



40 years and moving forward

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

FILE

CERTIFIED MAIL # 91 7108 2133 3932 1838 0853

Greg McComas
Scott Wrecking Co Inc
P.O. Box 1103
Marion, OH 43301-1103

CERTIFIED MAIL # 91 7108 2133 3932 1838 0846

Arnold Scott
5336 Ebright Road
Canal Winchester, OH 43110

**Re: NOTICE OF VIOLATION
Facility ID: 0125042347
Scott Wrecking Co Inc
Location: 1377 Harmon Avenue
Columbus, OH 43223
Franklin County**

Dear Mr. McComas & Mr. Scott:

Ohio EPA, Central District Office (CDO), Division of Air Pollution Control (DAPC) asbestos inspector received a complaint that alleged a contractor (Watson General Contracting) had hauled materials containing asbestos and disposed of them improperly at Scott Wrecking Co. Inc.

Listed below are "Findings" based upon CDO observations and conversations with facility personnel. The findings are followed by "Violation(s)" (if applicable) and "Requested Action(s)" necessary to address stated findings and violations.

1. Finding

The CDO inspector initiated an investigation and visited Scott Wrecking Co. Inc. on February 26th and spoke with James (Sid) Workman. When asked, Sid stated that there was a delivery of questionable material received. The CDO inspector was allowed to inspect and collect samples of the questionable pile to determine the presence of asbestos. One of the nine samples contained 10% Chrysotile, as per laboratory testing. The sample was of friable, Category 1 roofing material.

2. Violation

Scott Wrecking Co. Inc. is not permitted to accept friable asbestos containing materials as Permit to Install and Operate No. P0105315, section b)(2)d. which states:

The permittee shall not accept for disposal any NESHAP Regulated Asbestos Containing Material (RACM) as defined in the NESHAP for Asbestos, 40 CFR, Part 61, Subpart M, Section 141 amended November 20, 1990 or any subsequent revisions. This regulation defines RACM as "(a) Friable asbestos material, (b) Category I non friable asbestos containing material that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable asbestos containing material that has a high probability of becoming, or has become, crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovations operations regulated by this subpart." In addition, the permittee shall not accept for disposal any Category II nonfriable asbestos containing material. For asbestos materials, the permittee shall be limited to accepting Category I nonfriable asbestos containing material that has not or will not be subjected to sanding, grinding, cutting, or abrading. The permittee shall ensure that any Category I nonfriable asbestos containing material that has not or will not be subjected to sanding, grinding, cutting, or abrading. The permittee shall ensure that any Category I nonfriable asbestos containing material which has not or will not be subjected to sanding, grinding, cutting, or abrading shall not become friable during processing at the landfill. Any asbestos containing material that is or becomes friable is subject to the above-mentioned NESHAP regulation. (All terms stated in this term and condition, are as defined in 40 CFR 61.141 amended November 20, 1990, or any subsequent revisions.

and section c)(2) which states:

In addition to the waste materials not included in "construction and demolition debris," as defined in OAC rule 3745-400-01(F), "asbestos-containing waste materials" as defined in OAC rule 3745-20-01(B)(4) shall not be accepted for disposal by the permittee.

Violations of the terms and conditions of Permit to Install and Operate No. P0105315 issued 3/9/12 are also considered violations of Ohio Revised Code 3704.05(C) which states:

"No person who is the holder of a permit [...] shall violate any of its terms or conditions"

Greg McComas
Arnold Scott
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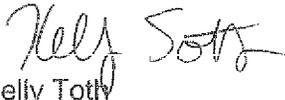
3. Requested Action

Ohio EPA is requesting that Scotts Wrecking Co. Inc. collect, and contain the asbestos containing materials in a lined truck and dispose of them in accordance with OAC rules 3745-20 and the National Emissions Standards for Hazardous Air Pollutants (NESHAPs).

Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.08 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 Matthew Woods of my staff by telephone at (614) 728-8471 or by email at matt.woods@epa.state.oh.us or Richard Fowler at (614) 995-0671 or richard.fowler@epa.state.oh.us.

Sincerely,



Kelly Totiv
Air Unit Manager
Division of Air Pollution Control
Central District Office

c: Bruce Weinberg, Central Office, Ohio EPA
John Paulian, Central Office, Ohio EPA
Brian Dickens, Region 5, USEPA
Frederick Jones, Central Office, Ohio EPA
Richard Fowler, Central District Office, Ohio EPA

