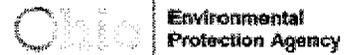


Air Pollution Control Division



Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544
(330) 489-3385 • Fax: (330) 489-3335

APC Contractual Representative
Serving All of Stark County

Terri A. Dzienis
APC Administrator

James M. Adams, RS, MPH
Health Commissioner

October 25, 2012

CERTIFIED MAIL

Mr. Russell Stewart
Chemstruction
11746 Kile Road
Chardon, Ohio 44024

Stark Ceramics Inc.
c/o Ms. Lorraine Stewart Lockhart
630 Deerfield Drive N
Canton, Ohio 44720

**Re: NOTICE OF VIOLATION of Ohio EPA Asbestos Violations
Improper Demolition Activities relating to Asbestos Containing Material
Stark Ceramics, 600 West Church Street, East Canton, Ohio 44730**

Dear Mr. Stewart and Ms. Lockhart:

The Canton City Health Department, Air Pollution Control Division (APCD) is the contractual representative for Ohio EPA in air quality matters within Stark County. As such, APCD employees have authority to investigate and enforce Ohio EPA air pollution regulations.

In order to investigate a complaint received, an investigator from this office was on site at the subject property (600 West Church Street, East Canton, Ohio) on October 15, 2012 and documented evidence of building demolition. This was not the first time Canton APCD had visited the site in order to investigate improper handling of asbestos containing materials. Two investigators visited the site on July 13, 2012 in response to a complaint regarding improper care of asbestos-containing corrugated cement panels (commonly known as transite) during removal. While onsite on this date, investigators observed primarily large pieces of broken transite on the ground near the northern side and northeast corner of building 14. At this time, Chemstruction was advised that the transite pieces needed to be cleaned up and taken to an asbestos-accepting landfill. Chemstruction indicated that work was halted and personnel were kept out of this area; roll-off boxes were to arrive the following week to collect the transite for disposal.

On October 15, 2012, an investigator observed Chemstruction during active demolition activities. Buildings 14, 15, 16, 17, and 18 were partially demolished. Two investigators returned to the site on October 17, 2012 to complete a more thorough investigation of the demolition activities and debris pile. Broken pieces of transite were observed on the ground and within the debris pile. Canton APCD had received an Ohio EPA notification for portions of the subject property in December 2011; however, the notification received did not indicate demolition was to occur and also does not cover the buildings which have since been demolished. In addition, after subsequent correspondences with Chemstruction (operator), Ms. Lorraine Stewart Lockhart (owner representative of Stark Ceramics), and Pioneer Environmental Systems, Inc. (Pioneer), which performed asbestos abatement for portions of the facility, it has been discovered that not all of the known regulated asbestos containing material (RACM) within buildings 14 was removed prior to demolition. Furthermore, proper care was not followed during removal of transite and subsequent demolition activities, which has rendered the entire debris pile as asbestos contaminated waste material.

Below is a summary of the findings, violations, and requested actions that need to be addressed as a result of the investigations conducted by the Canton City Health Department, Air Pollution Control Division. The photographs taken during the site inspection by the APCD investigators and select regulations referred to in this letter are included as attachments for your review. In addition, a figure (Stark Ceramics Building Map) depicting the building numbers referred to in this investigation, is included for your review.

Finding 1:

On or before October 15, 2012, several of the buildings formerly located on the property were demolished without proper notification.

Violation of:

Since an Ohio EPA notification was not completed prior to demolition activities, Chemstruction and Ms. Lorraine Stewart Lockhart are in violation of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), 40 Code of Federal Regulations (CFR) Part 61, Subpart M, Section 61.145(b)(1), which states:

“Each owner or operator of a demolition or renovation activity shall provide the administrator with written notice of the intention to demolish or renovate.”

Due to failure to notify the administrator prior to the start of demolition activities, Chemstruction and Ms. Lorraine Stewart Lockhart are also in violation of Ohio Administrative Code (OAC) 3745-20-03(A)(1). This regulation states:

“Each owner or operator shall provide the director of Ohio EPA with written notice of intention to demolish or renovate.”

Finding 2:

On or before October 15, 2012, building 14 was partially demolished without the removal of known RACM and other buildings (15, 16, 17, and 18) were demolished without using proper work practices to minimize asbestos and dust emissions. On October 17, 2012, investigators observed small pieces of transite on the ground and throughout the debris pile along with building remnants from buildings 14, 15, 16, 17, and 18. There was evidence that some of the transite pieces on the ground, as well as portions of the debris pile, had been run over by heavy equipment.

Violation of:

Since Chemstruction and Ms. Lorraine Stewart Lockhart began demolition activities at building 14 without prior removal of known RACM, which was identified in an asbestos material survey completed by Pioneer Environmental Systems, Inc. for Chemstruction in October 2011, Chemstruction is in violation of CFR Part 61, Subpart M, Section 61.145(c), *procedures for asbestos emission control*, and OAC 3745-20-04(A)(1) which states:

“Each owner or operator of a demolition operation to whom this rule applies shall remove all regulated asbestos-containing material from a facility being demolished before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the materials for subsequent removal.”

