



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Craig W. Butler, Director

August 30, 2018

**CERTIFIED MAIL**

Thida Sok  
1<sup>st</sup> Choice Staffing Services, LLC  
2159 Firestone Street  
Columbus, Ohio 43228

Re: Final Findings and Orders for air pollution  
violations

Dear Ms. Sok,

Transmitted herewith are the Final Findings and Orders ("Orders") of the Director of Ohio EPA concerning the above-referenced matter.

Please note that the effective date of the Orders is the date that the Orders were entered into the Ohio EPA Director's journal, which is the date that is stamped on the first page of the Orders.

Sincerely,



James Kavalec, Manager  
Compliance/Enforcement Section  
Division of Air Pollution Control

cc: Steve Feldmann, Legal  
Patty Porter, DAPC  
Lee Tullis, DAPC  
Kelly Toth, DAPC-CDO  
Rich Fowler, DAPC-CDO  
James Lee, PIC

**BEFORE THE**

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

**In the Matter of:**

**1st Choice Staffing Services, LLC** : **Director's Final Findings**  
**2159 Firestone Street** : **and Orders**  
**Columbus, Ohio 43228** :

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to 1<sup>st</sup> Choice Staffing Services, LLC ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon the Respondent and successors in interest liable under Ohio law. No change in ownership of the facility (as hereinafter identified) shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA makes the following findings:

1. Demolition of residential structures that are part of a larger project or are demolished with a commercial building are defined as an "installation" or a "facility" in Ohio Administrative Code ("OAC") Rules 3745-20-01(B)(31) and (B)(21), respectively. Additionally, OAC Rule 3745-20-01(B)(21) defines a facility as any institutional, commercial, public, industrial or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. Demolition of a facility is subject to the applicable requirements specified in OAC Chapter 3745-20 ("Asbestos Emission Control Standards").

2. Respondent is an asbestos abatement contractor with an office located at 2159 Firestone Street, Columbus, Ohio.

3. "Regulated asbestos-containing material" ("RACM") is defined in OAC Rule 3745-20-01(B)(45) and includes friable asbestos material; Category I nonfriable asbestos-containing material that has become friable; Category I nonfriable asbestos-containing material that will be or has been subjected to sanding, grinding, cutting, or abrading; or 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 renovation operations regulated by this chapter. Any category I or category II asbestos containing material that becomes damaged from either deterioration or attempts at removal or abatement resulting in small fragments the size of four square inches or less shall also be considered friable or RACM.

4. "Owner or operator" as defined by OAC Rule 3745-20-01(B)(42) means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls or supervises the demolition or renovation or both.

5. Pursuant to OAC Rule 3745-20-02(B)(1), the requirements of 3745-20-03, 3745-20-04, and 3745-20-05 apply to the owner and operator of a facility being demolished if the amount of regulated asbestos-containing material in such facility is at least 260 linear feet on pipes, at least 160 square feet on other facility components, or at least 35 cubic feet off facility components where the length or area could not be measured previously.

6. OAC Rule 3745-20-04(A)(1) requires each owner or operator of a demolition operation that exceeds a work practice threshold level to remove all RACM 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.

7. OAC Rule 3745-20-04(A)(2)(a) and (b), states, in part, that each owner or operator of a subject demolition operation shall adequately wet all RACM exposed during cutting operations of a facility component being taken out of the facility as units or in sections and to carefully lower the units or sections to the floor and to ground level not dropping, throwing, sliding or otherwise damaging or disturbing the RACM.

8. OAC Rule 3745-20-04(C) requires each owner or operator of any demolition or renovation operation, to ensure that all RACM which have been damaged or made friable by demolition, renovation or adjacent stripping operations are repaired, encapsulated, or removed for disposal, prior to the removal of emission controls.

9. OAC Rule 3745-20-05(C) requires the owner or operator of a demolition operation that exceeds the work practice thresholds to seal all asbestos-containing waste material in durable leak-tight disposal containers which complies with the rule and to clearly label the containers with warning of the asbestos hazards, and the name and

location of the generator.

