



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

CERTIFIED MAIL # 91 7108 2133 3932 1837 9512

September 18, 2013

Mr. Nathaniel Hoam
Ohio Asbestos Evaluation Specialist
Chem-Tech Consultants, Inc.
559 State Route 97
Bellville, OH 44813

**Re: Notice of Violation
Incomplete Asbestos Survey, 16668 Lower Fredericktown Amity Road
Fredericktown, Ohio**

Dear Mr. Hoam:

On August 9, 2013, an inspector from Ohio EPA, Central District Office (CDO) inspected a facility located at 16668 Lower Fredericktown Amity Road in Fredericktown Ohio. The facility was to be burned for fire training purposes by the Fredericktown Fire Department. During the inspection, asbestos containing materials (pictures attached) were discovered by the inspector.

1. Finding

Previous to the Ohio EPA inspection, an asbestos survey had been performed by Chem-Tech Consultants Inc. The survey indicated that the facility did not contain asbestos. The inspector found asbestos containing thermal insulation board that was not identified in the survey (see attached pictures). To be in compliance with Ohio Administrative Code (OAC) rule 3745-20-02(A), a thorough 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 to be demolished or renovated be thoroughly inspected for the presence of asbestos.

"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

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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."

Please also be aware that failing to perform a thorough survey is also considered a violation of Subpart M of the National Emission Standard for Hazardous Air Pollutants, in particular Subsection 61.145 *Standard for demolition and renovation.*

Requested Action

Ohio EPA requests that Chem-Tech Consultants, Inc. put into place a methodology so as not to overlook asbestos materials and comply with OAC rule 3745-20 and Subpart M of the National Emission Standard for Hazardous Air Pollutants, for all future surveys. 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.

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
Mark Needham, Asbestos Program Administrator ODH/Asbestos Program
Richard Fowler, DAPC/CDO
ec: Kelly Toth