



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

June 12, 2008

**RE: BELMONT COUNTY  
MARTINS FERRY HIGH SCHOOL AND  
VOCATIONAL BUILDINGS  
MARTINS FERRY, OHIO 43935  
NOTICE OF VIOLATION**

**CERTIFIED: 70063450000190562642**

Albert Skulich  
Martins Ferry School District  
5001 Ayers Limestone Road  
Shadyside, Ohio 43935

Dear Mr. Skulich:

This notice is in reference to the asbestos abatement and demolition project being conducted at the Martins Ferry High School and Vocational Buildings, at 810 Hanover Street, Martins Ferry. On March 28, 2008, Raze International Inc. submitted an original Notification of Demolition and Renovation for the above facility. The most recent revision to the notification was received on 04/21/2008. The notification is for abatement of the following RACM materials: 2,023 linear feet of pipes, 21,362 square feet of surface area and six doors. The notification also states that 19,794 square feet of Category 1 non-friable asbestos material and 98 windows are to be removed from the facility.

On May 7, 2008, I conducted a partial inspection of the facility. During the inspection, I spoke to the project supervisor, James Duerr Sr. (AS 26642) of Raze International Inc., and the third party contractor, Scott Dieringer of Pro Tech Environmental. At the time of the inspection, abatement activities were occurring on the 3<sup>rd</sup> floor. Bags of asbestos-containing waste material were being removed from the third floor containment area via a demolition chute. The chute deposited the bagged waste into a trailer/dumpster. The material consisted of plaster, ceiling tile and flooring.

Upon examination of the floor tile waste, I observed that the tile was broken into many pieces. For future reference, Category 1 Non-friable floor tile that is broken into small pieces may become RACM.

On May 14, 2008, I also conducted a partial inspection of the facility. During the inspection, I spoke to James Duerr Sr. and Scott Dieringer. At the time of the inspection, abatement was occurring on the 2<sup>nd</sup> floor. This inspection was prompted by a citizen complaint that waste bags were being dropped out of the 2<sup>nd</sup> floor window into an asbestos-labeled dumpster.

Be advised that the asbestos abatement 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) and OAC 3745-20-02-(A), all facilities must be inspected for the presence of asbestos prior to commencement of a demolition or renovation. Additional provisions of 40 CFR 61 and OAC 3745-20 referring to, "Notification Requirements", and, "Procedures for Asbestos Emission Control" apply if friable asbestos materials were found and stripped from facility components 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 61.141 and OAC Rule 3745-20-01 (B) (20), 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.

#### **VIOLATIONS RESULTING FROM THE MAY 7, 2008 INSPECTION:**

1. 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 (6-mil). A second clean, leak-tight plastic bag having a thickness of at least 0.006 inch shall fully contain the first bag.

Upon examination of the bags of asbestos-containing waste material in the dumpster, waste was found in which the outer (second) 6-mil plastic bags were ripped. The second bag was not leak-tight.

2. OAC 3745-20-05(C)(1) in part requires that each waste generator ensure that all asbestos waste containers to be transported off the facility, be labeled with the name of the waste generator and the location at which the waste was generated. Similar labeling is also required by 40 CFR Part 61.150(a)(1)(v).

Upon examination of the bagged waste in the dumpster, waste generation labels were not present.

#### **VIOLATIONS RESULTING FROM THE MAY 14, 2008 INSPECTION:**

3. 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 (6-mil). A second clean, leak-tight plastic bag having a thickness of at least 0.006 inch shall fully contain the first bag.

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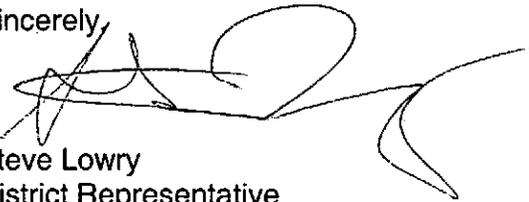
Upon examination of the bags of asbestos-containing waste material in the dumpster, bagged waste was found in which neither the inner 6-mil bag nor the outer 6-mil bags were leak-tight. The inner 6-mil bags were open and not sealed and the outer (second) 6-mil bag was ripped. The material was not sealed in a leak tight manner.

Within ten (10) days after receipt of this notice, we are requesting that you submit to our office the following information:

- A summary of Martins Ferry School Districts' plans to maintain and ensure compliance with the above described violations.
- 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 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/mlm

cc: Thomas Brown, Raze International.  
Bruce Weinberg, SEDO, DAPC  
Tom Buchan, CO, DAPC  
Tom Kalman, CO, DAPC  
Lisa Holscher, USEPA, Region V