

Department:

Subdepartment:

DAPC

<NONE>

Program:

DAPC - Asbestos Emission Controls

Office Location:

Medium:

CDO

AIR

Doc Type:

Doc Subtype:

NOV

<NONE>

Facility County:

Facility ID:

25 - FRANKLIN

Date:

6/19/2013

Facility/Site/Location/Registered Entity Name:

Demolition

Your input is 9 characters long (Max 40).

Facility Address 1:

10501 Columbus Parkway SW

Your input is 25 characters long (Max 40).

Facility Address 2:

Your input is 0 characters long (Max 40).

Facility City:

Etna

Facility State:

Facility ZIP: (00000 or 00000-0000)

OH

43062

Mailing Name:

Your input is 0 characters long (Max 40).

Mailing Address 1:

Your input is 0 characters long (Max 40).

Mailing Address 2:

Your input is 0 characters long (Max 40).

Mailing City:

Mailing State/Province:

Mailing ZIP: (00000 or 00000-0000 or X0X0X0)

<NONE>

Project Name:

Project Type:

Latitude:

Longitude:



John E. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

CERTIFIED MAIL # 91 7108 2133 3932 1838 0402

May 17, 2013

Mr. Jeff Bowen
Owner
American Hauling Dumpster Rental and Demolition
5847 Garnier Avenue
Westerville OH 43081

Re: Notice of Violation – No Notification of Demolition submitted and no asbestos survey performed prior to demolition of facility at 10501 Columbus Parkway SW near Etna, Ohio

Dear Mr. Bowen:

On March 29, 2013, Ohio EPA, Central District Office, Division of Air Pollution Control (CDO) was made aware of a demolition activity occurring at 10501 Columbus Parkway SW near Etna Ohio. An inspector from CDO investigated and discovered that a facility was being demolished without compliance with the requirements of OAC rule 3745-20 and the federal National Emission Standards for Hazardous Air Pollutants.

1. Finding

Previous to the demolition, an asbestos survey should have been performed for the facility. To be in compliance with OAC rule 3745-20-02(A), a thorough asbestos survey must be performed for any facility to be demolished, renovated, or burned for fire training.

Violation

OAC rule 3745-20-02(A) requires each regulated structure be thoroughly inspected for the presence of asbestos, prior to demolition.

"Notwithstanding any other exclusion of this rule, and to determine which requirements of this rule and of rules 3745-20-03 and 3745-20-04 of the Administrative Code apply, each owner or operator of any demolition or renovation operation shall have the affected facility or part of the facility where a demolition or renovation operation will occur thoroughly inspected by a certified asbestos hazard evaluation specialist in accordance with paragraph (C)

of rule 3701-34-02 of the Administrative Code prior to the commencement of the demolition or renovation for the presence of asbestos, including category I and category II nonfriable asbestos-containing material."

Failing to perform a thorough survey is considered a violation of OAC rule 3745-20-02(A). Violation of OAC rule 3745-20-02(A) is also considered a violation of Ohio Revised Code (ORC) 3704.05(G) which states:

"No person shall violate any order, rule, or determination of the director issued, adopted, or made under this chapter."

2. Finding

During the investigation, the CDO inspector noted that no *Ohio Environmental Protection Agency Notification of Demolition and Renovation* form had been submitted to CDO prior to the demolition activity. Because the demolition of a facility occurred without submitting required notification, a violation of OAC 3745-20-03 has occurred. To be in compliance with Ohio Administrative Code rule 3745-20-03, proper notification must be submitted prior to demolition.

Violation

OAC rule 3745-20-03 contains content and submittal deadlines pertaining to demolition of facilities. Failure to observe these requirements is a violation of OAC rule 3745-20-03. Violation of OAC rule 3745-20-03 is also considered a violation of ORC 3704.05(G)

Requested Action

Ohio EPA requests that American Hauling Dumpster Rental and Demolition assure that a valid asbestos survey has been performed and proper notification of demolition or renovation has been submitted, prior to demolition, for all future demolition of regulated structures. Ohio EPA also requests that American Hauling Dumpster Rental and Demolition comply with all applicable requirements of OAC rule 3745-20. Please be aware that Ohio Environmental Protection Agency has the authority to seek civil penalties as provided in section 3704.06 of the ORC. Violation of Ohio's Asbestos Control Regulations may subject the owner, operator, and removal or renovation, or demolition contractor to civil penalties of up to \$25,000 dollars per day of violation. This letter or information submitted pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by Ohio Environmental Protection Agency at a later date.

Mr. Jeff Bowen
American Hauling Dumpster Rental and Demolition
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If you have any questions regarding this matter, please contact Richard Fowler of my staff at (614) 995-0671.

Sincerely,



Kelly Toth
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

c: John Paulian DAPC/CO
Frederick Jones DAPC/CO
Richard Fowler, DAPC/CDO
Mr. Ron McCarthy, A1 Demolition Contractors
Bernie Cohen

ec: Kelly Toth, DAPC/CDO

KT/ct NOV American Demolition

