



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

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www.epa.state.oh.us

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

July 25, 2007

Certified Mail

The Honorable Jerry Dehnbostel  
Mayor of the City of Wauseon  
230 Clinton Street  
Wauseon, Ohio 43567

**RE: Notice of Violation**

Emergency Demolition at 113 West Elm Street, Wauseon Ohio  
Failure to submit Emergency Notification within allowed time frame, deposition of  
asbestos containing waste at unapproved site and failure to maintain waste  
adequately wet

Dear Mayor Dehnbostel:

This letter is being written in regards to the fire which occurred in downtown Wauseon April 14, 2007. The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control (DAPC) sent the city correspondence dated April 27, 2007 and met with city representatives June 20, 2007 in order to explain Ohio EPA's rules as they relate to demolition of buildings and control of asbestos. As you are aware, debris from the fire was transported to 8832 County Road M and continues to be stored at this location.

Ohio EPA's rules regarding demolition and asbestos are contained in Ohio Administrative Code (OAC) rules 3745-20. The City of Wauseon became an "Owner or operator" of the facility, as defined in OAC rule 3745-20-01, when it took control of the facility during the fire and supervised its demolition. Because of this, its is responsible for maintaining compliance with the rules. OAC rule 3745-20-04(D) requires, for emergency demolition operations such as occurred April 14, 2007, that the waste material remain adequately wet until collected for disposal in accordance with OAC rule 3745-20-05. "Adequately wet" is defined in OAC rule 3745-20-01 and means sufficiently mix or penetrate with liquid to prevent the release of particulates. OAC rule 3745-20-05(B)(2) also requires the asbestos containing waste material be kept adequately wet at all times after demolition e.g., during handling, loading, transport and disposal at an active waste disposal site.

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This notice of violation is being issued for the following:

- a. Violation of OAC rule 3745-20-03(A)(3)(c) for failure to postmark or deliver notification of the emergency demolition by the following working day after the emergency occurred.
- b. Violation of OAC rule 3745-20-05, "Standard for asbestos waste handling," for failure to deposit the waste at an active waste disposal site operated in accordance with the provisions of OAC rule 3745-20-06, "Standard for active waste disposal site," and for failure to maintain the waste adequately wet until disposal.

NWDO has now received the emergency notification and no further action with regard to the violation in (a.) above is required. However, with regard to the violation cited in (b.), NWDO is requesting a schedule which outlines the steps the city is taking to bring the storage pile into compliance, including the procedures to ensure the pile is being kept "adequately wet." In addition, please provide an outline of the steps and a schedule for removing the pile from the County Road M site and taking it to a landfill that accepts asbestos waste.

NWDO acknowledges the city is taking steps to resolve this matter. It is our understanding the city has scheduled asbestos training for an employee in order to provide oversight for this and possible future projects. Although the fire department is currently checking the pile approximately once a week, NWDO observed the pile in the afternoon July 16, 2007 and at that time, it was not being maintained "adequately wet." To aid in maintaining the debris "adequately wet," NWDO recommends covering the pile in order to reduce drying by evaporation.

This matter has been brought to the attention of Ohio EPA Director Chris Korleski. He has expressed his desire that we continue to work cooperatively with the city in getting this matter addressed. However, he has also expressed his desire to see this situation resolved as soon as possible, particularly given the length of time the debris pile has been on private property and the potential future liability and public health issues associated with this. Therefore, we request that the city provide a response to this Notice of Violation with the information requested above by August 3, 2007.

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If you have any questions, please feel free to contact me at (419) 373-3130.

Sincerely,

*Chad Delbecq*

Chad Delbecq  
Division of Air Pollution Control

/lb

pc: Chris Korleski, Director Ohio EPA  
Laurie Stevenson, Liaison Officer  
Tracy Freeman, Legislative Liaison  
Lisa Holscher, USEPA  
~~Chad Delbecq, DAPC, NWDO~~  
7005 1160 0002 4566 0092

ec: Eric Getz, Assistant District Chief, NWDO  
Tom Sattler, Supervisor, DAPC, NWDO  
Don Waltermeyer, Supervisor, DAPC, NWDO  
Dina Pierce, PIC, CO  
Tom Buchan, DAPC, CO  
Tom Kalman, DAPC, CO

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Ohio EPA  
JUL 25 2007  
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**SECTION ON DELIVERY**

*Schantz*  Agent  Addressee

Printed Name: *Schantz* Date of Delivery: *7-26-07*

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Deliver to address below:  Yes  No

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Delivery? (Extra Fee)  Yes  No

4566 0092

Sent To: *The Honorable Jerry Dehnbostel*  
Street, Apt. No., P.O. Box No.: *2300 Columbus St*  
City, State, ZIP+4: *Lawson Oh 43567*

PS Form 3800, June 2002 See Reverse for Instructions  
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540