

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Kortesik, Director

May 21, 2010

RE: NOTICE OF VIOLATION
FORMER GENERAL INDUSTRIES SITE,
154 OLIVE ST., ELYRIA (LORAIN COUNTY)

CERTIFIED MAIL

Mr. John Peshek
c/o B-Vest Properties LLC
355 Quail Hollow Court
Pickerington, OH 43147

Dear Mr. Peshek:

On Jan 22 2010, you received a letter from the Ohio EPA which summarized the following: You are the "owner/operator," as defined by OAC 3745-20-1 (B)(44), and are responsible for all site-related activities, including maintenance of the site fence and site security, conducting all required environmental surveys and securing any required permits, and granting access for the purpose of conducting inspections and performing environmental and/or construction activities.

The existing standing buildings and steel-supported concrete pads are subject to the state and federal demolition and/or renovation rules, some of which are listed below. In accordance with 40 CFR Part 61, Subpart M, Section 61.145 (a), and with OAC Rule 3745-20-02 (A), an asbestos survey performed by and ODH-certified asbestos hazard evaluation specialist (AHES) must be performed prior to any demolition or renovation activity. Our site inspection documented areas containing suspected ACM throughout the remaining structure, including areas below grade. These areas must be inspected, evaluated, sampled, and characterized as either ACM or non-ACM by an AHES prior to any activity that could be classified as a "demolition," as per OAC 3745-20-1 (B)(13), or a "renovation," as per OAC 3745-20-1 (B)(44).

Per OAC Rule 3745-20-03, "Standard for Notification," a notification form must then be submitted to Ohio EPA which will indicate any asbestos and the proposed dates of any abatement and/or demolition activities at the site.

- We conducted an inspection at the site on May 6, 2010, and found demolition work of the steel-supported concrete pads occurring without prior notification.

SUMMARY OF VIOLATIONS

In view of the above facts, you are hereby notified that the demolition activities at 154 Olive Street, Elyria OH under the operation, control or supervision of John Peshek, was, in substantive violation of the following asbestos rules:

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In accordance with 40 CFR Part 61, Subpart M, Section 61.145 (a), all facilities must be inspected for the presence of asbestos prior to commencement of a demolition or renovation. Paragraphs (b), "Notification Requirements", Require written notice of intention to demolish or renovate. notification is required 10 working days before demolition begins. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable. and (c), "Procedures for Asbestos Emission Control" of this section apply if friable asbestos materials were found and stripped from facility components in amounts exceeding 160 square feet, or 260 linear feet from pipes. Section 61.150, AStandard for Waste Disposal,@ would also apply. Similarly, in accordance with OAC Rule 3745-20-02, "Standard for Demolition and Renovation Applicability," all of the requirements of OAC Rule 3745-20-03, "Standard for Notification," OAC Rule 3745-20-04, "Demolition and Renovation Procedures for Asbestos Emission Control," and OAC 3745-20-05, AStandard for Asbestos Waste Handling,@ apply if friable asbestos materials were found and stripped from facility components in amounts exceeding 160 square feet or 260 linear feet from pipes. Finally, pursuant to 40 CFR 61.141 and OAC Rule 3745-20-01 (B) (38), "owner or operator" means any person who owns, leases, operates, controls or supervises a facility or demolition or renovation operation.

Within ten (10) days after receipt of this letter, please submit to this office any clarifications, explanations or evidence on your behalf, pertaining to these violations.

Note that the acceptance by the Ohio EPA of any requested information does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code for any past or future violations of applicable requirements. The decision to pursue or decline to pursue such penalties in this matter will be made by the Ohio EPA at a later date.

If you have any questions regarding this letter, please contact me at (330) 963-1259.

Sincerely,



Bob Bechtel
District Representative
Division of Air Pollution Control

BB/mt

pc: Marcus Glasgow, Ohio EPA Legal
Bob Princic, Ohio EPA, DAPC, NEDO
Tom Buchan, Ohio EPA, DAPC, CO
Allan Richards, ODH
Terry Shilling, City of Elyria
Phil Lahetta, City of Elyria