



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

July 17, 2013

RE: **NOTICE OF VIOLATION**
ABATEMENT OF
3724 ALBANY AVENUE
LORAIN, OHIO 44055

CERTIFIED MAIL
NE132010

Mr. Russell DeDonno
Pioneer Environmental Systems, Inc.
20536 Krick Road
Walton Hills, Ohio 44146

Dear Mr. DeDonno:

On July 10, 2013, the Ohio EPA Northeast District Office (NEDO), Division of Air Pollution Control (DAPC), received a demolition notification postmarked July 9, 2013, for a vacant residential structure at 3724 Albany Avenue in Lorain, Ohio. The notification included a copy of a survey performed by HzW Environmental Consultants, LLC which included the mention of assumed regulated asbestos-containing material (RACM) in the form of 30 square feet of transite. No date on the notice was given for asbestos removal. In the recommendations section, item #2 stated "Assuming that multiple structures are being demolished as part of the same project, and the total quantity of RACM identified in all structures being demolished equals or exceeds EPA's regulated quantities of 160 square feet or 260 linear feet, then the Client should contract with a licensed abatement contractor in the state of Ohio to remove the ACMs/assumed ACMs identified on HzW's Asbestos Bulk Sampling Information form as requiring removal prior to demolition activities commencing." Items #3 and #4 are reminders of the requirement of proper notice of at least 10 days prior to beginning such work.

On July 11, 2013, the undersigned attempted to contact Karen Davis of Lorain County Community Development in order to address deficiencies in the notification that was received. In the morning of July 12, 2013, the undersigned received a return phone call from Karen Davis. While attempting to point out the areas needing to be corrected in the notification, Ms. Davis indicated that the abatement work had been completed by Pioneer Environmental on July 11, 2013.

MR. RUSSELL DEDONNO
JULY 17, 2013
PAGE 2

In view of the above facts, this abatement project conducted at 3724 Albany Avenue, Lorain, Ohio on or about July 11, 2013, as part of an urban demolition project was subject to compliance with the Clean Air Act and regulations promulgated there under, setting forth a National Emission Standard for Asbestos 40 CFR 61.140, et seq. (NESHAP Asbestos Standard). These types of operations are also subject to Ohio Administrative Code (OAC) chapter 3745-20, "Ohio Asbestos Emission Control Rules."

The asbestos standard applies to, among other things, a demolition operation. Pursuant to 40 CFR 61.145 all facilities must be inspected for the presence of asbestos prior to commencement of a renovation. Paragraphs (b), "Notification Requirements," and (c), "Procedures for Asbestos Emission Control" of this section would apply if the accumulative or total amount of friable asbestos materials in the structure was found to be equal to or greater than 260 linear feet on pipes and/or equal to or greater than 160 square feet on any other component. Paragraph (b), "Notification Requirements," of this section also applies if no friable asbestos materials were found, or if the accumulative or total amount of friable materials in the structure were less than 260 linear feet on pipes and/or less than 160 square feet on any other component. (Similar requirements are also stated in OAC rules 3745-20-02, 3745-20-03 and 3745-20-04, "Ohio Asbestos Emission Control Rules.")

Pursuant to 40 CFR 61.141, an "owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls or supervises the facility being demolished or renovated, or any person who owns, leases, operates, controls or supervises the demolition or renovation operation, or both." Any owner or operator is prohibited under 40 CFR 61.19 from circumvention of a visible emission standard or notification requirements by the piecemeal carrying out of an operation.

Finally, pursuant to Section 112 (KK), the authority to implement and enforce the NESHAP has been delegated to the State of Ohio Environmental Protection Agency's Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of U.S. EPA for any violations for which Ohio is unable to initiate a required enforcement action.

In accordance with the above stated delegation of authority, you are hereby notified that the asbestos abatement conducted on 3724 Albany Ave., on or about July 11, 2013, by Pioneer Environmental Systems of Walton Hills, was in violation of the NESHAP requirements in 40 CFR 61.145(a) and (b), "applicability" and "notification requirements" in the "Standard for Demolition and Renovation." This was also a violation of OAC rule 3745-20-02, "Standard for Notification" in the Ohio Asbestos Emission Control Rules.

MR. RUSSELL DEDONNO
JULY 17, 2013
PAGE 2

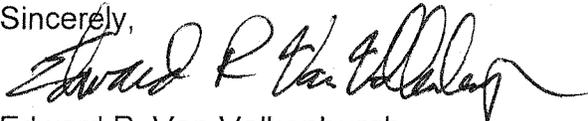
Within fourteen (14) days of receipt of this letter, you are requested to submit the following information. This request for information is made pursuant to OAC Rule 3745-15-03.

- 1) The name, address, phone number and contact person of all contractors involved in the renovation project and an explanation of each company's involvement.
- 2) The name, address, phone number and contact person of all contractors involved in the disposal of both construction demolition and debris (CD&D) waste along with RACM from the site of the demolition project and an explanation of the involvement.
- 3) The locations of the site where both construction demolition and debris (CD&D) waste along with RACM from the demolition was disposed including a copy of any manifests or receipts.
- 4) A copy of any asbestos survey reports of the building.
- 5) The actual beginning and ending dates of the abatement and demolition projects.

This Notice of Violation in no way waives the right of Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications may be directed to you regarding this violation or additional violations that may be found.

Clarification, explanation or evidence pertaining to this violation should be brought to our immediate attention. If you have any questions, please contact me at (330) 963-1209 or Bob Princic at (330) 963-1230.

Sincerely,



Edward R. Van Valkenburgh
District Representative
Division of Air Pollution Control

ERV:bo

ec: Ed Fasko, DAPC, NEDO
Bob Princic, DAPC, NEDO
Tim Fischer, DAPC, NEDO
Frederick Jones, DAPC, CO
Marcus Glasgow, Legal, CO
Brian Dickens, U.S. EPA, Region 5