



AKRON REGIONAL AIR QUALITY MANAGEMENT DISTRICT

*Agent of the Ohio Environmental Protection Agency * A Service of Summit County Public Health * Serving Medina, Portage and Summit Counties*

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araqmd@schd.org

Sam Rubens, MPA, R.E.H.S.
Administrator

January 30, 2023

Precision Environmental Company
5500 Old Brecksville Road
Independence, Ohio 44131

**Re: 1890 Bailey Rd
NOV
Asbestos Emission Controls
Summit County**

Subject: Notice of Violation

Dear Precision Environmental Company:

On January 26, 2023, Akron Regional Air Quality Management District (ARAQMD) inspected the property owned by Northeastern Ohio SYNOD of the ELCA located at 1890 Bailey Rd in Cuyahoga Falls, Ohio. The purpose of the inspection was to determine its compliance with Ohio's Asbestos laws as found in **Chapters 3704 and 3710 of the Ohio Revised Code (ORC) and rules found in Chapter 3745 of the Ohio Administrative Code (OAC).**

Findings

As a result of the inspection, ARAQMD identified the following violations of **ORC 3710.02(B)(1) and OAC Rule 3745-22-04(B)(2)(b)(IV) and OAC 3745-22-04(C)(1).**

- 1) **ORC § 3710.02(B)(1):** authorizes the Director to administer and enforce ORC Chapter 3710 and the rules adopted pursuant thereto, which include Ohio Administrative Code (OAC) rule 3745-22-02 that prohibits a business entity, a public entity or a person from engaging in any asbestos activity without complying with the licensing or certification requirements of ORC Chapter 3710 and the rules of the OAC Chapter 3745-22.
- 2) **OAC Rule 3745-22-04(B)(2)(b)(IV):** Contractor application requirements, criteria, and standards of conduct. (B) To qualify for an asbestos hazard abatement contractor's license, a business entity or public entity shall meet the following criteria: (2) A person applying for an asbestos hazard abatement contractor's license, in addition to the other requirements of Chapter 3710. of the Revised Code and this chapter, shall provide for each asbestos abatement project at least one asbestos hazard abatement specialist, certified pursuant to rule 3745-22-05 of the Administrative Code, to be on-site at all times to directly supervise the asbestos abatement projects. A person providing only project oversight, and not direct on-site supervision, does not satisfy the requirement that an asbestos hazard abatement specialist directly supervise asbestos abatement projects. A person applying for an asbestos hazard abatement contractor's license shall demonstrate to the satisfaction of the director that the contractor conforms to the following: (b) Is sufficiently qualified to remove asbestos safely as demonstrated by all of the following: (iv) **Evidence at each project site of respirator fit test and physician's written opinion for each individual employee or agent who will come in contact with friable asbestos-containing materials.**

- (a) During the investigation, ARAQMD determined that the asbestos abatement worker, Demone Pryor, did not bring his physician's written opinion and Inspector Li was told that his physician's written opinion was expired.
 - (b) **Requested Action:** ARAQMD requests Demone Pryor to leave the site and not to return to any site which he might contact any friable asbestos containing materials until he gets a physician's written opinion.
- 3) **OAC 3745-22-04(C)(1):** Contractor application requirements, criteria, and standards of conduct. (C) An asbestos hazard abatement contractor engaging in any asbestos hazard abatement project shall do the following: (1) Conduct each project in compliance with the decontamination procedures, project containment procedures, and asbestos fiber containment methods established by Chapter 3745-20 of the Administrative Code and regulations of the United States environmental protection agency, 40 CFR Part 61, Subpart M, and the occupational safety and health administration, 29 CFR Section 1926.1101, for business entities, or by regulations of the United States environmental protection agency, 40 CFR Part 763, Subpart G, for public entities.
- (a) During the investigation, ARAQMD determined that the tape became loose and part dropped down between the 3 stage decontamination area and the containment area, so there was a breach. The workers also cut a hole as big as a door in the containment poly and hung a piece of poly on the top to cover the hole like a door. The abatement specialist told Inspector Li that the door was used for shipping the equipment and tools.
 - (c) **Requested Action:** ARAQMD requests that Precision Environmental Company covers all the breaches in the containment. At the beginning of each shift, the NPE shall be inspected for breaches and smoke-tested for leaks, and any leaks sealed. Precision Environmental Company shall establish an equipment room or area that is adjacent to the regulated area for the decontamination of employees and their equipment which is contaminated with asbestos which shall consist of an area covered by an impermeable drop cloth on the floor or horizontal working surface.

Conclusions:

ARAQMD requests that Precision Environmental Company promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. Within 14 days of receipt of this letter, please provide written correspondence to ARAQMD detailing all actions taken to address the requested actions above.

Please note that this does not preclude the Director from seeking administrative or civil penalties as provided for in Section 3704.06 and Section 3710.14 of the Ohio Revised Code. The decision on whether to pursue or decline to pursue such penalties regarding these violations is dependent on several factors, one of which is the company's future compliance with Ohio EPA regulatory requirements.

You can find Ohio's Asbestos rules and other information on the division's web page at: <https://epa.ohio.gov/divisions-and-offices/air-pollution-control/asbestos-abatement-and-demolition>.

Thank you for your time and cooperation and if you have any questions, please do not hesitate to contact Yanwei Li by phone at (330) 812-3958 or by e-mail at yli@schd.org.

Sincerely,

Yanwei Li

Yanwei Li
Registered Environmental Health Specialist
Akron Regional Air Quality Management District
Summit County Public Health