



State of Ohio Environmental Protection Agency

Southeast District Office

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

August 22, 2007

**RE: NOTICE OF VIOLATION
ALLENSVILLE ELEMENTARY JUNIOR
HIGH BUILDING A & B
5772 US HIGHWAY 50
McARTHUR, OHIO 45751
VINTON COUNTY**

CERTIFIED: 70063450000190547304

Mr. John Simmons, Superintendent
Vinton County School System
307 West High Street,
McArthur, Ohio 45651

Dear Mr. Simmons:

This notice is in reference to the asbestos abatement and demolition project your school district is conducting at the Allensville Elementary School site located at 5772 US Highway 50, McArthur, Ohio. On May 15, 2007, JB Hayes Excavating and Pipeline Inc. submitted an original "Ohio Environmental Protection Agency Notification of Demolition and Renovation" form stating, in part, that 196 square feet of Regulated Asbestos Containing Material (RACM) was going to be removed from the above-stated location beginning on June 4, 2007 and ending on June 8, 2007. The original notification did not list any other quantities of asbestos-containing material. The notification stated that demolition would occur from June 8, 2007 to June 30, 2007. The notification also stated that the waste material from the demolition would be transported by JB Hayes Excavating & Pipeline Inc., and that the material would be taken to the Athens Hocking Landfill.

A revised notification received on 8/14/2007 (after completion of the demolition) listed 75,500 square feet of Category 1 non-friable asbestos material not to be removed. The revision stated that the above-noted 196 sq/ft of RACM was not present at the site and was listed on the original notification as the result of a paperwork error.

Be advised that the asbestos abatement being conducted at this site is subject to compliance with the Clean Air Act and regulations promulgated thereunder, setting forth a National Emission Standard for Asbestos (NESHAPS) codified in 40 CFR 61.140. These types of operations are also subject to Ohio Administrative Code (OAC) Rule 3745-20, "Ohio Asbestos Emission Control Rules". Pursuant to Section 112 (KK) of the Clean Air Act, the authority to implement and enforce the NESHAP has been delegated to the Ohio EPA, Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of the USEPA for any violations for which Ohio is unable to initiate a required enforcement action.

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In accordance with 40 CFR 61.145 (a), all facilities must be inspected for the presence of asbestos prior to commencement of a demolition or renovation. Paragraphs (b), "Notification Requirements", and (c), "Procedures for Asbestos Emission Control" of this section apply if friable asbestos materials were found and stripped from facility components in amounts exceeding 160 square feet, or 260 linear feet from pipes. Section 61.150, "Standard for Waste Disposal," would also apply. Similarly, in accordance with OAC Rule 3745-20-02, "Standard for Demolition and Renovation Applicability," all of the requirements of OAC Rule 3745-20-03, "Standard for Notification," OAC Rule 3745-20-04, "Demolition and Renovation Procedures for Asbestos Emission Control," and OAC 3745-20-05, "Standard for Asbestos Waste Handling," apply if friable asbestos materials were found and stripped from facility components in amounts exceeding 160 square feet or 260 linear feet from pipes. Finally, pursuant to 40 CFR 61.141 and OAC Rule 3745-20-01 (B) (20), "owner or operator" means any person who owns, leases, operates, controls or supervises a facility or demolition or renovation operation.

On June 21, 2007, I visited the Allensville Elementary School site. The site visit was conducted to verify a complaint received by the USEPA. The complaint stated in part that asbestos waste was being hauled off site and dumped along nearby Carpenter Road. While at the site, I observed suspect asbestos-containing material in the school debris (floor tile and roofing material). I also visited the nearby Carpenter Road dumping site where I also observed suspect asbestos-containing material.

During subsequent visits to the area with the Vinton County Health Department and the Ohio EPA Division of Solid and Infectious Waste, additional dump locations were noted to exist. The Vinton County Health Department is currently addressing at least 7 illegal disposal sites associated with the demolition of the Allensville Elementary School site.