Since Chemstruction and Ms. Lorraine Stewart Lockhart did not remove all RACM prior to demolition, utilized improper work practices, including improper removal of transite, and failed to adequately wet materials during demolition activities, noted by a lack of water supply systems observed by investigators on both October 15 and 17, 2012, Chemstruction and Ms. Lorraine Stewart Lockhart are also in violation of OAC 3745-20-04(A)(6), which states:

“For all regulated asbestos-containing material including material that has been removed or stripped, (a) adequately wet the material and ensure that the materials remain adequately wet until collected and contained....(b) carefully lower the materials to the ground or floor not dropping, throwing, sliding, or otherwise damaging or disturbing the material....”

Finding 3:

On or before October 15, 2012, asbestos-containing transite panels, which were formerly located on the roof and walls of several buildings, were improperly removed during demolition activities and subsequently broken into small pieces. Thus, these activities rendered the typical category II non-friable asbestos containing material (ACM) to now be considered friable and therefore regulated asbestos containing material (RACM).

Violation of:

Since Chemstruction performed demolition work without proper asbestos training and licenses; Chemstruction violated 40 CFR Part 61, Subpart M, Section 61.145(c)(8), which requires an authorized and trained representative to be present onsite during the handling of RACM, and OAC 3745-20-04(B)(1), which states:

“(B) No regulated asbestos-containing material shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this chapter unless all the following provisions are met..(1) At least one authorized representative, trained in the provisions of this chapter and means of complying with them, is present at the location of operations.”

Since Chemstruction and Ms. Lorraine Stewart Lockhart violated multiple rules and regulations within OAC 3745-20, then Chemstruction and Ms. Lorraine Stewart Lockhart are also in 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.”

Discussion:

Small pieces of transite still remain onsite and were observed throughout the debris pile and building remnants from buildings 14, 15, 16, 17, and 18. Since the transite pieces are now comingled in with other construction and demolition waste, the entire demolition pile, estimated to be greater than 50,000 square feet, is considered asbestos contaminated waste material. Canton APCD contacted Chemstruction and Ms. Lorraine Lockhart on October 19, 2012 to inform each that the debris pile is now considered asbestos contaminated waste material (ACWM) and specific rules and regulations apply pertaining to the treatment and disposal of such waste. Both parties were advised to stop work in the debris pile area until appropriate action plan could be generated. In addition, both parties were informed that no porous materials would be salvageable and that if any non-porous materials, such as steel and metal, were to be salvaged, a decontamination plan would need to be completed and

submitted to Canton APCD for approval. The decontamination plan would need to take into account the fact that rinsewater would need to be collected and disposed of accordingly as asbestos containing waste. During the inspection completed on October 15, 2012, the investigator observed two roll-off dumpsters containing broken pieces of transite, as well as other construction debris. The roll-off containers were not properly lined, appeared to be in poor condition with holes in the bottom and sides, and were not labeled to inform others they contained asbestos fibers. Canton APCD informed Chemstruction of these deficiencies on October 17, 2012. Investigators returned to the site on October 22, 2012 and met with Chemstruction to discuss activities. Chemstruction was working in the vicinity of building 20, which was not within the identified asbestos contaminated waste material debris pile. The formerly observed roll-off dumpsters containing broken transite pieces were not observed. According to Mr. Russell Stewart, President of Chemstruction, Pioneer Environmental Systems Inc. visited the site on Saturday October 20, 2012 to inspect the facility in order to discuss with Chemstruction and develop a cleanup plan. However, according to Mr. Bob Slanina, Secretary/Treasurer of Pioneer Environmental Systems, Inc. (Pioneer) on October 24, 2012, Pioneer had not been paid (\$43,000) for an earlier abatement job completed in building 11, 17, and the burnt office building, so they will not complete further work at this site. Therefore, it appears that there is no clear plan as to how the owner and operator will address the situation at hand.

Requested Actions:

1. This Agency requests an immediate written response via email or regular mail (postmarked or emailed no later than November 1, 2012) from Chemstruction and Mr. Lorraine Lockhart indicating receipt of this letter.
2. Postmarked no later than November 1, 2012, please provide Canton City Health Department, Air Pollution Control, with a complete OEPA asbestos notification form indicating specific buildings and demolition start dates; please note that an incomplete form will not be accepted. Additional details relating to asbestos regulations and instructions on completing the notification form can be found on the following page of Ohio EPA's website: <http://epa.ohio.gov/dapc/atu/asbestos/asbestos.aspx>.
3. Postmarked no later than November 15, 2012, please provide Canton City Health Department, Air Pollution Control, with written documentation to indicate that a certified person/company has been contacted and that a compliance plan is in the process of being developed.
4. Postmarked no later than November 30, 2012, please provide Canton City Health Department, Air Pollution Control, with a copy of the written compliance plan which details specific work activities and individuals/entities involved in cleanup activities. The compliance plan shall include at least the following:
 - the corrective actions taken thus far to minimize asbestos emissions, and the dates completed (examples include security to restrict access, demarcation of the area, keeping materials wet, etc.);
 - the plan of action, and timeframe for future compliance (for example: specific disposal activities, work practices, how to keep materials wet, loading and transport of ACWM, transport companies, licensed/certified individual/entities to perform work, decontamination plan for recycling/salvaging of non-porous materials, waste disposal facility, air sampling during removal activities, how to meet the requirements of applicable rules/regulations, specifically 40 CFR Part 61, Subpart M, Section 61.150 and OAC 3745-20-05, etc.).

