



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

August 3, 2007

**RE: NOTICE OF VIOLATION
NELSONVILLE-YORK
ELEMENTARY SCHOOL
½ BUCKEYE DRIVE
NELSONVILLE, OH 45764
ATHENS COUNTY**

CERTIFIED: 70063450000190546666

Mr. Terry Luhring
Total Environmental Services LLC
1950 Clinton Street
Toledo, Ohio 43607

Dear Mr. Luhring:

This notice is in reference to the asbestos abatement and renovation project your company is conducting at the occupied Nelsonville-York Elementary School located at ½ Buckeye Drive, Nelsonville, Ohio 45764. On June 25, 2007, Total Environmental Services LLC submitted an original "Ohio Environmental Protection Agency Notification of Demolition and Renovation" form stating, in part, that 500 linear feet of Regulated Asbestos Containing Material (RACM) and 32,000 square feet of Category 1 non-friable asbestos material was going to be removed from the above stated location beginning on July 16, 2007 and ending on August 3, 2007. A revision to the notification submitted on July 27, 2007 included an increase to 1000 linear feet of RACM. The Nelsonville-York Elementary 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 (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.

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 July 26, 2007, I conducted a routine inspection of the facility. I met with the supervisor, Jose R. Gonzalez (AS 28302), and with Heidi Carson (AS 29753) of Gandee and Associates. I viewed the work area, observed the glove-bagging of overhead pipe runs and viewed the asbestos waste disposal dumpster.

1. The dumpster contained black asbestos-labeled bags of waste and 2 fire doors. Several of the bags containing glass with caulking were ripped and punctured. There were also rips in the outer black bags containing the glove bags. There was leakage from the bags containing the liquid mastic remover and mastic. The fire doors were not wetted, wrapped or labeled.

40 CFR Part 61.150(a)(1)(i) and OAC Rule 3745-20-05(B)(1)(a) state that each owner or operator shall adequately wet asbestos-containing waste material.

40 CFR Part 61.150(a)(1)(iii) and OAC Rule 3745-20-05(B)(1)(c) states that each owner or operator shall, after wetting, seal all asbestos-containing waste material in leak-tight containers while wet.

40 CFR Part 61.150(a)(1)(iv) states that each owner or operator shall, label the containers or wrapped material using warning labels specified by OSHA. OAC 3745-20-05(C)(1) also requires asbestos warning labels.

40 CFR Part 61.150(a)(1)(v) states that each owner or operator shall, for asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated. OAC 3745-20-05(C)(1) also requires similar labeling.

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. The plastic sheeting lining the dumpster had fallen off the sides of the dumpster such that the waste bags were in contact with the dumpster walls. There were tears in the plastic sheeting lining the floor of the dumpster.

OAC 3745-20-05(C) requires that asbestos waste containers meet specific standards including sealing with a 0.006 inch plastic liner.

I discussed the above violations with Mr. Gonzalez, who informed me that they would be corrected.

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 your company's current and future asbestos abatement activities for the Nelsonville-York City School District, including the amount and type of Regulated Asbestos Containing Material that may still need to be removed from the premises.
- 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 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
District Representative
Division of Air Pollution Control

SL/dh

cc: Bruce Weinberg, SEDO/DAPC
Tom Buchan, CO/DAPC
Tom Kalman, CO/DAPC
Lisa Holscher, USEPA/Region V
Sandi Hurd, Nelsonville-York City School District