



State of Ohio Environmental Protection Agency

Northeast District Office

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

January 22, 2010

RE: OUTSTANDING REGULATORY ISSUES AT
THE 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:

As you are aware, the time-critical removal action has been completed by the U.S. EPA, effective January 5, 2010. U.S. EPA's removal action served to stabilize the site, and removed the imminent threat of release of asbestos-contaminated material (ACM) to the environment and to the neighborhood.

However, current environmental conditions at the site still pose a concern to both Ohio EPA and the Ohio Department of Health (ODH). In our December 18, 2009, final site inspection with Jim Augustyn (U.S. EPA), representatives of U.S. EPA's contractor and City of Elyria officials, we noted that the blue roll-off box remained on-site. During the removal activities, that roll-off box was opened and found to contain ACM, in both bagged and loose states. (Ohio EPA had sampled debris near the opening in August 2008 and documented ACM on the ground.) U.S. EPA was not authorized to dispose of the loose material, which remains on-site and will be the subject of another correspondence. Under no circumstances is that roll-off box to be disturbed or moved without prior written approval by Ohio EPA.

As you have been informed by Mr. Augustyn, control of the site, assumed by U.S. EPA through a 2009 Unilateral Order for the purposes of conducting the removal action, has reverted back to you as the property owner. As such, you are the "owner/operator," as defined by OAC 3745-20-1 (B)(44), and 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.

MR. JOHN PESHEK
JANUARY 22, 2010
PAGE 2

We are aware that you have expressed an interest in salvaging recyclable material at the site, and that you are in the process of developing your plans for future activities. The goal of Ohio EPA and ODH is to work with you and your contractors, along with the City of Elyria officials, to ensure that all future construction and/or development activities occur in compliance with all relevant and applicable state and federal regulations, and that they are conducted in a manner that is protective of human health and the environment.

At the January 14, 2010, on-site meeting with Bob Bechtel of Ohio EPA, you were informed which of your proposed activities would require prior notice and approval by ODH and/or Ohio EPA, and which on-site activities you can conduct without the agencies' approval.

We are aware of your interest in potentially salvageable steel located inside the buildings (such as the blue metal bins and presses) and outside the buildings (for example, the water tower formerly located on the roof) that are not structural members or serve to support the building. Those can be removed without ODH/Ohio EPA pre-approval.

However, 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.

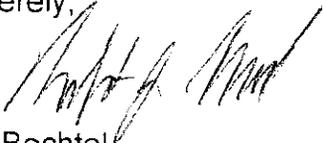
If any abatement activities are necessary, all of the requirements of OAC Rule 3745-20-04, "Demolition and Renovation Procedures for Asbestos Emission Control," and OAC 3745-20-05, "Standard for Asbestos Waste Handling," apply. This includes the provision that all regulated ACM must be disposed of in a landfill licensed to accept this material.

MR. JOHN PESHEK
JANUARY 22, 2010
PAGE 3

As has been discussed earlier, any asbestos abatement activities at the General Industries site are also subject to ODH regulations, which include (separate from Ohio EPA's) notification requirements along with contractor/worker training and certification requirements. As we have in the past, both Ohio EPA and ODH are available to answer any questions you have regarding the General Industries site.

I hope this information has been useful to you. 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:bo

pc: Charlotte Hickox, Director's Office/CO
Marcus Glasgow, Legal/CO
Bob Princic, DAPC/NEDO
Tom Buchan, DAPC/CO
Allan Richards, ODH
Jim Augustyn, U.S. EPA – Westlake
Terry Shilling, City of Elyria
Phil Lahetta, City of Elyria
Kathleen Boylan, City of Elyria
Aaron Klein, City of Elyria