



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

September 5, 2008

**RE: WARNING LETTER
AEP CONESVILLE PLANT
UNIT 4 PRECIPITATOR
AND UNIT 2 WEST SIDE
47201 COUNTY ROAD 273
CONESVILLE, OHIO 43811
COSHOCKTON COUNTY**

CERTIFIED: 70063450000190563212

Winston Saunders
Advanced Specialty Contractors
P.O. Box 110, 1825 Latrobe Street
Parkersburg, West Virginia 26102-1110

Dear Mr. Saunders:

This notice is in reference to the two asbestos abatement projects your company is conducting at the AEP Conesville Power Plant located at 47201, County Road 273, Conesville Ohio. The projects are titled Unit 4 Precip, received 07/28/2008 for 12,000 square feet of Regulated Asbestos Containing Material (RACM) and Unit 2 West Side, received 07/15/2008 for 660 square feet of RACM.

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 (NESHAP) codified in 40 CFR 61.140. These types of operations are also subject to Ohio Administrative Code (OAC) Chapter 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 Rule 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 August 21, 2008, I conducted an inspection of the two above-noted projects. During the inspections, I was accompanied by Joel Singree (AS 24509) of Advanced Specialty Contractors and Drexel Scott, Gigi Hammond, and Jody Rice of AEP. I viewed the exterior areas of both projects, including the asbestos waste disposal dumpster.

1. During the inspection of the asbestos waste dumpster; I observed 3 bags of asbestos-containing waste material. The material consisted primarily of personal protection equipment. The material was contained in a single 6 mil bag. The bags did not have generator labels attached to them.

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.

40 CFR 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 Rule 3745-20-05(C)(1) also requires similar labeling.

The 3 bags of asbestos-containing waste material did not comply with the above-noted requirements.

2. During the inspection of Unit 2 West Side, one bag of asbestos-containing waste material was observed that was not leak tight. The single 6 mil bag contained personal protection equipment and lock-down fluid. The liquid lock-down was leaking from the single 6 mil bag.

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.

40 CFR Part 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. OAC Rule 3745-20-05(B)(1)(c) also requires that all asbestos-containing waste material be sealed in leak tight containers.

Winston Saunders
Advanced Specialty Contractors
September 5, 2008
Page 3

The bag of asbestos-containing waste material did comply with the above-noted requirements.

Upon completion of the inspection, the above issues were discussed with representatives of both Advanced Specialty Contractors and AEP Conesville. The above-noted issues were to be immediately 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 or are to be addressed.
- ▶ An update regarding your company's current and future asbestos abatement and demolition activities for the AEP Conesville Power Plant.
- ▶ 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
Ohio EPA District Representative
Division of Air Pollution Control

SL/mlm

cc: Bruce Weinberg, SEDO/DAPC
Gigi Hammonds, AEP Conesville Plant.