I collected samples of suspect asbestos material from both the Allensville Elementary School site and from the Carpenter Road dump site. The sample results revealed the presence of asbestos-containing material in the waste found at both sites. I spoke to you on 6/27/07 and informed you of my findings.

The existence of Asbestos Containing Material (ACM) at the Allensville Elementary School site was known prior to the demolition of the buildings. As part of the Vinton County Local School District plans for school renovation, Gandee and Associates Inc. produced the November 11, 2005 document titled "Pre-Demolition Asbestos Materials Study, Vinton County Junior High School, Allensville Elementary School and McArthur Elementary School". In regard to the Allensville Elementary school, this document states the following: "The following material (Category I nonfriable) are assumed to be ACM: approximately 26,500 square feet of resilient floor covering systems; caulking and glazing tape associated with window and door assemblies; approximately 37,000 square feet of roofing material; construction adhesives; and approximately 12,000 square feet of carpet mastic. These material need not be removed prior to demolition according to EPA regulations; however, presence and quality of these materials must be recorded on EPA notifications submitted prior to work."

VIOLATIONS

1. 40 CFR Part 61.145(b)(4)(vi) and OAC 3745-20-03(A)(4)(g) requires that the Notification of Demolition or Renovation include an estimate of the approximate amount of category I and category II nonfriable asbestos-containing material in the affected part of the facility that will not be removed before demolition.

The original notification did not include the 75,500 square feet of nonfriable asbestos material.

2. 40 CFR Part 61.145(b)(4)(xii) and OAC 3745-20-03(A)(4)(l) requires that the Notification of Demolition or Renovation include the name and location of the waste disposal site where the asbestos-containing waste material will be deposited.

Portions of the waste material from the Allensville Elementary Schools Site were dumped at locations other than Athens Hocking Landfill. At least 7 dump sites were used to dispose of the asbestos waste material.

3. 40 CFR Part 61.145(b)(4)(xvii) and OAC 3745-20-03(A)(4)(g) requires that the Notification of Demolition or Renovation include the name, address, and telephone number of the waste transporter.

Waste transporters other than JB Hayes Excavating & Pipeline were used to haul the asbestos-containing waste material.

4. OAC 3745-20-05(E) requires, in part, that all facts contained in the notification are true accurate and complete.

The notification contained several errors including: type and quantity of ACM, the names of the waste transporters and the location of the waste disposal site.

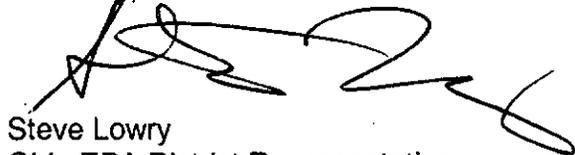
The above violations are applicable to both the owner of the buildings and the operator of the demolition project. Within ten (10) days after receipt of this notice, we are requesting that you submit to our office the following information:

- ▶ A summary of how the above violations were or will be addressed.
- ▶ A description of the steps taken by the Vinton County School District to both address the above violations and to ensure that similar violations do not occur with the other planned demolition sites.
- ▶ Any clarifications, responses, explanations or evidence on your behalf pertaining to the above-stated violations.

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- ▶ Finally, be advised that this Notice of Violation in no way waives the right of the Ohio EPA or U.S. EPA 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 (740) 380-5231.

Sincerely,



Steve Lowry
Ohio EPA District Representative
Division of Air Pollution Control

SL/mlm

cc: Bruce Weinberg, SEDO/DAPC
Tom Buchan, CO/DAPC
Tom Kalman, CO/DAPC
Trevor Irwin, SEDO/ DSIWM
Cara Cherry, SEDO/DAPC
Lisa Holscher, USEPA/Region V
Ganelle McManis, Director of Public Health, Vinton County Health Department
Dan Buck, JB Hayes Excavating and Pipeline Inc.
Scott Elling, The Quandel Group