BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO E.P.A.
AUG -2 2010
ENTERED DIRECTOR'S JOURNAL

In the Matter of:

In Addition Home Improvement **8965 Coral Canyon Circle** **Reynoldsburg, Ohio 43068**	: : :	**Director's Final Findings and Orders**

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: _____ Date: 8.2.2010

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to In Addition Home Improvement ("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

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

II. DEFINITIONS

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

IV. FINDINGS

The Director of the Ohio EPA has determined the following findings:

1. The New Victorians, Inc. is the owner of the former Masonic Temple and hired Respondent to conduct the renovation of the building.

2. The New Victorians, Inc., was the "owner or operator" of a facility being renovated at the former Masonic Temple located at 1276 North High Street in Columbus, Ohio as that term ("owners or operators") is defined in the Ohio Administrative Code ("OAC") Rule 3745-20-01(B). Respondent was the "owner or operator" of the renovation of that same facility.

3. On January 18, 2008, the Ohio Department of Health ("ODH") received a complaint that Respondent was conducting a renovation project at the former Masonic Temple and that Respondent was throwing asbestos-containing waste out of a second story window.

4. On January 25, 2008, the Ohio Environmental Protection Agency Central District Office ("CDO") received an additional complaint that Respondent was throwing asbestos-containing waste out of a second story window.

5. On January 25, 2008, an Ohio EPA inspector visited the former Masonic Temple with an ODH inspector and inspected the renovation project. During the inspection, the Ohio EPA inspector observed quantities of broken pieces of pipe insulation on the ground, underneath stairs at the rear of the building, and at several locations inside the building. The inspector observed over 35 cubic feet of construction debris in a container at the rear of the property, directly beneath a second story window. He also observed pipe insulation remaining on some pipe inside the building. Analysis of samples collected from the site showed the debris to be asbestos-containing waste. The ODH inspector later determined that there had been approximately 277 linear feet of insulated pipe in the building. The abatement contractor hired to clean up the building removed approximately 150 linear feet of pipe insulation and 4,100 cubic feet of regulated asbestos containing material from the site.

6. ORC Chapter 3704.05(G) states, in part, that no person shall violate any rule issued by the Director of Ohio EPA.

7. During the inspection, CDO discovered multiple violations of OAC Chapter 3745-20. Specifically, Respondent's actions at the renovation site violated:

- OAC Rule 3745-20-02(A) by failing to conduct a thorough inspection for asbestos prior to beginning the renovation.
- OAC Rule 3745-20-03(A) by failing to provide notification of demolition or renovation at least ten working days before the beginning of any demolition or renvoation operation.
- OAC Rule 3745-20-04(A)(1) by failing to remove all regulated asbestos-containing materials prior to conducting renovation activities.
- OAC Rule 3745-20-04(B)(1) by not having an authorized person trained in the provisions of OAC Rule 3745-20-04(B) on site during renovation from at least January 18, 2008 and continuing until February 2, 2008 when the proper asbestos abatement began.
- OAC Rule 3745-20-05(B)(1) by failing to control visible emissions during the renovation from at least January 18, 2008 and continuing until February 2, 2008 when the proper asbestos abatement began.

- OAC Rule 3745-20-04(A)(6)(a) by failing to adequately wet asbestos-containing materials during removal from at least January 18, 2008 and continuing until February 2, 2008 when the proper asbestos abatement began.

- OAC Rule 3745-20-04(C) by failing to ensure that all regulated asbestos-containing materials which have been damaged or made friable by renovation are repaired, encapsulated, or removed in accordance with OAC Rule 3745-20-05.

- OAC Rule 3745-20-05-(C)(2) by failing to seal all asbestos-containing waste materials in plastic bags having a thickness of at least 0.006 inches.

8. On March 20, 2008, a notice of violation ("NOV") letter was sent to Respondent for violations of OAC Chapter 3745-20.

9. On May 22, 2009, proposed Director's Final Findings and Orders were sent to Respondent requiring Respondent to pay a civil penalty for violations of OAC Chapter 3745-20.

10. On December 16, 2009, after evaluation of financial information submitted to Ohio EPA by Respondent, Ohio EPA determined that Respondent did not have the ability to pay the full amount of the proposed civil penalty. After Respondent submitted additional financial information, Ohio EPA re-evaluated Respondent's ability to pay a revised civil penalty and on April 14, 2010, determined that Respondent did not have the ability to pay the proposed revised civil penalty.

11. 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 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 three thousand dollars ($3,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Respondent shall comply with the following payment schedule for the civil penalty, which is payable to Ohio EPA:

Payment Deadline	Amount Due
within 30 days after the effective date of these Orders	$1,000
within 120 days after the effective date of these Orders	$1,000
within 210 days after the effective date of these Orders	$1,000

The official checks shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA
Office of Fiscal Administration
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049

2. A copy of each check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, OH 43216 - 1049

3. Respondent shall perform all demolition or renovation operations in Ohio in compliance with OAC Chapter 3745-20.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete. I further certify that in the event In Addition Home Improvements is owner or operator of any future renovation or demolition activity it shall comply with all the requirements of OAC 3745-20."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is the person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative as that term is defined in the above-referenced rule.

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, the Respondent's activities at the Facility.

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. 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 Environmental Protection Agency
Central District Office
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Richard Fowler

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
50 West Town Street
Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: John Paulian

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' liability for the violations specifically cited herein.

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

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Chris Korleski
Director

7/28/10
Date

IT IS SO AGREED:

In Addition Home Improvements

Signature

07/21/10
Date

ERICK A. ZIPF
Printed or Typed Name