10. OAC Rule 3745-20-01(B)(32) defines "leak-tight" to mean that liquids and dust cannot escape or spill out.

11. OAC Rule 3745-20-05(C)(2) requires asbestos-containing waste materials that are sealed in plastic bags to have a thickness of at least 0.006 inch (six-mils) and requires that the first leak-tight bag be contained in a second clean, leak-tight plastic bag.

12. OAC Rule 3745-20-05(D) requires, in part, the waste generator to whom this rule applies to mark vehicles used to transport asbestos-containing waste material during the loading of waste so that signs are visible.

13. ORC § 3704.05(G) prohibits any person from violating any OAC rule adopted by the Director of Ohio EPA pursuant to ORC Chapter 3704. OAC Chapter 3745-20 was adopted by the Director pursuant to ORC Chapter 3704.

14. The City of Columbus Redevelopment Office and/or Central Ohio Community Improvement Corporation ("land banks") ordered several "residential buildings" in the Columbus area to be demolished as part of an urban renewal project. Such projects are defined by OAC Rule 3745-20-01(B)(28) as installation(s); therefore, the demolition and abatement of these installations are subject to the applicable requirements of OAC Chapter 3745-20. The residential installations subject to this enforcement action are identified in Table 1 of these Orders. Demolition contractors hired by the land banks subcontracted with Respondent to abate the RACM in the installations prior to their demolition. As defined in OAC Rule 3745-20-01(B)(39), Respondent is the owner and operator of the demolition operations identified in Table 1 of these Orders and is responsible for the violations.

15. On August 31, 2016, Findings and Orders were issued to Respondent for similar violations of OAC Chapter 3745-20 associated Respondent's abatement activities of prior land bank installations.

16. On the dates identified in Table 1, an inspector from Ohio EPA Central District Office ("CDO") visited the installation sites scheduled for abatement by Respondent. During the site visits several violations of OAC Chapter 3745-20 were noted and NOV letters were sent to Respondent as specified in Table 1 attached to these Orders.

17. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State to be derived from such compliance.

## **V. ORDERS**

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of thirty-five thousand dollars (\$35,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Respondent shall pay to Ohio EPA the amount of thirty-five thousand dollars (\$35,000) in accordance with the following installment schedule.

<b>Installment Number^</b>	<b>Due by Date</b>	<b>Minimum Amount</b>
1	July 10, 2018	\$4,000
2	October 10, 2018	\$3,875
3	January 10, 2019	\$3,875
4	April 10, 2019	\$3,875
5	July 10, 2019	\$3,875
6	October 10, 2019	\$3,875
7	January 10, 2020	\$3,875
8	April 10, 2020	\$3,875
9	July 10, 2020	\$3,875

Payments shall be shall be made by an official check made payable to "Treasurer, State of Ohio." Each official check shall be submitted to Carol Butler, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

## **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, operations by Respondent.

## **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in

accordance with the requirements of all applicable local, State and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

### **X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio EPA  
Central District Office  
Air Pollution Control Division  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attention: Kelly Toth

and to:

Ohio Environmental Protection Agency  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Jim Kavalec, Manager,  
Compliance and Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions,

Director's Final Findings and Orders  
1st Choice Staffing Services, LLC  
Page 6 of 10