Additional Information:

Please be aware that APCD's investigation is continuing and further violations may be cited as a result of that investigation. You will receive a separate letter from APCD at that time. Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information 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 the Ohio EPA at a later date.

If you have any questions, please contact me at 330-489-3385 or via email to jhupp@cantonhealth.org.

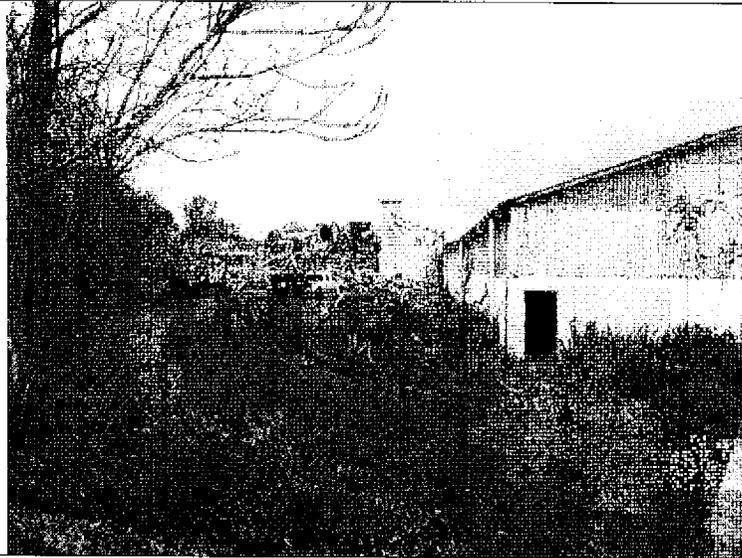
Sincerely,



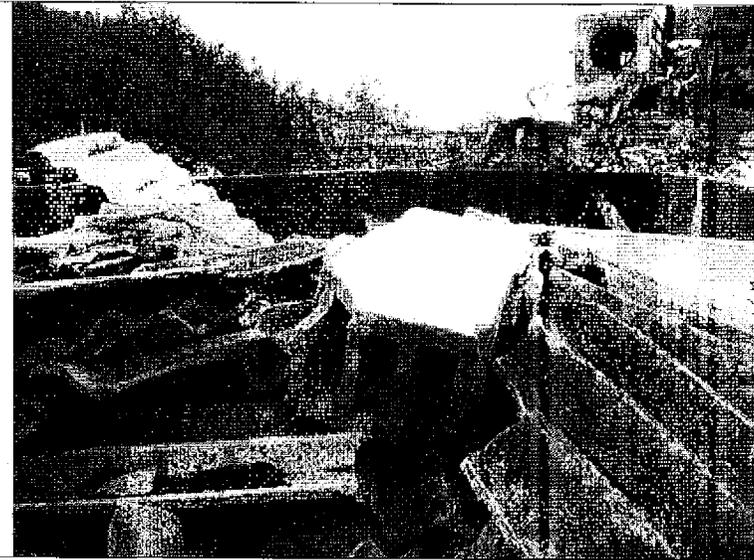
Jaclyn Hupp, AHES
Air Pollution Control Monitoring and Inspections Technician
Canton City Health Department

Enclosures: Photographs
Stark Ceramics Building Map
OAC Rule 3745-20-03
OAC Rule 3745-20-04
OAC Rule 3745-20-05

cc: Tom Buchan, Ohio EPA P.O. Box 1049, Columbus, OH 43216-1049
Bruce Weinburg, Ohio EPA P.O. Box 1049, Columbus, OH 43216-1049
Mark Needham, Ohio Dept. of Health, Asbestos Program, 246 North High St, Columbus, OH 43215
William MacDowell, USEPA Region 5, 77 W. Jackson Blvd. Chicago, IL 60604
Judge Frank G. Forchione, via email
Asbestos Notifications File
Correspondence File



Facing southwest, view of northern side of building 11 (right) and demolition area (left) in background.



View of broken transite pieces within a roll-off dumpster observed on October 15, 2012.



View of broken transite pieces on the ground surrounding the dumpster; note the holes in bottom of dumpster.



View of active demolition activities observed on October 15, 2012; no water supply was observed.



Facing southwest, view of demolition debris pile, now considered asbestos contaminated waste material.



View of small pieces of transite (central) observed in west-central portion debris pile.



Facing south, view of debris pile in vicinity of building 17 and 18.



