



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

April 25, 2013

Re: Chillicothe Correctional Institution
Agricultural Building Demolition
Ross County
Asbestos/Demolition

Certified: 70122920000138146154

Norman O. Robinson, Warden
Chillicothe Correctional Institution
15802 State Route 104
Chillicothe, Ohio 45601

Dear Mr. Robinson:

This letter is being sent to address the issues related to the demolition of the agricultural building located at the Chillicothe Correctional Institution (CCI). On April 12, 2013, Ohio EPA received a complaint about demolition activities related to asbestos on the farm at CCI on or around April 4, 2013. On April 17, 2013, I received a notification from North American Environmental Services, LLC for an emergency abatement of the agricultural building identified in the complaint. The letter accompanying the notification stated that asbestos containing materials were within the structure that had been demolished.

On April 18, 2013, I met with you, Mr. Mark Hooks, Deputy Warden, CCI, and Mr. Robert Hawkes, Project Manager, Ohio Department of Rehabilitation and Corrections to discuss the complaint, demolition, emergency abatement activities, and a compliance plan moving forward.

Be advised that the demolition of the above-noted structure (a facility as defined by OAC Rule 3745-20-01(B)(18)) is subject to compliance with the Clean Air Act and regulations promulgated thereunder, setting forth a National Emission Standard for Asbestos (NESHAPS) codified in 40 CFR 61.140. These types of operations are also subject to Ohio Administrative Code (OAC) Chapter 3745-20, "Ohio Asbestos Emission Control Rules". Pursuant to Section 112 (KK) of the Clean Air Act, the authority to implement and enforce the NESHAP has been delegated to the Ohio EPA, 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.

Additional provisions of 40 CFR 61 and OAC Chapter 3745-20 referring to, "Procedures for Asbestos Emission Control" apply if friable asbestos materials were found and stripped from facility components in amounts exceeding 160 square feet, or 260 linear feet or 35 cubic feet. Additional sections of these rules apply to asbestos waste disposal and handling.

VIOLATIONS:

1. In accordance with 40 CFR 61.145(a) and 3745-20-02 (A) the 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 prior to the commencement of the demolition or renovation operation.

As the above noted facility was not thoroughly inspected by a certified asbestos hazard evaluation specialist prior to the commencement of demolition, a violation of 40 CFR 61.145(a) and 3745-20-02 (A) has occurred.

2. In accordance with 40 CFR 61.145(b) and OAC Rule 3745-20-03(A), the owner or operator of a facility being demolished or renovated, is required to provide Ohio EPA with written notification prior to demolition. The notification is required to be submitted at least 10 working days prior to the beginning of any demolition operation.

As the required notification was not submitted prior to the demolition of the above noted facility, a violation of 40 CFR Part 61.150(b)(3)(i) and OAC Rule 3745-20-03(A)(3)(a) has occurred.

Within ten (10) days after receipt of this notice, please submit to our office the following information:

- A commitment that you will comply with the applicable provisions of 40 CFR Part 61 and OAC Chapter 3745-20 for all future demolition or renovation projects;
- Records which demonstrate that the waste materials were properly disposed at a licensed landfill facility; and
- Any clarifications, responses, explanations or evidence on your behalf pertaining to the above-stated violations.

Acceptance by Ohio EPA of this information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by Ohio EPA at a later date.

For your convenience, the form for notifying Ohio EPA of demolition or renovation activities is attached and can also be found at the following web link:

http://www.epa.ohio.gov/Portals/27/atu/asbestos/asbestos_inst_form10-4-12-1.pdf

Norman Robinson
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If you have any questions or are unable to respond to the above request for information, please contact me at (740) 380-5275 so that I may offer assistance.

Sincerely,

A handwritten signature in black ink, appearing to be 'Sara Anderson', written over a horizontal line. The signature is stylized with a large 'S' and 'A'.

Sara Anderson, R.S.
Environmental Specialist II
Division of Air Pollution Control

SA/cs

cc: Dean Ponchak, DAPC
Robert Hawkes, ODRC