



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 Korteski, Director

October 30, 2008

**RE: WARNING LETTER
ADENA COMMUNITY CENTER
170 WEST MAIN STREET
ADENA, OHIO 43901
JEFFERSON COUNTY**

Certified: 70063450000190563519

Mr. Gary Dulkowski
Treasurer
Village of Adena
P.O. Box 507
Adena, Ohio 43901

Dear Mr. Dulkowski:

This warning letter is in response to a complaint received by this office on August 20, 2008. The complaint alleges that the Adena Community Center (a former school building) was recently renovated and that an asbestos inspection was not conducted prior to the renovation.

On September 10 and October 6, 2008, I investigated this complaint and viewed the Community Center. The building is owned by the Village of Adena. Thank you for meeting with me and providing me access to building. During my site visit, I viewed the basement, first floor, second floor, gymnasium, and the kitchen area. Renovation had been completed on all but two rooms on the second floor. Several of the rooms are currently in use by local groups and organizations. As part of the inspection, I collected and submitted for analysis 5 samples of suspect asbestos-containing material. The results for each of the samples were negative for the presence of asbestos.

Be advised that the renovation 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) 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) and OAC Rule 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 Chapter 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:

1. As noted-above, 40 CFR 61.145(a) and OAC Rule 3745-20-02(A) require that all facilities must be inspected for the presence of asbestos prior to commencement of a demolition or renovation.

The results of my inspection revealed that the above-noted structure was renovated without a thorough inspection by a certified asbestos hazard evaluation specialist as required by 40 CFR 61.145(a) and OAC Rule 3745-20-02(A). The lack of an appropriate asbestos inspection has resulted in a violation of these rules.

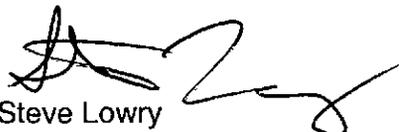
Please be aware that prior to the commencement of any additional renovation activities at the Adena Community Center, an asbestos inspection will be required per the above-noted rules.

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

- A commitment from the Village of Adena that all future demolitions or renovations will be conducted in compliance with all above-listed rules.
- A list of the names, addresses and roles of any contractors involved in the renovation of the Community Center.
- Any clarifications, responses, explanations or evidence on your behalf pertaining to the above-stated violations.

Finally, be advised that this Warning Letter 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. At your request, I have enclosed copies of the analytical results for the submitted samples. 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

Enclosures

cc: Bruce Weinberg, SEDO, DAPC



**DATA
CHEM**
LABORATORIES, INC.

O.E.P.A.
S.E.D.O.

2008 OCT 27 AM 11:52

10/15/08
Page 1 of 2

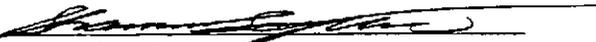
SUBMITTED TO:

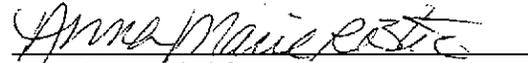
Steve Lowry
Ohio EPA SEDO
2195 Front St.
Logan, OH 43138

REFERENCE DATA:

| | |
|----------------------|---------------------------------------|
| Client Sample No.: | Adena Sample 1 through Adena Sample 5 |
| P.O. No.: | VISA |
| Sample Location: | Adena |
| Sample Type: | Bulk |
| Method Reference: | EPA-600/R-93/116 |
| DCL Set ID No.: | 08-A-5451 |
| DCL Sample ID No.: | 08-30669 through 08-30673 |
| Sample Receipt Date: | 10/9/08 |
| Analysis Date: | 10/15/08 |

We certify that the following samples were prepared and analyzed by Polarized Light Microscopy for asbestos and other fibrous constituents using EPA-600/R-93/116. The samples were acceptable upon receipt except where noted. The samples were examined under a stereomicroscope in a laboratory fume hood for general composition and phase separation. If needed, portions of the sample were removed and ground with a mortar and pestle before being mounted on a glass microscope slide. Mountings of representative portions of the material are prepared in one or more appropriate refractive index liquids (1.550, 1.605, 1.680) and examined by Polarized Light Microscopy*. Estimates of concentration are made on an area basis. The results of the analysis apply only to the materials analyzed and are summarized on the attached bulk asbestos analysis data sheets. DataChem Laboratories will dispose of all bulk samples after 60 days unless other arrangements are made.


Shawn Smythe
Analyst


Anna Marie Ristich
Reviewer

*Floor tiles, decorative paints, joint compounds, and cement materials require additional treatment in order to evaluate the concentration of small asbestos fibers bound in the material. Some samples may contain fibers that are not visible by PLM and can only be detected by electron microscopy techniques. Floor tiles are analyzed as homogeneous materials if insufficient mastic is present or if phases have been cross contaminated.