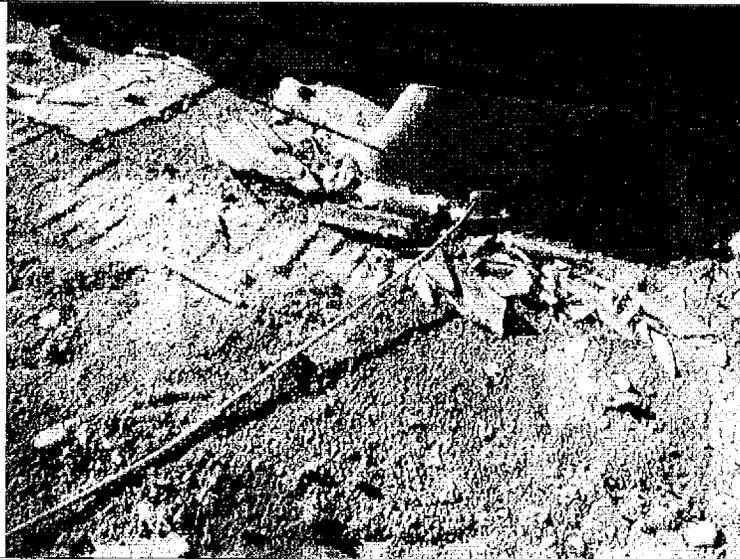
Facing southwest along east side of building 11, view of evidence of driving heavy equipment over debris pile.



Facing northeast, view of debris pile near southeast corner of building 11 (left).



Facing north from atop a hill along W. Church Street, view of debris pile with portion of buildings 14 (central) and 11 in background.



Additional view of broken transite pieces observed surrounding a loaded roll-off dumpster containing asbestos-containing materials.



Additional view of small fragments of broken transite observed on ground in northern portion of debris pile.

Standard for notification prior to demolition or renovation.

(A) Each owner or operator to whom this rule applies shall:

- (1) Provide the director of Ohio EPA with written notice of intention to demolish or renovate.
- (2) Delivery of the notice shall be by the United States postal service, commercial delivery service, or hand delivery. Update notice, as necessary, including when the amount of asbestos affected changes by at least twenty per cent.
- (3) Postmark or deliver the notice to the Ohio EPA field office having jurisdiction in the county where the demolition or renovation is to occur as follows:
 - (a) At least ten working days before the beginning of any demolition operation, asbestos stripping or removal work, or any other activity including salvage activities and preparations that break up, dislodge or similarly disturb asbestos material if the operation is a demolition or renovation operation subject to this rule; or
 - (b) At least ten working days before the end of the calendar year preceding the year for which notice is being given for individual nonscheduled renovations described in paragraph (B)(4)(a) of rule 3745-20-02 of the Administrative Code; or
 - (c) As early as possible before, but not later than, the following working day if the operation is an emergency demolition, or if the operation is an emergency renovation;
 - (d) For asbestos stripping or removal work in any subject demolition or renovation operation (except for any nonscheduled renovation operations, emergency renovation operations and emergency demolition operations) that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the director as follows:
 - (i) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin after the date contained in the notice,
 - (a) Notify the Ohio EPA field office of the new start date by telephone as soon as possible before the original start date, and
 - (b) Postmark or deliver to the Ohio EPA field office a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the amended notice shall be by the

United States postal service, commercial delivery service, or hand delivery.

- (ii) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin on a date earlier than the original start date,
 - (a) Provide the Ohio EPA field office written notice of the new start date at least ten working days before asbestos stripping or removal work begins.
 - (b) For demolition covered by paragraph (B)(2) of rule 3745-20-02 of the Administrative Code, provide the Ohio EPA field office written notice of a new start date at least ten working days before commencement of demolition. Delivery of amended notice shall be by the United States postal service, commercial delivery service, or hand delivery.
 - (iii) In no event shall an operation covered by this paragraph begin on a date other than the date contained in the written notice of the new start date.
- (4) Include the following information in the notice:
- (a) An indication of whether the notice is the original or a revised notification;
 - (b) Name, address, and telephone number of the facility owner and of the facility operator;
 - (c) Name, address, telephone number, and Ohio asbestos hazard abatement contractor license number (if applicable) of the asbestos demolition or renovation operator;
 - (d) Location and street address (including building number or name and floor or room number, if appropriate), city, county, and state of the facility being demolished or renovated. Attach to the notification, any site plans, floor plans or other information that may be necessary to enable the operations to be located for inspection;
 - (e) Type of operation: demolition or renovation;
 - (f) Description of the facility or affected part of the facility including the size (square feet, and number of floors), age, and present and prior use of the facility;
 - (g) Estimate of the amount of regulated asbestos-containing material to be removed from the facility in terms of length of pipe in linear feet, surface

area in square feet on other facility components, or volume in cubic feet where the length or area cannot be measured. Also, estimate the approximate amount of category I and category II nonfriable asbestos-containing material in the affected part of the facility that will not be removed before demolition;

