of demolition and renovation" and submitting this form at least ten working days prior to the start of the demolition or renovation. Also in accordance with the above-mentioned rules, an evaluation for the purpose of identifying asbestos containing material (ACM) is to be conducted by an asbestos hazard evaluation specialist certified by the Ohio Department of Health prior to the start of any commercial demolition or renovation.

On February 19, 2013, personnel from this office, Portsmouth Local Air Agency, identified completed demolition activities at the above-mentioned property owned by Timothy Gordley. It was determined that the demolition of the above mentioned structure was subject to the requirements of 40 CFR Part 61, Subpart M, and Ohio asbestos emission control rules. It was further determined that you violated 40 CFR Part 61, Subpart M, specifically 61.145 and OAC 3745-20-03 for failing to file a notification prior to the start of demolition. Without a proper and timely notification this office cannot determine the extent of compliance with the Federal and State rules. Failure to comply with these rules is a serious violation of the Clean Air Act, which provides for substantial penalties for non-compliance. Both the facility owner and the demolition contractor are subject to compliance and enforcement action for infractions of the above-mentioned regulations.

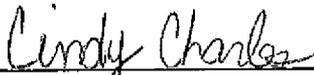
On March 14, 2013, a PLAA investigator requested Allan Gordley, to submit a completed "OEPA notification of demolition and renovation" form within 10 days of receipt of e-mailed request. Our office received the "OEPA notification of demolition and renovation" on March 22, 2013 via e-mail from Allan Gordley. Our office noted that Sections VI and VII were not completed and determined an evaluation for the purpose of identifying asbestos containing material (ACM) was not conducted by an asbestos hazard evaluation specialist certified by the Ohio Department of Health.

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Acceptance by the Ohio EPA of this information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or to decline such penalties in this case will be made by Ohio EPA at a later date.

If you have any questions or need additional information, please contact me at (740) 353-5156 ext 8934.

Sincerely,



Cindy Charles
Director
Portsmouth Local Air Agency

cc: Bruce Weinberg, Central Office, Ohio EPA
John Paulian, Central Office, Ohio EPA
Dan Bergert, OEPA, SEDO, MWM
Brian Dickens, Region 5 U.S. EPA