



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

June 27, 2008

**RE: NOBLE COUNTY  
515 FAIRGROUNDS STREET  
CALDWELL, OH 43724  
NOTICE OF VIOLATION**

**Certified Mail  
#7007 3020 0001 7882 0926**

Mr. Rick Zerger, Trustee  
Caldwell United Methodist Church  
537 Main Street  
Caldwell, Ohio 43724

Dear Mr. Zerger:

This notice of violation is in reference to the renovation project conducted at the Residential Parsonage of the Caldwell United Methodist Church, located at 515 Fairgrounds Street, Caldwell, Ohio. On May 23, 2008, Lepi Enterprises submitted a Notification of Demolition and Renovation for the structure at the above address. The scheduled date for asbestos removal was listed as June 6, 2008. The notification was for the abatement of 290 linear feet of pipe.

On June 12, 2008, I conducted an inspection of the abatement project. During the inspection, I spoke with Floyd Costello, the resident of the house. Upon examination of the basement, the boiler and the associated piping I observed many pieces of suspect asbestos-containing waste material (ACM). The largest piece of suspect ACM was approximately 1.5 inches in diameter. Suspect ACM was observed on the basement floor and on the pipe runs. Five (5) discrete samples of suspect ACM were collected and analyzed. All 5 samples were confirmed to contain at least 20 % chrysotile asbestos.

Upon completion of my inspection, I placed a phone call to Lepi Enterprises. Lepi Enterprises promptly dispatched Martin Dunlap (AS 24923) to the parsonage for the purpose of completing abatement activities.

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,

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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 were found in the basement of the structure.

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 basement of the above noted structure was dry and was not adequately wet.

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

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- The names and license numbers for the third party consultant that conducted clearance sampling at the church parsonage. Please enclose a copy of any documentation you were provided regarding the asbestos abatement and clearance sampling.
- Any clarifications, responses, explanations or evidence on your behalf pertaining to the above-stated violations.

Finally, be advised that this Notice of Violation 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/jg

cc: Jeff Lepi, Lepi Enterprises  
Bruce Weinberg, SEDO, DAPC  
Tom Buchan, CO, DAPC  
Tom Kalman, CO, DAPC  
Lisa Holscher, USEPA, Region V