- (h) Description of the procedures, including analytical methods, employed to detect the presence of and to estimate the quantity of regulated asbestos-containing material and category I and category II nonfriable asbestos-containing material in the facility;
 - (i) Scheduled starting and completion dates of asbestos removal work or any other activity, such as site preparation that would break up, dislodge, or similarly disturb asbestos material in the demolition or renovation; planned renovation operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period as described in paragraph (B)(4)(a) of rule 3745-20-02 of the Administrative Code;
 - (j) Description of the planned demolition or renovation work to be performed and method(s) to be employed including demolition or renovation techniques to be used and a description of affected facility components;
 - (k) Description of work practices and engineering controls to be used to comply with the requirements of this chapter, including asbestos removal and waste handling emission control procedures;
 - (l) Name and location of the waste disposal site where the asbestos-containing waste material will be deposited;
 - (m) Scheduled starting and completion dates of demolition or renovation;
 - (n) Description of procedures to be followed in the event that unexpected regulated asbestos-containing material is found or nonfriable asbestos-containing material becomes crumbled, pulverized, or reduced to powder;
 - (o) Name, address, and telephone number of the waste transporter;
 - (p) A certification that at least one person trained as required by paragraph (B) of rule 3745-20-04 of the Administrative Code will supervise the stripping and removal described by this notification.
- (B) In addition to the information required in paragraph (A)(4) of this rule, each owner or operator of an emergency renovation operation shall supply the date and hour that the emergency occurred, a description of the sudden unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment

damage or would pose an unreasonable financial burden if not immediately corrected.

- (C) In addition to the information required in paragraph (A)(4) of this rule, each owner or operator of an emergency demolition shall provide the name, title, and authority of the state or local government authority who has ordered the demolition, the date that the order was issued, and the date on which the demolition is ordered to begin. A copy of the order shall be attached to the notification.
- (D) Each owner or operator shall inform the appropriate Ohio EPA field office by telephone or facsimile concerning any of the following changes to information provided by the notice. An amended written notification shall be submitted to that office as soon as possible but not later than one working day following discovery of the change. The changes requiring amended written notification are:
- (1) When the amount of regulated asbestos-containing material affected by the demolition or renovation operations changes by at least twenty per cent;
 - (2) Any deviation in the demolition or renovation schedule or in the methods to be used for asbestos removal or disposal;
 - (3) Any change in the owner or operator; and
 - (4) Any change in the name and location of the selected waste disposal site.
- (E) All notifications required by this rule shall identify the name and title of the person submitting the notification, and shall be signed and dated by the person submitting the notification. The certification required in paragraph (A)(4)(p) of this rule shall acknowledge the existence of laws prohibiting the submission of false or misleading statements and shall certify that the facts contained in the notice are true, accurate and complete.

Effective: 03/02/2012

R.C. 119.032 review dates: 11/30/2011 and 11/30/2016

CERTIFIED ELECTRONICALLY
Certification

02/21/2012
Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 5/29/90, 11/18/02, 2/2/07

Demolition and renovation procedures for asbestos emission control.

- (A) Each owner or operator of a demolition or renovation operation to whom this rule applies shall comply with the following procedures:
- (1) Remove all regulated asbestos-containing material from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the materials for subsequent removal. However, regulated asbestos-containing material need not be removed before demolition, except in accordance with paragraph (E) of this rule, if:
 - (a) It is category I nonfriable asbestos-containing material that is not in poor condition and is not friable.
 - (b) It is on facility components that are encased in concrete or other similarly hard material, and the asbestos-containing materials are adequately wet whenever exposed during demolition.
 - (c) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed regulated asbestos-containing material and any asbestos-contaminated debris must be treated as asbestos-containing waste material and adequately wet at all times until disposed of.
 - (d) It is category II nonfriable asbestos-containing material, and the probability is low the material will become crumbled, pulverized, or reduced to powder during demolition.
 - (2) When a facility component covered with, coated with or containing regulated asbestos-containing material is being taken out of the facility as units or in sections:
 - (a) Adequately wet all regulated asbestos-containing material exposed during cutting or disjoining operations; and
 - (b) Carefully lower the units or sections to the floor and to ground level not dropping, throwing, sliding or otherwise damaging or disturbing the regulated asbestos-containing material.
 - (3) Adequately wet regulated asbestos-containing materials when they are being stripped from facility components. In renovation operations, wetting that would

unavoidably damage equipment or cause an unreasonable safety hazard, is not required if the following conditions are met:

- (a) The owner or operator submits a written request to Ohio EPA no less than thirty days prior to the starting date of such operations, asking the director to determine whether wetting to comply with this rule would unavoidably damage equipment or present an unreasonable safety hazard, and supplies the director with adequate information to make this determination; and
 - (b) The director issues a written determination that equipment damage or an unreasonable safety hazard would be unavoidable; and
 - (c) The owner or operator uses alternative emission controls in accordance with the terms of the determination. At a minimum the owner or operator shall use one of the following:
 - (i) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos materials produced by the stripping and removal of friable asbestos material. The system shall exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in rule 3745-20-12 of the Administrative Code.
 - (ii) A glove-bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.
 - (iii) Leak-tight wrapping to contain all regulated asbestos-containing material prior to dismantlement.
 - (d) In renovation operations where wetting would result in equipment damage or a safety hazard, and the methods allowed in paragraph (A)(3)(c) of this rule cannot be used, an alternate method may be used after obtaining written approval from the director based upon a determination that it is equivalent to wetting in controlling emissions. Requests for alternative emission control methods shall be submitted concurrently with the request contained in paragraph (A)(3)(a) of this rule.
 - (e) A copy of the director's written determination shall be displayed at the worksite during the renovation operation.
- (4) After a facility component covered with, coated with or containing regulated asbestos-containing material has been taken out of the facility as a unit or in sections, pursuant to paragraph (A)(2) of this rule, except as provided in paragraph (A)(5) of this rule, either:

