



State of Ohio Environmental Protection Agency

Southwest District Office

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Dayton, Ohio 45402

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www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

CERTIFIED MAIL

July 24, 2009

Laser Construction
Mr. Phil Burkholder
8602 County Road 5 North
Rushsylvania, Ohio 43347-9715

NOTICE OF VIOLATION

Re: Failure to submit a Notice of Demolition and possible asbestos removal for 54 North Elm Street, North Lewisburg demolition.

Dear Mr. Burkholder:

As a result of a complaint files with the Ohio Attorney General's Office and investigation by the Southwest District Office of the Ohio EPA it has been determined that your company demolished the property located at 54 North Elm Street, North Lewisburg, Ohio. This demolition constitutes a violation of the Ohio Administrative Code (OAC) Rule 3745-20-02, for asbestos emission control.

The purpose of this letter is to:

- Inform you of the OAC Rule violation;
- Provide you with information to address the violation; and
- Request your cooperation to immediately halt all activities that would constitute continued or additional violations of the OAC Rules.

Asbestos Emission Control Rule Violations

As stated above, the demolition at 54 North Elm Street, North Lewisburg without submitting a "Notice of Demolition" as required by OAC Rule 3745-20-02 and to the standards as outlined in OAC Rule 3745-20-03 constitute(s) violation(s) of the OAC Air Pollution Rule(s). Under OAC Rule 3745-20-02(B)(2), even "if there is no asbestos-containing materials" certain demolition notification requirements under OAC Rule 3745-20-03, still apply. Please find a copy of both OAC Rules 3745-20-02 and 3745-20-03, attached to this letter.

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Information to Address Notification Violation

As described in the attached copy of OAC Rule 3745-20-03, even "if there is no asbestos-containing materials" there is certain information that must be provided to the Ohio EPA at least ten working days before the beginning of any demolition operation.

The "Notification of Demolition and Renovation" form and both OAC Rules can be found at the Ohio EPA, Division of Air Pollution Control, homepage, at: www.epa.state.oh.us/index.html. To get to the notification form, go to the DAPC Topic Index" pull down list and click on "Asbestos", and the OAC Rules can be found by going to "Division Links" and clicking on "Rules and Laws".

Immediate Halt of Demolition in Violation of OAC

You are requested to halt any present or additional operations that would constitute continued and/or additional violations of the OAC Rules.

Please be aware that this investigation will be sent to our Central Office for further review and possible Enforcement Action. The Ohio EPA reserves the right, pursuant to Chapters 3704, 3714, 3734, 3745, and 3750 of the Ohio Revised Code and any other applicable state or federal laws or regulations to seek civil and/or criminal action, reimbursement of response costs and any other appropriate legal or equitable relief for any violation of law.

If you have any questions or comments, or wish to discuss this matter further, please feel free to contact me at (937) 285-6032.

Sincerely,



~~XXXXXXXXXX~~
Environmental Specialist
Division of Air Pollution Control

cc: Tom Schneider, DAPC/SWDO
Tom Buchan, DAPC/CO
John Paulian, DAPC/CO
Lisa Holscher, U.S. EPA, Region 5

TAS/rif