

REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties
117 South Main Street, Dayton, Ohio 45422-3280
(937) 225-4435 - Fax: (937) 225-3486
www.rapca.org

September 9, 2013

Certified Mail

Mr. David Johnson (Property Owner)
557 W. Second St.
Xenia, OH 45385

Certified Mail

Mr. Jim Conley (Demolition Contractor)
202 Main St.
Port William, OH 45164

NOTICE OF VIOLATION (Non-HPV)

Summary

On July 22, 2013, representatives from the Regional Air Pollution Control Agency (RAPCA), documented the unauthorized demolition and open burning of a house, detached garage, two barns and a two-story out building on 1826 Mt. Carmel Road in Greene County, Ohio. Structures and building materials are not permissible to burn for waste disposal. The burn site also contained broken fragments of suspect asbestos-containing transite shingles and numerous materials which are prohibited from being burned and was located too close to neighboring residences in violation of state and local air pollution control regulations. In addition, an asbestos survey was not performed and an Ohio Environmental Protection Agency Notification of Demolition and Renovation Form was not filed prior to demolition of the buildings in violation of federal, state, and local asbestos regulations. As the property owner and demolition contractor, you are hereby notified of the violations and ordered to cease all unauthorized open burning and demolition activities.

Dear Mr. Johnson and Mr. Conley:

On July 22, 2013, representatives from RAPCA, the Greene County Combined Health District and New Jasper Township Fire & EMS conducted an inspection at 1826 Mt. Carmel Road in Greene County, Ohio. The purpose of RAPCA's inspection was to investigate suspected open burning and demolition activities. Per Greene County Auditor Office records, this property consists of two parcels totaling six acres and was purchased by David and Vicki Johnson on June 20, 2013. At the time of purchase, six structures existed on the property, including a two-story

frame house (approximately 1871 ft²), a cement block garage, a two-story canning/out building, and three large barns.

Background

RAPCA's July 22, 2013 inspection documented the open burning of five of structures identified above, including the house, cement block garage, two-story canning/out building (immediately northeast of house), north barn and large cider barn (east of house). The structures had been demolished and burned in their original locations on the property. Evidence of burned suspect asbestos-containing material (ACM) transite, a regulated ACM (RACM), was identified around the perimeter and in the remains of the house, the 2-story canning/out building and the cider barn. The suspect RACM was in the form of fragmented roofing shingles. Plaster, asphalt shingles, wires, conduit, metal, wood, concrete and other miscellaneous trash and building debris were observed within the five burn sites of the former structures. The burn sites were located less than 1,000 feet from three neighboring residences. Per state and local air pollution control regulations, this property is located in an unrestricted area.

Violations Cited and Overview

The July 22, 2013 RAPCA inspection was conducted to determine compliance with federal, state, and local air pollution control regulations. The conditions found during the RAPCA inspection constitute violations of the following:

- * Ohio Administrative Code (OAC) rule: 3745-19-04,
Open Burning in Unrestricted Areas.
- * Greene County Board of Health Air Pollution Control Regulations (GCBHAPCR) section: 3745-19-04, Open Burning in Unrestricted Areas.
- * National Emission Standards for Hazardous Air Pollutants (NESHAP) specified in 40 CFR Part 61, Subpart M
- * OAC Asbestos Emission Control Standards and Procedures specified in Chapter 3745-20
- * GCBHAPCR Asbestos Emission Control Standards and Procedures specified in Chapter 3745-20
- * Ohio Revised Code 3704.05

Pursuant to the aforementioned regulations, the open burning as documented above, of buildings and building materials and materials containing rubber, grease, asphalt, liquid petroleum products or plastics is strictly prohibited in Ohio. Open burning for the purpose of waste disposal of any acceptable material (i.e. fence rows/clean dry wood/brush) is not permissible within 1,000 feet of a neighboring inhabited building. The open burning documented above was

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less than 1,000 feet from several neighboring residences. A thorough asbestos inspection must be performed and all RACM must be removed prior to any activity that may disturb asbestos. Also, a notification (Ohio Environmental Protection Agency Notification of Demolition and Renovation Form) must be completed and submitted to RAPCA, or to the Ohio EPA jurisdictional office, at least ten (10) working days prior to the actual demolition and/or renovation operation. The above-required notification was not submitted to RAPCA, an asbestos inspection was not performed, and suspect RACM (transite) was not removed prior to the demolition activities that took place on the property.

RAPCA's representatives explained the applicable open burning and asbestos regulations to David Johnson (property owner) and Jim Conley (demolition contractor) who were on site at the time of the inspection. RAPCA stated that the demolition and open burning documented on this property was a severe violation of federal, state and local air pollution control regulations. RAPCA issued the attached Findings of Inspection to David Johnson on July 22, 2013, detailing the observed asbestos violations and required remedial cleanup activities.

Conclusions

This letter serves as official notification of the aforementioned open burning and asbestos violations and requires immediate cessation of all unauthorized open burning and demolition activities. All suspect asbestos contaminated waste, which includes the entire remains of the house, the 2-story canning/out building and the cider barn, must be properly removed, handled and disposed of by a licensed asbestos abatement contractor in accordance with all applicable federal, state, and local regulations. With regards to Mr. Johnson's inquiry about open burning brush for waste disposal, review of aerial photos and Greene County GIS data indicate that there is nowhere on the property which can meet the aforementioned 1,000 feet distance requirement, therefore NO open burning for waste disposal is permissible on this property. Additionally, please note that it is not permissible to open burn material for waste disposal that has been transported from another property.