- (a) Adequately wet the regulated asbestos-containing material during stripping;
or
 - (b) During stripping, use a local exhaust ventilation and collection system operated to capture the particulate asbestos material produced by the stripping. The system must exhibit no visible emissions to the outside air or must be designed and operated in accordance with the requirements in rule 3745-20-12 of the Administrative Code; or
 - (c) Encase the regulated asbestos-containing material on the component with a suitable leak-tight container in accordance with rule 3745-20-05 of the Administrative Code. Regulated asbestos-containing material, contained in leak-tight wrapping, that has been removed in accordance with this paragraph need not be wetted.
- (5) For large facility components such as reactor vessels, large tanks, and steam generators, but not beams (which must be handled in accordance with paragraphs (A)(2), (A)(3), and (A)(4) of this rule), the regulated asbestos-containing material is not required to be stripped if all of the following requirements are met:
- (a) The component is removed, stored, transported, and either disposed of or reused without disturbing or damaging the regulated asbestos-containing material.
 - (b) The component is encased in a leak-tight wrapping.
 - (c) The leak-tight wrapping is labeled according to paragraph (D) of rule 3745-20-05 of the Administrative Code. Regulated asbestos-containing material, contained in leak-tight wrapping, that has been removed in accordance with this paragraph need not be wetted.
- (6) For all regulated asbestos-containing material including material that has been removed or stripped:
- (a) Adequately wet the materials and ensure that the materials remain adequately wet until collected and contained or treated in preparation for disposal in accordance with rule 3745-20-05 of the Administrative Code;
and
 - (b) Carefully lower the materials to the ground or floor not dropping, throwing, sliding or otherwise damaging or disturbing the material;
 - (c) Transport the materials to the ground via leak-tight chutes, HEPA equipped vacuum transport system, or in leak-tight containers if the materials have

been removed or stripped more than fifty feet above ground level and were not removed as units or in sections.

- (7) When the temperature at the point of wetting is below thirty-two degrees Fahrenheit:
- (a) Comply with paragraphs (A)(4) and (A)(6) of this rule. The owner or operator need not comply with the other wetting requirements of this rule; and
 - (b) Use a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos materials produced by the stripping and removal of friable asbestos material. The system shall exhibit no visible emissions; and
 - (c) Remove facility components coated or covered with regulated asbestos-containing material as units or sections to the maximum extent possible.
 - (d) During periods when wetting operations are suspended due to freezing temperatures, the owner or operator shall record the temperature in the area containing the facility components at the beginning, middle, and end of each operating day and keep daily temperature records available for inspection by the director or the director's representative during normal business hours at the demolition or renovation site. The owner or operator shall retain the temperature records for at least two years.
- (B) No regulated asbestos-containing material shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this chapter unless all of the following provisions are met:
- (1) At least one authorized representative, trained in the provisions of this chapter and the means of complying with them, is present at the location of operations.
 - (2) The training required in paragraph (B)(1) of this rule shall include, as a minimum, adequate training in the provisions of this chapter for:
 - (a) Definitions;
 - (b) Applicability (including facility inspection, asbestos material identification and classification);
 - (c) Notifications (including contents, delivery requirements and requirements to revise notices);
 - (d) Emission control procedures for removals (including, adequate wetting, encapsulation, removal of facility components in units or sections,

minimizing drop height, waste collection, local exhaust collection and ventilation systems, HEPA filters, negative pressure enclosures and glove-bag procedures);

- (e) Waste disposal work practices (including at least wetting, containers, container labeling, vehicle marking, waste shipment records and transport requirements, waste disposal site requirements);
 - (f) Reporting and record keeping; and
 - (g) Asbestos hazards and worker protection.
- (3) Every two years, the trained on-site authorized representative shall receive refresher training in the provisions of this chapter.
- (4) Evidence that the required training has been completed shall be posted and made available for inspection by the director or the director's representative at the demolition or renovation site.
- (C) Each owner or operator of any demolition or renovation operation, shall ensure all regulated asbestos-containing materials which have been damaged or made friable by demolition, renovation or adjacent stripping operations are repaired, encapsulated, or removed for disposal in accordance with rule 3745-20-05 of the Administrative Code, prior to the removal of emission controls.
- (D) For emergency demolition operations, adequately wet the portion of the facility that contains regulated asbestos-containing material during the wrecking operation and ensure that the materials remain adequately wet until collected for disposal in accordance with rule 3745-20-05 of the Administrative Code.
- (E) If a facility is demolished by intentional burning, or if demolition debris is to be burned, all regulated asbestos-containing material including category I and category II nonfriable asbestos-containing material must be removed in accordance with this chapter before burning.

Effective: 03/02/2012

R.C. 119.032 review dates: 11/30/2011 and 11/30/2016

CERTIFIED ELECTRONICALLY

Certification

02/21/2012

Date

Promulgated Under: 119.03

Statutory Authority: 3704.03(E)

Rule Amplifies: 3704.03(A), 3704.03(E)

Prior Effective Dates: 5/29/90, 11/18/02, 2/25/04, 2/2/07

3745-20-05 **Standard for asbestos waste handling.**

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (C) of rule 3745-20-01 of the Administrative Code titled "Referenced materials."]

