

CERTIFIED MAIL

The Honorable Lawrence Bottoms, Mayor
Village of Orwell
P.O. Box 56
Orwell, Ohio 44076

Re: Violation of OAC Chapters 3745-19 (Open Burning) and 3745-20 (Asbestos Emission Control)

Dear Mayor Bottoms:

Ohio EPA, Division of Air Pollution Control ("DAPC") staff has informed me of the violations of Ohio Administrative Code ("OAC") Chapters 3745-19 (Open Burning) and 3745-20 (Asbestos Emission Control) and Ohio Revised Code ("ORC") § 3704.05(G), associated with the demolition by burning on November 9, 2003, of a house, garage, and outbuilding owned by Cocca Development, LTD and located at 125 E. Main Avenue in Orwell, Ohio, in Ashtabula County. Specifically, these structures were demolished by the Orwell Volunteer Fire Department ("Orwell VFD") for the purpose of fire fighting training without written permission from Ohio EPA, without conducting a thorough inspection of the structures for the presence of asbestos-containing materials, and without providing Ohio EPA with written notice of intention to demolish at least ten working days prior to the start of the demolition operation at the facility, in violation of OAC Rules 3745-19-03(D)(2), 3745-20-02(A), and 3745-20-03(A), and ORC § 3704.05(G).

On November 10, 2003, an inspector from DAPC, investigating a newspaper article that described the fire fighting training, visited the above named site and collected samples of the building materials from the debris pile, which was still on site. Subsequent laboratory analyses of the samples by EA Group Laboratories showed that no friable asbestos material was present. On November 19, 2003, DAPC sent a Notice of Violation ("NOV") to you regarding the above violations. As part of your response to the NOV, on November 18, 2003, 7 Hills Tech, Inc. also inspected the site and collected 12 samples of the building materials from the debris at the site. Laboratory analyses of the samples showed that no friable asbestos material was present in the samples collected.

It is my understanding that the debris from the open burning demolition has since been removed from the site to be disposed of in a construction and demolition debris landfill and that, although there appears to have been no friable asbestos material present in the debris, precautions were taken to avoid dust emissions from the breaking up of any non-friable asbestos material present when the material was transported.

This letter is to inform you that all future fire fighting training exercises conducted by the Orwell VFD that involve the demolition of a structure through open burning must comply with all of the applicable rules in OAC Chapters 3745-19 and 3745-20. Specifically:

- OAC Rule 3745-20-02(A) requires that the Orwell VFD, as the operator of a demolition operation, must have the structure to be open burned thoroughly inspected for the presence of asbestos-containing materials (including category I and category II non-friable asbestos-containing materials) prior to beginning operations. Note that this assessment must be conducted by an individual certified by the Ohio Department of Health as an asbestos hazard evaluation specialist.
- If asbestos-containing material is identified as being present, per OAC Rule 3745-20-04(E) all regulated asbestos-containing material, including category I and category II non-friable asbestos-containing material, must be properly removed in accordance with all applicable requirements in OAC Chapter 3745-20 prior to burning the structure.
- Orwell VFD, as the operator of a demolition operation, must provide notification to Ohio EPA at least ten working days prior to the beginning of any demolition or asbestos removal operations, as well as comply with any other applicable requirement of OAC Rules 3745-20-03, 3745-20-04, and 3745-20-05.
- In addition to the above requirements, per OAC Rules 3745-19-03 and 3745-19-04, Orwell VFD must also submit an application for permission to open burn to Ohio EPA at least ten days before the fire is to be set. The application shall contain all of the applicable information listed in OAC Rule 3745-19-05. The open burning operation may be conducted upon receipt of written permission from Ohio EPA. Be advised that this permission may contain additional terms and conditions regarding conduct of the burn that must be complied with by Orwell VFD.

Be advised that if any additional violations of OAC Chapter 3745-19 or 3745-20 occur as a result of any other open burning activities or demolition operations Orwell VFD may be involved in as an operator, Ohio EPA may pursue enforcement action against Orwell VFD and can seek civil penalties pursuant to ORC § 3704.06. Ohio EPA also may refer such violations to the Ohio Attorney General's Office for appropriate legal action.

Should you have any questions concerning this matter, please contact either Rich Kolosionek, Ohio EPA-Northeast District Office, at (330) 963-1241, Eva Brault, Ohio EPA Staff Attorney, at (614) 644-3037, or John Paulian, DAPC-Central Office, at (614) 644-4832.

Sincerely,

Christopher Jones
Director

cc: Jim Orlemann, DAPC
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