



State of Ohio Environmental Protection Agency

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

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www.epa.state.oh.us

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

CERTIFIED MAIL

August 16, 2007

Mr. and Mrs. James Conley
P.O. Box 692
Wilmington, Ohio 45177

Mr. and Mrs. James Conley
P.O. Box 69
Port William, Ohio 45164

NOTICE OF VIOLATION

Dear Mr. Conley:

Based on complaints received from neighbors and the Fire Chief from SRWW Joint Fire District on August 5, 2007 and August 11, 2007 as well as photographs taken by neighbors and during our own investigation, the open burning that has occurred at or near your property at 4073 Gallimore Road, Wilson Township, during the time period of June 12, 2005 through August 13, 2007 constituted a violation of the Ohio Administrative Code (OAC) open burning regulations. Additionally, the building demolition at Southwest Landmark, Inc you contracted to do and commenced on or about July 13, 2007 constitute a violation of state and federal regulations as they relate to demolition procedures for asbestos control.

The purpose of this letter is to:

- Inform you about open burning violations;
- Inform you about possible Solid Waste violations;
- Request your cooperation to immediately halt any open burning that is in violation of the attached OAC open burning rules;
- Inform you about notification prior to demolition or renovation and asbestos emissions control violations; and
- Request your cooperation to immediately halt any additional demolition that is in violation of the attached OAC asbestos emissions control rules.

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Open burning violations:

The open burning of tires, household furniture, petroleum based produces and other waste material that appear in the photographs taken by the complainant and/or the Ohio EPA on March 25, 2007 and August 6 and 13, 2007 constitutes a violation of OAC rule 3745-19-04(A). Unless specifically listed under OAC rule 3745-19-04(B) or (C) or in section 3704.11 of the Ohio Revised Code, no person or property owner shall cause or allow open burning.

Possible Solid Waste violations:

Solid waste violations will be addressed via separate correspondence or you may contact Ms. Maria Lammers, with our Division of Solid and Infectious Waste Management (DSIWM) through our general phone number of (937) 285-6357.

Immediate halt of open burning in violation of OAC open burning rules:

Based on the above information, you are requested to immediately halt any additional open burning that would be in violation of the attached rules.

Notification prior to demolition or renovation and asbestos emissions control violations:

The demolition of the building owned by Southwest Landmark, Inc. at 1425 Rombach Ave., in Wilmington which you began demolition of on or about July 13, 2007 without prior notification constitutes a violation of OAC rule 3745-20-03(A)(3)(a) as well as 40 CFR Part 61.145(b)(3) requiring the owner or operator to postmark or deliver notification to the Ohio EPA field office having jurisdiction in the county where the demolition or renovation is to occur at least ten working days before the beginning of any demolition operation, asbestos stripping or removal work. OAC rule 3745-20-01(B)(39) defines "owner or operator" as it applies to rules 3745-20-02 to 3745-20-05 of the Administrative Code, any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls or supervises the demolition or renovation, or both. Additionally OAC rule 3745-20-02(A) and 40 CFR Part 61.145(a)(2) mandate each owner or operator of any demolition or renovation operation shall have the affected facility or part of the facility where a demolition or renovation operation will occur thoroughly inspected prior to the commencement of the demolition or renovation for the presence of asbestos, including category I and category II nonfriable asbestos containing material.

Immediately halt any additional demolition that is in violation of the attached OAC asbestos emissions control rules:

Based on the above information, you are requested to immediately halt any additional demolition that would be in violation of the attached rules.

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Please be aware that this investigation will be sent to our Central Office for further review and possible enforcement. 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,



Terry A. Sanner
Environmental Specialist
Southwest District Office
Division of Air Pollution Control

cc: Tom Schneider, DAPC, SWDO
Tracy Buchanan, DSIWM, SWDO
Maria Lammers, DSIWM, SWDO
Dave Combs, Special Investigations, SWDO
John Paulian, DAPC, CO
Matt Johannes, Clinton County Health Department
Chief Chuck Gaskin, SRWW Joint Fire District
Kathy L. Gamble, Clinton County Assistant Prosecutor
Lynn Turner, City of Wilmington Chief Prosecutor

TAS/ph