- (A) All asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at:
- (1) A waste disposal site in Ohio operated in accordance with the provisions of rule 3745-20-06 of the Administrative Code, or
 - (2) A waste disposal site not in Ohio operated in accordance with the provisions of 40 CFR 61.154, or
 - (3) A site that converts regulated asbestos-containing material and asbestos-containing waste material into nonasbestos (asbestos-free) material in accordance with the provisions of rule 3745-20-13 of the Administrative Code.
 - (4) The requirements of paragraph (A) of this rule do not apply to category I nonfriable ACM that is not RACM.
- (B) Each owner or operator of any demolition, renovation, manufacturing, fabricating or spraying operation to whom this rule applies, shall discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, transporting, or deposition of any asbestos-containing waste material, and use one of the methods specified in paragraphs (B)(1) to (B)(4) of this rule:
- (1) Adequately wet asbestos-containing waste material as follows:
 - (a) Mix control device asbestos waste to form a slurry; adequately wet other asbestos-containing waste material; and
 - (b) Discharge no visible emissions to the outside air from collecting, mixing, wetting, and handling operations, or use the methods specified by rule 3745-20-12 of the Administrative Code to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air; and
 - (c) After wetting, seal all asbestos-containing waste material while wet in durable leak-tight containers or wrapping that complies with paragraph (C) of this rule.

- (2) For facilities demolished in accordance with paragraph (A)(1) or (D) of rule 3745-20-04 of the Administrative Code, where asbestos was not removed prior to demolition, keep asbestos-containing waste material adequately wet at all times during and after demolition, and during handling, loading, transport and disposal at an active waste disposal site. Asbestos-containing waste materials covered by this paragraph shall either be sealed in leak-tight containers that comply with paragraph (C) of this rule or may be transported in bulk by leak-tight transport vehicles or containers that are securely covered or enclosed and cause no visible emissions.
- (3) Process asbestos-containing waste material into nonfriable forms, as follows:
- (a) Form all asbestos-containing waste material into nonfriable pellets or other shapes;
 - (b) Discharge no visible emissions to the outside air from collection and processing operations, including incineration, or use the method specified by rule 3745-20-12 of the Administrative Code to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.
- (4) Use an alternative emission control and waste treatment method that has received prior approval by the director according to paragraph (A)(3) of rule 3745-20-04 of the Administrative Code.
- (5) As applied to demolition and renovation, the requirements of paragraphs (B) and (C) of this rule do not apply to category I nonfriable asbestos-containing material waste and category II nonfriable asbestos-containing material waste that has not been crumbled, pulverized, or reduced to powder.
- (C) Each waste generator shall ensure that asbestos waste containers shall meet the following minimum standards:
- (1) All containers of asbestos-containing waste material and wrapped material shall be labeled, using permanent markings with letters of sufficient size and contrast so as to be readily visible and legible, as follows:

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| <p>"DANGER CONTAINS ASBESTOS FIBERS AVOID CREATING DUST CANCER AND LUNG DISEASE HAZARD</p> <p>R.Q., ASBESTOS CLASS 9 NA 2212, III"</p> |
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For wrapped material or material to be transported off the facility site, label the containers or wrapped material with the name of the waste generator and the location at which the waste was generated.

- (2) Asbestos-containing waste materials shall be sealed in plastic bags having a thickness of at least 0.006 inch (six-mils). A second clean, leak-tight plastic bag having a thickness of at least 0.006 inch (six-mils) shall fully contain the first bag; or
- (3) A combination of a 0.006 inch (six-mils) plastic bag and a leak-tight steel, plastic, or fiber drum, or reinforced disposal box, leak-tight polypropylene woven fabric bag, or similar suitable and durable container. Drums shall be fitted with a matching lid and lock-rims, and boxes shall be banded and sealed with reinforced tape or in accordance with manufacturers recommendations; or
- (4) Facility components removed in units or sections, or materials that will not fit into containers without additional breaking, shall be sealed with at least 0.012 inch (twelve mils) of leak-tight plastic or at least 0.010 inch (ten mils) of leak-tight polypropylene woven fabric; or
- (5) Asbestos-containing waste materials, facility components, and contaminated debris may be disposed of using an alternative disposal system or may be processed into nonfriable forms using an alternative emission control and waste treatment system or method, which has received the prior written approval of the director.
 - (a) To obtain approval for an alternative asbestos waste disposal system or emission control and waste treatment method, the applicant must submit:
 - (i) Complete details regarding the reason that an alternative disposal system or emission control and waste treatment system or method is requested; and
 - (ii) The estimated quantity of materials to be disposed of or treated using this system or method; and
 - (iii) A description of the disposal system or treatment method and an operating plan describing the methods which are to be utilized to ensure that there are no visible emissions during the collection, treatment, transport and disposal of the asbestos-containing waste materials; and
 - (iv) The name(s) and address(es) of the waste disposal or treatment site(s) where the system will be utilized contingent upon the director's approval.

