



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

November 5, 2009

**RE: MEIGS COUNTY
JAYMAR INC. - RIVERVIEW SCHOOL
64600 STATE ROUTE 124
REEDSVILLE, OH 45772
NOTICE OF VIOLATION**

CERTIFIED: 70073020000178847794

Mr. Jerry Hall
Jaymar Inc.
8751 State Route 7 North
Cheshire, OH 45620

Dear Mr. Hall:

This Notice of Violation (NOV) is in reference to the demolition of the former Riverview Grade School located at 64600 State Route 124, Reedsville Ohio. On March 30, 2009, this office received an anonymous complaint that the former Riverview School was being demolished and buried at the Jaymar Inc. facility located on State Route 124, Reedsville, Ohio. On April 2, 2009, we spoke regarding the demolition; you agreed to halt the demolition activities. On April 14, 2009, Joe Holland from the Ohio EPA, Division of Solid and Infectious Management, Keith Little, Meigs County Health Department, Director of Environmental Health and I inspected the former school site and the waste disposal site located at the Jaymar facility. At the time of the inspection, the former Riverview School had been demolished and a portion of the waste hauled to the Jaymar Inc. facility for burial. Per conversations with Jaymar Inc. representatives, the demolition of the former Riverview School was not conducted with the assistance of authorized asbestos abatement professionals.

In accordance with 40 CFR 61.145 (a) and Ohio Administrative Code (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 Part 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)(39), 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.

Be advised that the demolition 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 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 U.S. EPA for any violations for which Ohio is unable to initiate a required enforcement action. A partial list of the violations associated with the demolition of the former Riverview School is listed below.

VIOLATIONS:

1. 40 CFR 61.145(a) and OAC Rule 3745-20-02(A) require that all facilities be thoroughly inspected by a certified asbestos hazard evaluation specialist for the presence of asbestos prior to commencement of a demolition or renovation.

Demolition activities had been initiated at the time of the April 14, 2009 inspection of the former Riverview School. At the time of the initial demolition, a thorough asbestos inspection had not been completed for the former Riverview School.

As such, violations of 40 CFR 61.145(a) and OAC Rule 3745-20-02(A) have occurred.

2. 40 CFR 61.145(b) and OAC Rule 3745-20-03(A) require that the owner or operator of a facility being demolished provide Ohio EPA with written notice of intention to demolish or renovate. The notification is required to be submitted at least ten (10) working days before the beginning of any demolition operation.

Demolition activities had been initiated at the time of the April 14, 2009 inspection of the former Riverview School. Ohio EPA did not receive a notification of intent to demolish the former Riverview School prior to the start of demolition.

As a written notice of intention to demolish the former school was not submitted, violations of 40 CFR 61.145(b) and OAC Rules 3745-20-03 (A) have occurred.

3. 40 CFR 61.145(c)(1) and OAC Rule 3745-20-04(A)(1) require that all regulated asbestos-containing material (RACM) be removed from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the material for subsequent removal.

At the time of the Ohio EPA inspection, acoustical plaster and other suspect asbestos containing materials were thoroughly mixed within the debris piles associated with both the former Riverview School and the Jaymar Inc. disposal site. Many photos and samples of suspect asbestos containing materials from both the school site and the disposal site were collected. Four of the collected samples were submitted for laboratory analysis. The analysis indicated that 3 acoustical plaster samples contained at least 15% total asbestos. Ohio EPA does not have on record any previous notifications of intent to demolish, renovate or abate RACM from the former Riverview School.

As identified in a June 22, 1998 document titled "3-Year Reinspection" submitted to Mr. Deryl Well, Superintendent Eastern Local Schools by the consulting firm Monit-Air, the Riverview School contained approximately 13,820 square feet of asbestos-containing floor tile and mastic, 8,970 square feet of asbestos-containing acoustical ceiling plaster, 58 asbestos-containing cementitious pipe elbows and joints and 1 asbestos-containing fire door. This information was collected per the requirements of the Asbestos Hazard Emergency Response Act (AHERA).

As significant quantities of RACM were disturbed by the demolition, violations of 40 CFR 61.145(c)(1) and OAC Rule 3745-20-04(A)(1) have occurred.

