



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

January 7, 2009

**RE: WARNING LETTER
MUSKINGUM COUNTY
ZANESVILLE HIGH SCHOOL
VOCATIONAL BUILDING
1701 BLUE AVENUE
ZANESVILLE, OH 43071**

Certified Mail: 70073020000178821626

Mr. Brian Hatfield, President
Ohio Technical Services, Inc.
1161 Rarig Avenue
Columbus, Ohio 43219

Dear Mr. Hatfield:

This warning letter is in reference to the renovation project your company conducted at the Zanesville High School Vocational Building, located at 1701 Blue Avenue, Zanesville, Ohio. A Notification of Demolition and Renovation for the structure at the above address was submitted by Ohio Technical Services, Inc. (postmarked 10/13/2008). The scheduled date for asbestos removal was listed as October 27, 2008 through November 7, 2008. The notification was for the abatement of 3,250 linear feet of pipe (RACM), 200 square feet of surface area (RACM) and 240 square feet of surface area (Category II). The unoccupied Vocational Building is scheduled for demolition.

On November 13, 2008, I conducted an inspection of the abatement project. During the inspection, I spoke with Mark Ulbrich, the Principal of the school. Upon examination of the Vocational Building, I observed many pieces of suspect asbestos-containing waste material (ACM). The majority of the suspect ACM was observed on the pipe runs and associated hangers. Photos and samples of the suspect material were collected. Remnant pieces of the asbestos containment structure along with asbestos warning signs were also present throughout the building.

Upon completion of my inspection, I placed a phone call to Ohio Technical Services, Inc. I spoke to Mr. Richard Wingo. Mr. Wingo assured me that an abatement crew would be sent to the facility tomorrow (November 14, 2008) to address the suspect ACM. During my phone conversation with Mr. Wingo, I requested that Ohio Technical Services, Inc. submit a summary of any additional abatement activities conducted at the Vocational Building.

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:

1. OAC 3745-20-04(C) states that each owner or operator of any demolition or renovation operation shall ensure all regulated asbestos-containing materials which have been damaged or made friable by demolition, renovation or adjacent stripping operations are repaired, encapsulated or removed for disposal in accordance with 3745-20-05 of the Administrative Code prior to the removal of emission controls.

At the time of the inspection, abatement activities had been completed and many pieces of dry regulated asbestos-containing materials (RACM) were found in the Vocational Building. The locations of observed RACM included the underground tunnel, the overhead pipe runs/hangers and a custodial closet.

2. 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 inspection, the regulated asbestos-containing material observed in the Vocational Building of the above noted structure was dry and was not adequately wet.

On December 12, 2008, Ohio Technical Services, Inc. submitted a summary of abatement activities completed subsequent to the November 13, 2008 Ohio EPA inspection of the Vocational Building. The document described the completed supplemental abatement performed by Ohio Technical Services, Inc. The document also addressed several questions raised by Ohio EPA during the above-noted November 13, 2008 conversation between Ohio EPA and Ohio Technical Services, Inc.

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

- A description of what actions Ohio Technical Services, Inc. will/has taken to ensure that future compliance will be maintained in regard to the above-described violations.
- 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 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/mim

cc: Bruce Weinberg, Manager, SEDO, DAPC
Terry Martin, Superintendent, Zanesville City Schools
Mark Ulbrich, Principal, Zanesville High School