- (b) Any owner or operator using an approved alternative waste disposal system or emission control and waste treatment method shall operate the system in accordance with the conditions of the director's approval.
- (D) Each waste generator shall mark vehicles used to transport asbestos-containing waste material during the loading and unloading of waste so that the signs are visible.
- (1) Display the following legend in the lower panel of a sign which conforms to the requirements for twenty inch by fourteen inch upright sign specified in 29 CFR 1910.145(d)(4):

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| "DANGER ASBESTOS DUST HAZARD CANCER AND LUNG DISEASE HAZARD Authorized Personnel Only" |
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- (2) In the legend use letter sizes and styles of a visibility at least equal to the following specifications: one inch sans serif, gothic or block, in the first and second line; and at least three-fourths inches sans serif, gothic or block, in the third line; and fourteen point gothic in the fourth line. Spacing between any two lines must be at least equal to the height of the upper of the two lines.
- (E) For all asbestos-containing waste material transported off the facility site, each waste generator and owner or operator of a waste disposal site shall maintain waste shipment records. The waste shipment record shall be legible, complete, signed and dated by the waste generator and waste disposal site operator as follows:
- (1) The waste shipment record shall include the following information:
- (a) The name of the work site or facility where the asbestos-containing waste was generated, the mailing address, and telephone number of the facility owner.
 - (b) The name, mailing address and telephone number of the owner or operator (waste generator) responsible for handling, packing, marking and labeling the asbestos-containing waste material.
 - (c) The name, mailing address, telephone number and site location of the active waste disposal site designated by the generator to receive the asbestos-containing waste material for disposal.
 - (d) The name and address of the local, state or USEPA regional agency responsible for administering the asbestos NESHAP program.

- (e) A description of the asbestos-containing waste materials included in the waste shipment.
 - (f) The number and type of containers included in the waste shipment.
 - (g) The approximate volume of asbestos-containing waste material included in the waste shipment in cubic yards.
 - (h) Special handling instructions or additional information relative to the waste shipment the waste generator may specify.
 - (i) A certification that the contents of this consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.
 - (j) The name, address and telephone number of the transporter.
 - (k) A signature by the transporter to acknowledge receipt of the asbestos-containing waste shipment described by the waste generator in paragraphs (E)(1)(a) to (E)(1)(i) of this rule.
 - (l) A discrepancy indication space to be completed by the owner or operator of the waste disposal site if any improperly contained asbestos waste is observed or if there is any discrepancy in the quantity of asbestos shipped and the quantity of asbestos waste received at the asbestos waste disposal site.
 - (m) A signature by the waste disposal site owner or operator to acknowledge receipt of the asbestos-containing waste shipment described by the waste generator in paragraphs (E)(1)(a) to (E)(1)(i) of this rule except as noted in the discrepancy indication space.
- (2) The waste generator and the owner or operator of the waste disposal site shall conform to the following procedures:
- (a) Before releasing the waste shipment for off-site disposal the waste generator shall complete the information required by paragraphs (E)(1)(a) to (E)(1)(h) of this rule, and sign and date on the date of shipment, the certification required by paragraph (E)(1)(i) of this rule.
 - (b) Upon receiving the waste shipment the waste disposal site operator shall:
 - (i) Sign and date the waste shipment record making note of any improperly contained asbestos-containing waste material or any discrepancy in the quantity or waste received on the discrepancy indication space and

provide a copy of the waste shipment record to the transporter for the transporter's receipt and records.

- (ii) As soon as possible and no longer than thirty days after receipt of the waste, send the original completed copy of the signed waste shipment record to the waste generator and retain the remaining copy for the waste disposal site record.
 - (iii) Upon discovering a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within fifteen days after receiving the waste, immediately report the discrepancy in writing to the local, state, or USEPA regional office responsible for administering the asbestos NESHAP program for the waste generator, and, if different, the local, state, or USEPA regional office responsible for administering the asbestos NESHAP program for the disposal site. Describe the discrepancy and attempts to reconcile it, and submit a copy of the waste shipment record along with the report to Ohio EPA.
- (3) When the waste generator does not receive a completed waste shipment record signed by the owner or operator of the designated disposal site, within thirty-five days of the date the waste was accepted by the initial transporter, the waste generator shall contact the transporter and/or the owner or operator of the designated disposal site to determine the status of the waste shipment.
- (4) The waste generator shall report in writing to the Ohio EPA field office where notification was submitted if a copy of the waste shipment record, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within forty-five days of the date the waste was accepted by the initial transporter. Include in the report the following information:
- (a) A copy of the waste shipment record for which a confirmation of delivery was not received; and
 - (b) A cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.
- (5) The waste generator and waste disposal site owner or operator, shall retain a copy of all waste shipment records for at least two years.
- (F) Each waste generator or facility owner shall furnish upon request, and make available for inspection by the director or the director's representative, all records required to be maintained under this rule.

- (G) When removing or transporting asbestos-containing waste material to a disposal site, each owner or operator of any demolition or renovation operation to whom this rule applies shall prepare and secure any load of asbestos-containing waste material in a manner that prevents any visible emissions, load loss, and spillage or leakage of liquids.

3745-20-05

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Effective: 03/02/2012

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CERTIFIED ELECTRONICALLY

Certification

02/21/2012

Date

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