4. 40 CFR 61.145(c)(6)(i) and OAC 3745-20-04(A)(6)(a) requires that all regulated asbestos-containing material, including material that has been removed or stripped, remain adequately wet until collected and contained or treated in preparation for disposal.

At the time of the Ohio EPA inspection, the regulated asbestos-containing material observed in the at the former Riverview School site and at the Jaymar Inc. disposal site was dry and was not adequately wet.

5. 40 CFR 61.145(c)(8) and OAC 3745-20-04(B)(1) requires that no regulated asbestos-containing material shall be disturbed unless at least one person authorized representative is present at the location and trained in the provisions of this chapter.

As no authorized representative trained in the provisions of this chapter were present during demolition a violation of OAC 3745-20-04(B)(1) has occurred.

6. 40 CFR 61.150(b) and OAC 3745-20-05(A) state that all asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at an approved waste disposal site.

Asbestos-containing waste from the former Riverview School was deposited in a former gravel pit at the Jaymar Inc. facility. By not disposing of the asbestos waste in an approved waste disposal site, a violation of OAC 3745-20-05(A) has occurred.

7. 40 CFR 61.150(a)(1) and OAC 3745-20-05(B) requires that each owner or operator of any demolition, renovation, manufacturing, fabricating or spraying operation to whom this rule applies, shall discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, transporting, or deposition of any asbestos-containing waste material, and use one of the methods specified in paragraphs (B)(1) to (B)(4) of this rule:

- (1) Adequately wet asbestos-containing waste material as follows:

- (a) Mix control device asbestos waste to form a slurry; adequately wet other asbestos-containing waste material; and

(b) Discharge no visible emissions to the outside air from collecting, mixing, wetting, and handling operations, or use the methods specified by rule 3745-20-12 of the Administrative Code to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air; and

(c) After wetting, seal all asbestos-containing waste material while wet in durable leak-tight containers or wrapping that complies with paragraph (C) of this rule.

As the demolition was conducted without the use of water or any wetting agents, without engineering controls to minimize visible emissions and the RACM containing waste was not wetted and sealed in leak tight containers, a violation of 40 CFR 61.150(a)(1) and OAC 3745-20-05(B) has occurred.

8. 40 CFR 61.150.(c) and 3745-20-05(C) requires that each waste generator shall ensure that asbestos waste containers shall meet minimum standards including: Danger warnings for asbestos-containing waste material and the sealing of asbestos-containing waste materials in leak-tight containers.

The asbestos-containing waste was hauled to the Jaymar Inc. disposal site in Jaymar Inc. facility trucks. The trucks were not adequately labeled and the asbestos-containing waste material was not sealed in leak-tight containers. As such, violations of 40 CFR 61.150(c) and OAC 3745-20-05(C) have occurred.

Subsequent to the April 14, 2009 Ohio EPA inspection, Jaymar Inc. submitted Notification of Demolition and Renovation forms to Ohio EPA SEDO to address the abatement of both the former Riverview School and the Jaymar Inc. disposal site (original submittal date May 6, 2009). The asbestos abatement contracting firm of Advanced Energy Solutions was hired to properly abate the debris piles located at both the former Riverview School site and at the Jaymar Inc. disposal site. The notifications were for 3,320 cubic yards of RACM from the former school site and 120 cubic yards of RACM from the Jaymar Inc disposal site. Ohio EPA conducted an inspection of the abatement activities occurring at the former Riverview School site on May 14, 2009. Abatement activities appeared to be in compliance with 40 CFR 61.140 and OAC Chapter 3745-20.

Ohio EPA is requesting that within ten (10) days after receipt of this notice, that you submit to our office the following information:

- A copy of the waste receipt records associated with the abatement and disposal of the debris from both the former Riverview School site and the Jaymar Inc. disposal site.
- A commitment that your company will comply with the applicable provisions of 40 CFR 61.140 and OAC Chapter 3745-20 for all future demolition or renovation projects.
- Any clarifications, responses, explanations or evidence on your behalf pertaining to the above-stated violations.

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Failure to submit a response to this Notice of Violation may result in escalated legal action being pursued against you and your company.

If you have any questions regarding this matter, please contact me at (740) 380-5231.

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 these violations or any additional violations that may be found.

Sincerely,



Steve Lowry
Environmental Supervisor
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
Joe Holland, SEDO, DSIWM
Keith Little, Meigs County Health Department