



ARAQMD
Protecting our Air

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

February 22, 2023

HEPA Environmental Services, Inc.
5130 Tallmadge Rd.
Rootstown, Ohio 44272

**Re: 2325 17th St. SW
NOV/ROV
Asbestos Emission Controls
Summit County**

Subject: Notice of Violation/Resolution of Violation

Dear HEPA Environmental Services, Inc.:

On February 21, 2023, Akron Regional Air Quality Management District (ARAQMD) inspected the property owned by New Life Missionary Baptist Church located at 2325 17th St. SW in Akron, 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 3704.05(G), ORC 3710.02(B)(1), OAC 3745-20-04(D), OAC 3745-20-05(B)(1) and OAC 3745-22-04(B)(2)(b)(iii)**

- 1) **ORC 3704.05(G):** No person shall violate any order, rule, or determination of the director issued, adopted, or made under this chapter
- 2) **OAC 3745-20-04(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.
- 3) **OAC 3745-20-05(B)(1):** 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 by doing all of the following: (a) Mix control device asbestos waste to form a slurry; adequately wet other asbestos-containing waste material. (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. (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.

- (a) During the inspection, ARAQMD observed that the workers were loading the debris into a lined rolloff box without spraying water and there was no water truck or fire hydrant hookup ready if necessary. The workers said the demolition company would take the basement concrete to a C & D landfill directly without rinsing it off. Inspector Li recommended they use water to clean the concrete and the onsite asbestos abatement specialist needs to ensure that it is clean enough to be taken to a C & D landfill.
- (b) **Recommended Action:** Make sure there is enough water onsite to use from water trucks or a fire hydrant. Make sure the workers spray water to control any visible emission of asbestos containing materials during the entire emergency demolition process. Make sure all concrete is rinsed off before being taken to a C & D landfill.

4) **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.

5) **OAC Rule 3745-22-04(B)(2)(b)(iii):** 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: (iii) Evidence at each project site of certification of each individual employee or agent who will come in contact with friable asbestos-containing materials or will be responsible for an asbestos abatement project.

- (a) During the inspection, ARAQMD observed that the asbestos abatement specialist, James D Lanes, did not bring a valid certification card. Inspector Li checked his driver's license and recommended that he bring his certification card onsite any time he is working.
- (b) **Recommended Action:** Make sure all employees doing asbestos abatement work have their certification cards on each and every job site.

Resolution of Violation:

On February 22, 2023, Julie Brown, ARAQMD Supervisor, contacted Rick Kuhlman, President of HEPA, to discuss the violations. Mr. Kuhlman understood the issues and will be working with his staff to address the violations and ensure they are not repeated in the future. Based on this conversation, these violations are considered to be resolved.

Please note that this does not preclude the Director from seeking administrative or civil penalties as provided for in Section 3704.06, 3710.12 and 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 R.E.H.S.
Environmental Health Specialist
Akron Regional Air Quality Management District
Summit County Public Health