



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

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

October 19, 2007

**CERTIFIED MAIL**

7006 0100 0003 7708 5893

Charles McCarthy, Owner  
McCarthy Corporation  
14234 County Hwy. 60  
Upper Sandusky, Ohio 43351

**RE: Notice of Violation**

Former Weapons Depot, 2623 Pole Land Road, Marion Oh  
Failure to submit Notification of Demolition, improperly handling asbestos  
containing waste and burning asbestos containing material.

Dear Mr. McCarthy:

This letter is being written in regards to regulated asbestos containing material burned at 2623 Pole Lane Road, Marion, Ohio on October 10, 2007. The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control met with McCarthy Corporation October 11, 2007 in order to investigate the burning of demolition debris and to explain Ohio EPA's rules as they relate to demolition and control of asbestos.

Although McCarthy Corporation did not physically knock down the building which was burned, the building is considered a "facility" based on its previous use. Therefore, the debris from this building is subject Ohio EPA's rules regarding asbestos and demolition contained in Ohio Administrative Code (OAC) rule 3745-20. Specifically, OAC rule 3745-20-02 requires all facilities be inspected for the presence of asbestos prior to commencement of demolition or renovation. Demolition and asbestos are further addressed in OAC rule 3745-20-03 "Standard for notification prior to demolition or renovation"; OAC rule 3745-20-04 "Demolition and renovation procedures for asbestos emission control"; and OAC rule 3745-20-05 "Standard for asbestos waste handling".

During our investigation the company identified that an asbestos survey of the property had been completed. McCarthy Corporation disclosed that the report received from the survey company indicated that asbestos was present on the property, but was non specific on the type and location. The company indicated it felt the cost for removal of the asbestos seemed high and decided to take no further action on removing asbestos from the property.

NWDO contacted Interdyne Corporation, as did McCarthy Corporation, to request a copy of the asbestos survey completed July 31, 2007. McCarthy Corporation maintains that a copy of the completed survey had not previously been received, the company had only received Interdyne's cover letter bid. Samples of the burned debris obtained by NWDO on October 11, 2007 have confirmed the presence of asbestos.

This notice of violation is being issued for the following:

- a. Violation of OAC rule 3745-20-03(A), "Standard for notification prior to demolition or renovation," for failure to postmark or deliver notification of the burning of the demolition debris.
- b. Violation of OAC rule 3745-20-04(E), "Demolition and renovation procedures for asbestos emission control," for failure to remove regulated asbestos-containing material before burning.
- c. Violation of OAC rules 3745-19, "Open Burning Standards"

In accordance with OAC 3745-20-05(B)(2), because the asbestos containing material was not removed prior to burning the debris, the remaining waste from this building is contaminated with asbestos and should be maintained adequately wet at all times until collected for disposal. "Adequately wet" is defined in OAC rule 3745-20-01 and means to sufficiently mix or penetrate with liquid to prevent the release of particulates. To aid in maintaining "adequately wet" debris, NWDO recommends wetting and covering the pile in order to reduce drying by evaporation.

Charles McCarthy  
October 19, 2007  
Page 3

At this time, it is NWDO's understanding the company is pursuing additional bids for cleanup of both the remaining burned debris and asbestos present in other buildings on the property.

Please be advised that this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date. If you have any questions, please feel free to contact me at (419) 373-3130.

Sincerely,



Chad Delbecq  
Division of Air Pollution Control

/csl

cc: Tom Sattler, Supervisor, DAPC, NWDO  
Don Waltermeyer, Supervisor, DAPC, NWDO  
Tyler Madeker, DSIWM, NWDO

pc: Lisa Holscher, USEPA  
Tom Kalman, DAPC, CO  
Chad Delbecq, DAPC, NWDO