



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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

February 29, 2008

CERTIFIED MAIL

Mr. John Kizy, Owner
Kizko LLC
900 South Fort Street
Lincoln Park, Michigan 48146

RE: **Notice of Violation (NOV)**
Demolition at 1305 West Main Cross Road, Findlay Ohio 45840
Failure to complete survey and submit Notification of Demolition

Dear Mr. Kizy:

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 investigation of the hotel demolition at 1305 West Main Cross Road in Findlay Ohio on February 4, 2008.

Our investigation found over one hundred sixty square feet of crumbled transite, a Regulated Asbestos-Containing Material (RACM), in a debris pile in the front lobby of the hotel. The presence of this material indicates the asbestos survey dated August 16, 2007, was not thorough.

NWDO determined the transite originated from panels which were installed on the underside of the hotels front entrance car port. The demolition contractor, Upright Wrecking Co., has indicated they were not responsible for removing this material or placing it in the front of the hotel. NWDO has also learned that prior to Upright Wrecking Co. starting demolition; scrap metal and other recyclable materials were removed from the hotel. This action may have led to the transite being made friable.

HazCorp conducted a thorough survey of the building on February 12, 2008. NWDO was present during part of the survey and observed crumbled transite on the ground along the east and west wings, in the rooms and entrance ways to the rooms throughout the hotel.

As owner or operator, Kizko LLC is responsible for maintaining compliance with Ohio EPA's rules regarding asbestos and demolition. These rules are contained in Ohio Administrative Code (OAC) rules 3745-20. The rules require a facility be thoroughly inspected for the presence of asbestos and that Notification of Demolition be submitted by the owner or operator of a facility prior to beginning demolition.

Be advised that the RACM present at this location must be removed, handled and disposed of in accordance with OAC rule 3745-20-04, 3745-20-05 and 3745-20-06. Unless Kizko LLC can show asbestos is not contained in the debris piles which have been created by Upwright Wrecking Co., these piles will also have to be disposed of as asbestos waste.

At this time, NWDO is requesting Kizko LLC submit a written response to this letter by March 14, 2008, which identifies:

1. the names and addresses of all of the recycling/scrap companies that removed material from the building; and
2. the dates that recycling/scrap removal work occurred at the hotel.

This NOV is being issued for the following rule violations:

1. Violation of OAC rule 3745-20-02(A), "Standards for demolition and renovation, facility inspection, and determination of applicability," for failure to have the facility thoroughly inspected by a certified asbestos hazard evaluation specialist, prior to commencement of the demolition.
2. 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 demolition at least 10 days before beginning any demolition operation.

The notification of demolition and renovation received February 5, 2008, signed by Ted Embry, has been rejected for the following reasons: (a) identifying an incorrect owner and address, (b) failure to complete a survey prior to submittal; and (c) not quantifying the asbestos present. A new Notification will need to be submitted prior to asbestos removal or resuming demolition.

3. 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 disturb the materials.

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.

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
Don Waltermeyer, Supervisor, DAPC, NWDO
Chad Delbecq, DAPC, NWDO
Tom Kalman, DAPC, CO
Lisa Holscher, USEPA
~~DAPC-NWDO-File~~

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1. Article Addressed to:
 2. Recipient's Name - Kizko LLC
 3. Recipient's Address - 9000 SOUTH FORT STREET
 4. Recipient's City, State, ZIP+4® - BANGOR, ME 04814

PS Form 3800, August 2006 See Reverse for Instructions

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 MR JOHN KIZO, OWNER
 KIZKO, LLC
 9000 SOUTH FORT STREET
 BANGOR, ME 04814

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Amel Farid

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