



State of Ohio Environmental Protection Agency

**Northwest District Office**

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

July 25, 2007

Certified Mail

Mr. Dan Ross  
1270 N. Shoop Ave.  
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 Mr. Ross:

The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control (DAPC) last met with you April 24, 2007 at the City of Wauseon's Mayors Office. At that time, we discussed the fire which occurred in downtown Wauseon on April 14, 2007. Ohio EPA also notified you of the requirement to keep asbestos-containing waste material adequately wet.

Ohio EPA's rules regarding demolition and asbestos are contained in Ohio Administrative Code (OAC) rules 3745-20. As an "Owner or operator", defined in OAC rule 3745-20-01, of the facility you have responsibility 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.

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. Debris from the fire was deposited at 8832 County Road M and continues to be stored at this location.

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To aid in maintaining the debris "adequately wet" NWDO recommends covering the pile in order to reduce drying by evaporation.

NWDO has now received the emergency notification from the City of Wauseon 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 being taken 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 to a landfill that accepts asbestos waste.

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 you 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 you provide a response to this Notice of Violation with the information requested above by August 3, 2007.

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

Sincerely,

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  
Jerry Dehnbostel, Mayor City of Wauseon  
~~Chad Delbecq, DAPC, NWDO~~  
7005 1160 0002 4566 0078

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

OHIO ENVIRONMENTAL PROTECTION AGENCY  
NORTHWEST DISTRICT  
347 N. Dunbridge Road