REGIONAL AIR POLLUTION CONTROL AGENCY

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August 21, 2013

CERTIFIED MAIL
Ms. Sonya Wilson, President
Rainbow Environmental Services, Inc.
4723 Red Bank Rd.
P.O. Box 54863
Cincinnati, Ohio 45254

Re: Removal activities at multiple sites in the City of Dayton and New Lebanon, Ohio

NOTICE OF VIOLATION (Non-HPV)

Summary: The purpose of this Notice is to address violations that have been identified with respect to federal, state, and local asbestos regulations. Rainbow was found to be in violation of proper notification and emission control for asbestos removal operations at multiple sites in the City of Dayton and New Lebanon. Enforcement orders may be issued in the future to resolve these violations.

Dear Ms. Wilson:

Badger Construction – 1049 Old Harshman Road project

On March 4, 2013, RAPCA received a notification from Rainbow Environmental Services (Rainbow), postmark date of March 1, 2013, for the abatement of a total of 50 square feet of regulated asbestos-containing material (RACM), 150 square feet of Category I nonfriable and 3780 square feet of Category II nonfriable asbestos from 8 structures as part of an urban renewal demolition project for the City of Dayton. The structure located at 1049 Old Harshman Road, Dayton, on the original notification indicated that 2,049 square feet of Category II nonfriable asbestos would be removed on March 15, 2013 during the hours of 8:00 am to 5:00 pm.

On March 18, 2013, revision #1 was submitted by Rainbow placing the 1049 Old Harshman Road site on hold. Subsequent revisions, #2-#5 kept the site on hold. Revision #6 placed the project as complete. No revision was submitted to RAPCA indicating the site was off hold and abatement activities taking place.

The failure to provide proper notification for the removal schedule constitute violations of Montgomery County Hazardous Air Pollution Control Regulation 150 (MCHAPCR) 153.06 (D)(2), the Ohio Administrative Code (OAC) rules 3745-20-03 (3)(d)(i) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) specified in 40 CFR Section 61.145 (b)(A)(1) pertaining to proper notification.

City of Dayton NOP 9 – 1129 Wildwood Ave. project

On April 19, 2013, RAPCA received a notification from Rainbow, postmark date of April 16, 2013, for the abatement of a total of 62 linear feet and 3,556 square feet of regulated asbestos-containing material (RACM), and 10,053 square feet of Category II nonfriable asbestos from 7 structures as part of an urban renewal demolition project for the City of Dayton. The structure located at 1129 Wildwood Ave, Dayton, on the original notification indicated that 4 square feet of RACM and 2,010 square feet of Category II nonfriable asbestos would be removed on April 30, 2013 through July 31, 2013 during the hours of 8:00 am to 5:00 pm.

On April 29, 2013, revision #1 was submitted by Rainbow stating the 1129 Wildwood Ave, Dayton site was completed on April 29, 2013. No revision was submitted to RAPCA indicating the abatement would take place on an earlier start date. Removal activities beginning on April 29, 2013 is prior to the required 10 working day wait.

The commencement of removal activities prior to the required waiting period constitute violations of MCHAPCR 153.06 (A), OAC rule 3745-20-03 (3)(a) and 40 CFR Section 61.145 (b)(3)(i) pertaining to proper notification.

Village of New Lebanon – 65 Franklin St. project

On April 2, 2013, RAPCA received a notification from Rainbow, postmark date of March 28, 2013, for the abatement of a total of 29 square feet of regulated asbestos-containing material (RACM) and 4,211 square feet of Category II nonfriable asbestos from 4 structures as part of an urban renewal demolition project for the Village of New Lebanon. The structure located at 65 Franklin St., New Lebanon, on the original notification indicated that 1,857 square feet of Category II nonfriable asbestos would be removed on April 11, 2013 through December 31, 2013 during the hours of 8:00 am to 5:00 pm.

On April 12, 2013, revision #2 was submitted by Rainbow placing the 65 Franklin St. site on hold. Subsequent revisions, #3-#5 kept the site on hold. Revision #6, faxed at 1:52 pm on May 1, 2013, stated the project status as working "5/1 PM".

On May 1, 2013, a RAPCA representative performed an inspection at the 65 Franklin St. site. Rainbow was actively removing suspect ACM transite siding from the front and side of the structure. The RAPCA representative observed Rainbow employees scraping and breaking off transite siding from the side of the porch wall allowing the ACM to fall onto the ground below causing further breakage and observed dry, friable, extensively damaged ACM transite debris along the perimeter of the property. The RAPCA representative observed no use of water at all and found the hose on-site was not operational. Photographs and a sample were collected at the site.

The RAPCA representative informed the Rainbow supervisor and workers that the removal technique used was causing the transite to become extensively damaged thus rendering the material friable. RAPCA requested the following: the cessation of all abatement activities, for the perimeter of the site to be cleaned up of damaged transite debris, for the debris and bags of transite debris found within Rainbow's box truck to be properly wetted, double bagged in 12 mil poly bags, labeled, manifested and disposed as RACM. RAPCA also requested that proper

transite removal techniques be reviewed with all Rainbow workers and supervisors prior to the start of further asbestos removal activities. Rainbow agreed to the RAPCA requests.

The conditions found during the May 1, 2013 RAPCA inspection constitute violations of MCHAPCR 153.07 (C), OAC rules 3745-20-04 (A)(2), (6), and (C) and 40 CFR Section 61.145 (c)(2), (B)(6) pertaining to proper emission control.

This letter serves as official notification of the aforementioned asbestos violations and requires immediate cleanup completion, including a revised notification of the cleanup operations, within 14 calendar days of receipt of this letter. RAPCA believes the above incident to be a serious matter and also requires that, within 14 calendar days of receipt of this letter, you submit a written commitment to conduct all future abatement activities in compliance with all applicable federal, state, and local asbestos regulations.

Acceptance of the above required actions by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to seek civil penalties as provided in section 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether to pursue such penalties will be made by the Ohio EPA and RAPCA at a later date.

If you have any questions or wish to schedule a meeting to discuss this matter further, please feel free to contact me or Jefferis Canan at (937) 225-4435.

Sincerely,

Sarah Gostomsky

Sarah Gostomsky
Asbestos Coordinator
Monitoring & Analysis Unit

cc: Bruce Weinberg, Central Office – OEPA (via email)
Jennifer Marsee, RAPCA (via email)
Jefferis Canan, RAPCA (via email)