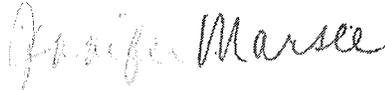
RAPCA believes the above incident to be a serious matter and requires that, within 14 calendar days of receipt of this letter, you submit a written commitment to come into compliance and maintain compliance with all open burning and asbestos regulations now and in the future. This written commitment shall include the name and license number of the asbestos abatement contractor hired to perform asbestos cleanup of the above site, as well as a written "standard operating procedures" (SOP) document detailing how the asbestos contaminated waste will be removed, packaged, and disposed of properly. The SOP document shall be reviewed and approved by RAPCA prior to the start of cleanup activities. A notification for the abatement activity shall be submitted in accordance with the aforementioned NESHAP requirement.

Acceptance of the compliance plan 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.

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If you have any questions regarding this matter or Ohio's open burning regulations, please contact Jeff Canan or Christine Swetz. For questions regarding Ohio's asbestos regulations, please contact Sarah Gostomsky. We can be reached at (937) 225-4435.

Sincerely,



Jennifer Marsee
Abatement Unit Supervisor

Enclosure

cc: Mark Isaacson, Greene County Combined Health District
Chief Doug McDaniel, New Jasper Township Fire & EMS
Bruce Weinberg, Ohio EPA (via e-mail)

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<http://www.rapca.org/iaq/asbestos/asbestos.htm>

FINDINGS OF INSPECTION

INSPECTION DATE <u>7/22/13</u>		TIME ONSITE <u>~ 10:20 AM</u>	RESPIRATOR USED? <u>Y N</u>
FACILITY NAME/ADDRESS <u>Four Paper by - 1823 Mt. Carmel Rd, Jamesstown</u>			
CONTACT <u>Dave Johnson</u>		INSPECTOR(S) <u>S. Gostensky / Waret / Sinter</u>	
BUILDING TYPE <u>Farm</u>		LICENSE # _____	
ASBESTOS CONTRACTOR <u>DA</u>			
CONTACT _____			
ON-SITE SUPERVISOR _____			
ABATEMENT CREW SIZE _____	DATE OF DISTURBANCE _____	COMPLETION DATE _____	
DEMOLITION CONTRACTOR _____	DEMO DATE _____		
CONTACT _____			
THIRD PARTY <u>PH</u>	RESPONSIBILITY _____		
CONTACT _____			

THE RAPCA INSPECTION PERFORMED TODAY IDENTIFIED THAT THE ITEMS MARKED BELOW WITH AN "X" ARE NOT IN COMPLIANCE WITH OAC CHAPTER 3745-20:

- 02; SURVEY
 -03; NOTIFICATION
 -04; EMISSION CONTROL
 -05; WASTE HANDLING

CHECK ALL THAT APPLY:

- | | |
|---|--|
| <input type="checkbox"/> DEVIATION IN DEMO/RENO SCHEDULE | <input checked="" type="checkbox"/> DUST/DEBRIS OUTSIDE REMOVAL AREA |
| <input type="checkbox"/> WORKSITE LOCATION INACCURATE | <input type="checkbox"/> INADEQUATE WETTING PRIOR, DURING, OR AFTER REMOVAL |
| <input type="checkbox"/> IMPROPER ACM ESTIMATE | <input type="checkbox"/> DUST/DEBRIS INSIDE CONTAINMENT |
| <input type="checkbox"/> RESPIRATORS NOT IN USE IN CONTAINMENT | <input checked="" type="checkbox"/> CAT. III ACM MADE FRIABLE |
| <input type="checkbox"/> WORKERS NOT ODH CERTIFIED | <input type="checkbox"/> DRY, FRIABLE ACM FOUND IN WASTE BAGS |
| <input checked="" type="checkbox"/> WORKSITE IMPROPERLY CONTAINED | <input type="checkbox"/> WARNING SIGNS NOT POSTED ON LOAD OUT AND WORK AREAS |
| <input type="checkbox"/> PERSONAL AIR > .01 F/CC 8 HOUR TWA | <input checked="" type="checkbox"/> DRY, FRIABLE ACM PRESENT AFTER ABATEMENT |
| <input type="checkbox"/> MANOMETER READING < .02 W.G. | <input type="checkbox"/> BAGS IMPROPERLY LABELED |
| <input checked="" type="checkbox"/> IMPROPER DECONTAMINATION | |
| <input checked="" type="checkbox"/> ACM NOT DISPOSED OF IN SEALED, LEAK TIGHT DOUBLE BAGS | |

ACTIONS

- WARNING ISSUED
 REINSPECT
 PICTURES TAKEN
 SAMPLES COLLECTED

COMMENTS Complaint in area follow up - Demolition of burning of debris in house, 2 car garage, 2 story containing asbestos, North house, 1 large brick barn - No notifications submitted to RPBEN. No asbestos survey conducted, no prior abatement performed.

* Observed - suspect debris inside building - extensively damaged due to demolition in house debris, 2 story containing asbestos, large brick barn built steel framing in pit.

* The demolition or excavation activities to take place - must perform asbestos survey by all 3 on above debris - hire licensed asbestos contractor - have contractor submit OSHA notification & SOP to RPBEN & get approval for abatement activity in house/barn (in pit) - any outside debris heavy & packaged & disposed as

ISSUED TO ONSITE SUPERVISOR <u>Dave Johnson (owner)</u>	DATE <u>7/22/13</u>
ADDITIONAL COPY FAXED TO _____	DATE _____

Report of approved asbestos land fill - contact RPBEN - photo contact RPBEN

See final inspection