



State of Ohio Environmental Protection Agency

Northwest District Office

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

July 9, 2008

CERTIFIED MAIL

Mr. Kevin Farson, Owner
Complete Clearing
510 Industrial Way
Marengo, Ohio 43334

Re: **Notice of Violation**
Demolition of North Elementary School

Dear Mr. Farson:

This letter shall serve as follow-up to the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control's July 1, 2008, inspection of the demolition of the North Elementary School located at 200 Westgate Drive, Galion, Ohio 44833. Our investigation found asbestos containing floor tile had been crushed along with concrete and deposited as fill at the site. Ohio EPA's rules regarding demolition and asbestos are contained in Ohio Administrative Code (OAC) rules 3745-20. Specifically, OAC rule 3745-20-04(A) requires removal of all Regulated Asbestos Containing Material (RACM) from a facility being demolished before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the material for subsequent removal.

Since asbestos containing floor tile was not completely removed prior to demolition and it was then crushed along with concrete, the debris which remains on site is now considered RACM. The debris must now be maintained adequately wet at all times. "Adequately wet" is defined in OAC rule 3745-20-01 and means sufficiently mix or penetrate with liquid to prevent the release of particulates.

This notice of violation is being issued for the following:

- a. Violation of OAC rule 3745-20-03(A)(4) "Standard for notification prior to demolition or renovation," for failure to estimate the approximate amount of Category I nonfriable asbestos-containing material in the affected part of the facility that will not be removed before demolition.
- b. Violation of OAC rule 3745-20-04(A)(1) "Demolition and renovation procedures for asbestos emission control," for failure to remove all regulated asbestos-containing material from a facility being demolished before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the materials for subsequent removal.

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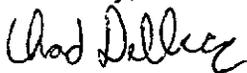
- c. Violation of OAC rule 3745-20-04(B) "Demolition and renovation procedures for asbestos emission control," for handling RACM with out at least one authorized representative, trained in the provision of OAC 3745-20 being present at the location of operations.
- d. Violation of OAC rule 3745-20-05(A), "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".
- e. Violation of OAC rule 3745-20-05(B) "Standard for asbestos waste handling," for discharging visible emissions to the outside air from handling operations.
- f. Violation of OAC rule 3745-20-05 "Standard for asbestos waste handling," for failure to maintain adequately wet asbestos-containing waste material.

NWDO last visited the site on July 6, 2008 and, at that time, the debris was "adequately wet". Please continue to maintain the debris adequately wet.

Two options now exist for the site. It can be treated as an inactive asbestos waste disposal site complying with the requirements of OAC 3745-20-07. This rule requires the discharge of no visible emissions or covering the asbestos containing waste material, barriers deterring public access and warning signs. The other option is disposal of the waste material at an active asbestos waste disposal site. Handling of the material would need to be done in accordance with OAC 3745-20-05.

Please be advised that this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code 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

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pc: Tom Sattler, Supervisor, DAPC, NWDO
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(Chad Delbecq, DAPC, NWDO.)
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