and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

**XIII. EFFECTIVE DATE**


The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

**XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**ORDERED AND AGREED:**

**Ohio Environmental Protection Agency**

  
\_\_\_\_\_

Craig W. Butler  
Director

8/27/18  
Date

**AGREED:**

**1st Choice Staffing Services, LLC**

  
\_\_\_\_\_

Signature

08/15/2018  
Date

  
\_\_\_\_\_  
Printed or Typed Name

---

Title



<b>Table 1 Columbus violations</b>				
<b>Columbus Location</b>	<b>Date of Inspection</b>	<b>Violation - Requirement</b>	<b>Inspection Observation</b>	<b>Date of NOV</b>
655 East 3 <sup>rd</sup> St.	7/27/17	<ul style="list-style-type: none"> <li>OAC Rule 3745-20-04(A)(1) - remove all RACM prior to any activity that disturb the RACM.</li> </ul>	<ul style="list-style-type: none"> <li>After the completion of the abatement, asbestos containing materials were left and the demolition and/or abatement turned the materials into RACM.</li> </ul>	8/11/17
1612 Briarwood Ave.	9/19/17	<ul style="list-style-type: none"> <li>OAC Rule 3745-20-04(C) - all RACM that has been damaged or made friable shall be repaired, encapsulated, or removed prior to the removal of emission controls.</li> </ul>	<ul style="list-style-type: none"> <li>After the completion of the abatement, asbestos containing materials were left on site.</li> </ul>	9/22/17
1544 12 <sup>th</sup> Ave.	9/19/17	<ul style="list-style-type: none"> <li>OAC Rule 3745-20-05(C)(2) – asbestos-containing waste material shall be sealed in at least 6 mils plastic bag and fully contained in a second clean, leak-tight 6 mil plastic bag.</li> <li>OAC Rule 3745-20-05(D) – Vehicles used to transport asbestos-containing waste material shall be marked with visible signs during loading and unloading.</li> </ul>	<ul style="list-style-type: none"> <li>Only one bag being used.</li> <li>Trucks were being loaded without visible signage.</li> </ul>	10/16/17

<p>1280 Kossuth Street</p>	<p>9/27/17 &amp; 9/28/18</p>	<ul style="list-style-type: none"> <li>• OAC Rule 3745-20-04(A)(2)(a) &amp; (b) - adequately wet material exposed during cutting or disjoints and carefully lower the units or sections to ground (not dropping or damaging the RACM) when the components containing RACM are being taken out as units or sections.</li> <li>• OAC Rule 3745-20-05(C)(2) – asbestos-containing waste material shall be sealed in at least 6 mils plastic bag and fully contained in a second clean, leak-tight 6 mil plastic bag.</li> </ul>	<ul style="list-style-type: none"> <li>• Transite siding was observed being removed and dropped to ground causing damage and generating RACM.</li> <li>• Water not being used during the removal of RACM (i.e., transite) or on the asbestos-containing waste material. After CDO's arrival, wetting control measures were used during the cleanup activities.</li> <li>• Bags of asbestos-containing waste material with holes; therefore, the material was not sealed in "leak-tight" bags.</li> </ul>	<p>11/15/17</p>
<p>2208 Cleveland Ave.</p>	<p>9/27/17</p>	<ul style="list-style-type: none"> <li>• OAC Rule 3745-20-04(C) - all RACM that has been damaged or made friable shall be repaired, encapsulated, or removed prior to the removal of emission controls.</li> </ul>	<ul style="list-style-type: none"> <li>• Several pieces of RACM (i.e., transite) were observed on the ground after the completion of demolition.</li> </ul>	<p>11/15/17</p>
<p>1153 Minnesota Ave.</p>	<p>11/2/17</p>	<ul style="list-style-type: none"> <li>• OAC Rule 3745-20-04(C) - all RACM that has been damaged or made friable shall be repaired, encapsulated, or</li> </ul>	<ul style="list-style-type: none"> <li>• Several pieces of RACM (i.e., transite) were observed on the ground after the completion of demolition.</li> </ul>	<p>11/15/17</p>

		removed prior to the removal of emission controls.		
3725 Atwood Terrace	1/5/18 1/8/18 1/16/18	<ul style="list-style-type: none"> <li>OAC Rule 3745-20-04(A)(1) - remove all RACM prior to any activity that disturb the RACM.</li> </ul>	<ul style="list-style-type: none"> <li>After abatement operations were completed, RACM ceiling and thermal system installation were observed not removed.</li> </ul>	2/13/18
4117-4119 Larry Place	12/27/17 12/26/17	<ul style="list-style-type: none"> <li>OAC Rule 3745-20-04(C) - all RACM that has been damaged or made friable shall be repaired, encapsulated, or removed prior to the removal of emission controls.</li> </ul>	<ul style="list-style-type: none"> <li>Several pieces of RACM (i.e., friable wall and other containment materials) were observed not removed after the completion of demolition.</li> </ul>	1/17/18