OhioEPA

State of Ohio Environmental Protection Agency

Southeast District Office

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

January 22, 2008

RE: NOTICE OF VIOLATION
TUSCARAWAS COUNTY YMCA
600 MONROE STREET
DOVER, OH 44622
TUSCARAWAS COUNTY

Certified: 70063450000190560419

Mr. Lee Good
Lee Good Engineering
P.O. Box 608
Uniontown, Ohio 44685

Dear Mr. Good:

This notice is in reference to a renovation project your company participated in at the Tuscarawas County YMCA, located at 600 Monroe Street, Dover Ohio. On December 14, 2007, this office received a report that an asbestos-covered boiler was removed from the boiler room of the YMCA and placed in a dumpster. The waste material was later located at a scrap yard. As your company was involved in the renovation, I spoke to you as part of my investigation regarding the boiler. Samples collected from the dumpster, from the scrap yard and from the boiler room were all positive for asbestos. The quantity of asbestos material was determined to be greater than 35 cubic feet. Several of the violations associated with this renovation are listed below.

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. 40 CFR 61.145(a) and 3745-20-02 (A) require that prior to the commencement of demolition or renovation of an affected facility, a thorough inspection for asbestos be conducted by a certified asbestos hazard evaluation specialist.

   By not having had the above noted inspection conducted at the facility, a violation of 40 CFR 61.145(a) and 3745-20-02 (A) has occurred.

2. 40 CFR Part 61.150(b)(3)(i) and OAC Rule 3745-20-03(A)(3)(a) state that each owner or operator shall provide notification of demolition or renovation at least ten working days before the beginning of any demolition operation, asbestos stripping or removal work, or any other activities including salvage activities and preparations that break up, dislodge or similarly disturb asbestos material if the operation is a demolition or renovation operation subject to this rule.

   By not submitting the above noted notification, a violation of 40 CFR Part 61.150(b)(3)(i) and OAC Rule 3745-20-03(A)(3)(a) has occurred.

3. 40 CFR Part 61.145(c)(8) and OAC 3745-20-04(B)(1) states that no regulated asbestos-containing material shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this chapter unless at least one authorized representative, trained in the provisions of this rule and the means of complying with them, is present at the location of operations.

   No authorized representative was present during removal of the boiler. As such, a violation of 40 CFR Part 61.145(c)(8) and OAC 3745-20-04(B) has occurred.

4. 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 rule 3745-20-05 of the Administrative Code, prior to the removal of emissions controls.

   On 12/20/2007, I inspected the boiler room and found friable asbestos material present at many locations in the room. As such, a violation of OAC 3745-20-04(C) has occurred.

5. OAC 3745-20-05(A) states that all asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at an approved waste disposal site.

The asbestos waste from the boiler room was located at a scrap yard in Stark County, Ohio. By not disposing of the asbestos waste in an approved waste disposal site, a violation of OAC 3745-20-05(A) has occurred.

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

- An update regarding your company's past, current and future plans regarding the renovation of the Tuscarawas County YMCA.
- A summary of the renovation activities already completed by your company, including the type and quantity of material already removed from the building/site.
- Any clarifications, responses, explanations or evidence on your behalf pertaining to the above-stated violations.
- As there are many contractors involved in this renovation, any additional information that you can supply regarding oversight of the project may be useful in Ohio EPA's evaluation of the above noted 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
District Representative
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
Keith Lands, Tuscarawas County YMCA
Mike Strabley, M-COR
Harry Baldwin, Rader Construction
Jeff Day, Harris-Day Architects