OhioEPA

State of Ohio Environmental Protection Agency

Southeast District Office

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

July 9, 2007

RE: Jefferson County
Steubenville High School
420 North 4th St.
Steubenville, Ohio
Notice of Violation

CERTIFIED: 70063450000190546178

Mr. Richard Ranallo, Superintendent
Steubenville City Schools
West Adams and Lawson Street
P.O. Box 189
Steubenville, Ohio 43952

Dear Mr. Ranallo:

This notice is in reference to the asbestos abatement and renovation project your school is conducting at the occupied Steubenville High School located at 420 North 4th Street, Steubenville Ohio 43952. On April 20, 2007, Lepi Enterprises, Inc. submitted an original "Ohio Environmental Protection Agency Notification of Demolition and Renovation" form stating, in part, that 769 linear feet of Regulated Asbestos Containing Material (RACM) was going to be removed from the above-stated location beginning on May 4, 2007 and ending on May 18, 2007. Subsequent revisions increased the quantity of RACM to 969 linear feet and extended the completion date to July 29, 2007. The Steubenville High School is scheduled to remain in operation after the renovation is complete.

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 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), 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.

In accordance with 40 CFR Part 61, Subpart M, Section 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 7, 2007, I conducted an inspection at the High School. Mr. Charles Haggerty (Project Superintendent) of PCS Inc. accompanied me during the walk through. The purpose of the visit was a routine inspection of the facility.

1. During the inspection of the 3rd floor attic, I observed one black asbestos-labeled bag behind and beneath the duct work. The bag was tied off. The single bag was ripped and contained moisture. The bag was not leak-tight. I also noticed one unused black asbestos-labeled bag on the ground. The bags were in areas where abatement was noted to have been completed. I took photos of the bags. Mr. Haggerty also observed the asbestos-labeled bags.

   40 CFR Part 61, Subpart M, Section 61.150(a)(1)(iii) states that each owner or operator shall, after wetting, seal all asbestos-containing waste material in leak-tight containers while wet. Similarly OAC Rule 3745-20-05(B)(1)(c) also states that the owner or operator of a demolition or renovation must, after wetting, seal all asbestos-containing waste in durable leak-tight containers.

   OAC Rule 3745-20-05(C)(2) states that asbestos-containing waste materials shall be sealed in plastic bags having a thickness of at least 0.006 inch (six-mils) . A second clean, leak-tight plastic bag having a thickness of at least 0.006 inch shall fully contain the first bag.

2. During the inspection, I observed fibrous material on the back side of a copper pipe run. The material was in an area where abatement was noted to have been completed. Sample results of the material indicated a 30 % Chrysotile content for the material. I observed other similar material on the copper line. I noted the presence of the fibrous materials to Mr. Haggerty.

   40 CFR Part 61, Subpart M, Section 61.145(c)(1) states that each owner or operator must remove all regulated asbestos-containing material from a facility being demolished or renovated before any activities begin that would break up, dislodge or similarly disturb the material or preclude access to the material for subsequent removal. Similarly OAC Rule 3745-20-04(A)(1) also states that the owner or operator of a demolition or renovation must remove all regulated asbestos-containing material from a facility.

Upon completion of my inspection, I relayed my findings to Mr. Haggerty and recommended that the above issues be addressed. On June 13, 2007, I spoke to Mr. Mike McVey, Assistant Superintendent, and informed him of the above issues. On June 13, I also informed Lepi Enterprises Inc, removal contractor, of the above information.

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 addressed.
- An update regarding current and future asbestos abatement activities for the Steubenville High School, including the amount and type of Regulated Asbestos-Containing Material that still need to be removed from the premises.
- The date by which all abatement is expected to be completed.
- Any clarifications, responses, explanations or evidence on your behalf pertaining to the above stated violations.

Finally, be advised that this Notice of Violation in no way waives the right of the Ohio EPA or USEPA 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
Lisa Holscher, USEPA/Region V
Jeff Lepi, Abatement Contractor, Lepi Enterprises Inc.
Charles Haggerty, PCS/G Stephens SCSD Office