

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Jordan Demolition Company) **Administrative Order**
Indianapolis, Indiana)
) **EPA-5-01-113(a) IN-03**
Proceeding Under Sections)
113(a)(3) and 114(a))
of the Clean Air Act,)
42 U.S.C. §§ 7413(a)(3))
and 7414)

STATUTORY AUTHORITY

The following Order is issued pursuant to Sections 113(a)(3) and 114 of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414. Pursuant to Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), whenever on the basis of any information available to the Administrator of the United States Environmental Protection Agency (U.S. EPA), the Administrator finds that any person has violated or is in violation of, among other provisions, a requirement of Section 114 of the Act, 42 U.S.C. § 7414, the Administrator may, among other things, issue an Order requiring such person to comply with such requirement. Section 114(a) of the Act, 42 U.S.C. § 7414(a), authorizes the Administrator of U.S. EPA to require any person who is subject to any requirement of the Act to provide information requested by the Administrator.

FINDINGS

1. Jordan Demolition Company was the operator for demolition, renovation, and/or asbestos removal operation involving the Greenwood Park Mall General Cinema, Sec. U.S. 31 and Countyline Road, 1251 U.S. 31 North, Indianapolis, Indiana.

2. The demolition, renovation, and/or asbestos removal operation were subject to the provisions of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) codified at 40 C.F.R. Part 61, Subpart M (1991), promulgated by the Administrator of U.S. EPA pursuant to Section 112 of the Act, 42 U.S.C. § 7412.

3. On December 11, 2000, U.S. EPA issued Jordan Demolition Company a Request for Information pursuant to Section 114 (114 Request) of the Act, 42 U.S.C. § 7414, a copy of which is attached as Exhibit 1.

4. The 114 Request specifically stated that Jordan Demolition Company was required to supply the information requested within fourteen (14) calendar days of receipt and indicated that failure to comply fully with the terms of the 114 Request could subject Jordan Demolition Company to an enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

5. The 114 Request required Jordan Demolition Company to provide, among other items, all documents related to the demolition, renovation, and/or asbestos removal operation conducted during the period from approximately May 2000 to July 2000, at the Greenwood Park Mall General Cinema, located at Sec. U.S. 31 and Countyline Road, 1251 U.S. 31 North, Indianapolis, Indiana.

6. The 114 Request was received on December 15, 2000, by Kellie Corbally, as indicated by the U.S. Postal Service return receipt. According to the return receipt signed by Kellie Corbally.

7. To date, U.S. EPA has not received any information from Jordan Demolition Company pursuant to the December 11, 2000, 114 Request.

8. Based on the foregoing, U.S. EPA finds Jordan Demolition Company to be in violation of Section 114 of the Act, 42 U.S.C. § 7414.

ORDER

Therefore, pursuant to Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), it is hereby ORDERED that:

9. Jordan Demolition Company shall comply with the 114 Request dated December 11, 2000, as described in paragraphs 4 and 5 of this Order, by immediately submitting all information within ten (10) calendar days of the effective date of this Order.

10. All submittals required by this Order shall be sent to:

Rochelle A. Marceillars, Asbestos NESHAP
Coordinator
Air and Radiation Division (AE-17J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

GENERAL PROVISIONS

11. Nothing in this Order shall be construed to restrict the Administrator's authority under Section 114 of the Act.

12. Jordan Demolition Company is hereby notified that it may be subject to noncompliance penalties under Section 120 of the Act, 42 U.S.C. § 7420, and to civil judicial enforcement and/or civil administrative penalties under Sections 113(b) and (d) of the Act.

13. Nothing contained in this Order shall affect the responsibility of Jordan Demolition Company to comply with all applicable Federal, State or local laws or regulations including Section 303 of the Act, 42 U.S.C. § 7603.

14. Nothing contained in this Order shall be construed to be a waiver of Jordan Demolition Company's obligation to comply with the schedule and conditions set forth by U.S. EPA in its December 11, 2000, 114 Request.

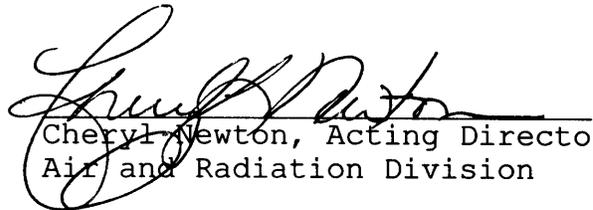
15. The provisions of this Order shall apply to and be binding upon Jordan Demolition Company, its officers, directors, agents, servants, employees and any successor(s) in interest. Jordan Demolition Company shall give notice of this Order to any successor(s) in interest, prior to transfer of ownership, and shall simultaneously verify to U.S. EPA, Region 5, at the address above, that such notice has been given.

16. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information in an administrative action or investigation involving U.S. EPA and specific individuals or entities.

17. Section 113(a)(4) requires that an Order shall not take effect until the person to whom it is issued has had an

opportunity to confer with the Administrator concerning the alleged violation. Therefore, this Order shall become effective ten (10) business days after receipt or after Jordan Demolition Company has conferred with U.S. EPA, whichever is sooner.

3/20/01
Date


Cheryl Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, do hereby certify that an Administrative Order, EPA-5-01-113(a)IN-03, was sent by Certified Mail, Return Receipt Requested, to:

Robert Jordan, President
Jordan Demolition Company
5766 Massachusetts Avenue
Indianapolis, Indiana 46219

I also certify that a copy of the Administrative Order was sent by First Class Mail to:

David McIver, Chief
Air Section
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate, Room 1001
Indianapolis, Indiana 46205-6015

on the 21st day of March 2001.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70993460 0000 95918914