DataChem Laboratories NVLAP Lab ID: 101917. Laboratory accreditation by the National Institute of Standards and Technology does not in any way constitute approval or endorsement by NVLAP, NIST, or any agency of the federal government.

CINCINNATI OFFICE
4388 GLENDALE-MILFORD ROAD
CINCINNATI, OHIO 45242-3706
513 733-5336, FAX 513 733-5347

WEST COAST OFFICE
11 SANTA YORMA COURT
NOVATO, CALIFORNIA 94945
800 280-8071, FAX 415 893-9469

10/15/08

DataChem Laboratories
Polarized Light Microscopy
Asbestos Analytical Report

Client: Ohio EPA SEDO
Location: Adena
Set ID: 08-A-5451

| Client Sample ID: | Adena Sample 1 | Adena Sample 2 | Adena Sample 3 | Adena Sample 4 | Adena Sample 5 |
|--------------------------------|----------------|----------------|----------------|----------------|----------------|
| DCL Sample ID: | 08-30669 | 08-30670 | 08-30671 | 08-30672 | 08-30673 |
| Macroscopic Examination | | | | | |
| Accepted/Rejected: | Accepted | Accepted | Accepted | Accepted | Accepted |
| Homogeneity: | Homog. | Homog. | Homog. | Homog. | Homog. |
| Color: | Grey | Grey | Grey | Grey | Grey |
| Texture: | Crumbly | Crumbly | Crumbly | Crumbly | Fbrs/Crmby |
| Description: | Plaster | Plaster | Plaster | Plaster | Ceiling Tile |
| Analysis: | PLM | PLM | PLM | PLM | PLM |
| Asbestiform Minerals | | | | | |
| % Chrysotile: | | | | | |
| % Amosite: | | | | | |
| % Crocidolite: | | | | | |
| % Tremolite - Actinolite: | | | | | |
| % Anthophyllite: | | | | | |
| % Total Asbestos: | ND | ND | ND | ND | ND |
| Other Materials | | | | | |
| % Cellulose: | | | | | >40 ≤ 50 |
| % Fiberglass: | | | | | >20 ≤ 30 |
| % Other Fibers: | | | | | |
| % Resin/Binder: | | | | | |
| % Non Fibrous: | >90 ≤ 100 | >90 ≤ 100 | >90 ≤ 100 | >90 ≤ 100 | >10 ≤ 20 |

ND = None Detected Trace = <1%

Special Prep Procedures: None.

*Notes: P. O. #: VISA.


Shawn Smythe
Microscopist

All values are in area percent by visual estimate. The Federal Register Vol. 55 No. 224 Tuesday Nov. 20 1990 Rules and Regulations states "... If the asbestos content is estimated to be less than 10% by a method other than point counting,... (the analysis) be repeated using the point counting technique by PLM." Any of the above samples can be reanalyzed by point counting at the client's request. Wherever possible, separate phases are analyzed and reported individually.



**DATA
CHEM**
LABORATORIES, INC.

ANALYTICAL REQUEST FORM

REGULAR Status (5 working days from receipt)

RUSH Status Required - **ADDITIONAL CHARGE**

RESULTS REQUIRED BY _____ DATE _____

CONTACT DATACHEM LABS PRIOR TO SENDING SAMPLES

Date ~~10-08-08~~ Purchase Order No. Visa

Quote No. _____

Company Name Ohio SDA SEDA

Sample Collection

Address 2195 Front Street

Sampling Site Adena

City Logan Ohio State Zip 43138

Industrial Process School

Person to Contact Steve Lowry

Date of Collection 10-7-08 & 9-10-08

Telephone (740) 380 5231

Time Collected Approx 11:00 10:30

Fax Telephone (740) 385 6490

Date of Shipment 10-08-08

Billing Address (if different from above)

QC Requirements Standard Other _____

In care of Cara Cherry
Same address

Collector's Name Steve Lowry

Signature [Signature]

REQUEST FOR ANALYSES

08-A-5451

08-

| Laboratory Use Only | Client Sample Number | Media Type* | Sample Volume (Liters) | ANALYSES REQUESTED - Use Method Number if Known |
|---------------------|----------------------|-------------|------------------------|---|
| 30669 | Adena Sample 1 | plaster | | Asbestos Plm Point Count if less than 10% |
| 30670 | Adena Sample 2 | plaster | | " " |
| 30671 | Adena Sample 3 | plaster | | " " |
| 30672 | Adena Sample 4 | plaster | ✓ | " " |
| 30673 | Adena Sample 5 | calistole | ✓ | " " |

CHAIN OF CUSTODY

| | | | |
|--|---|---|--|
| Relinquished by: (Signature) <u>[Signature]</u> | Date / Time <u>10-18-08</u> <u>6:54</u> | Received by: (Signature) <u>Steve Wilcox</u> | Date / Time <u>10/19/08</u> <u>12:09</u> |
| Relinquished by: (Signature) | Date / Time | Received by: (Signature) | Date / Time |