



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 28, 2008

CERTIFIED MAIL

Mr. Dennis Panning, Owner
Panning Excavating
3278 State Route 18
Deshler, Ohio 43516

RE: **Notice of Violation**
Demolition at 124, 128, 132, 134 and 134½ W. Main, Deshler, Ohio
Failure to submit notification of demolition.

Dear Mr. Panning:

This letter is being written in regards to demolition of the building on West Main Street, Deshler Ohio on October 20, 2008. The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control met with you October 20, 2008 to discuss U.S. EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) standards for asbestos. Ohio EPA's rules regarding demolition and asbestos are contained in Ohio Administrative Code (OAC) 3745-20. Specifically, OAC rule 3745-20-03 requires submittal of notification to Ohio EPA prior to proceeding with demolition.

This notice of violation is being issued for the following rule violation:

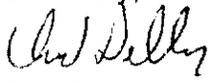
1. Violation of OAC rule 3745-20-03(A), "Standard for notification prior to demolition or renovation," for failure to postmark or deliver notification of the demolition at least 10 days before beginning any demolition operation.

Upon learning that the notification had not been submitted the company immediately ceased demolition. NWDO has found that the building was thoroughly inspected by an asbestos hazard evaluation specialist prior to demolition and that a small quantity of asbestos was removed from the building by an asbestos removal company prior to demolition. NWDO also learned that during demolition the company encountered additional suspect asbestos containing material, stopped work and had the asbestos removal company return to complete additional asbestos removal. The Northwest District Office has now received the required notification and no further action with regard to the violation is required.

Enclosed is a fact sheet on the Asbestos Notification requirements.

Mr. Dennis Panning, Owner
October 28, 2008
Page 2

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

/llr

Enclosure

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

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

05450 0001 0611 1490

39	NOV 2 2008
----	------------

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">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.	<p>A. Signature <input checked="" type="checkbox"/> <i>Rebecca Panning</i> <input type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) <i>Rebecca Panning</i> <input type="checkbox"/> Addressee</p> <p>C. Delivery Confirmation <input type="checkbox"/> Yes If YES, enter delivery address: <input type="checkbox"/> No</p>
<p>1. Article Addressed to: <i>DENNIS PANNING, OWNER</i> <i>INDIAN EXHIBITION</i> <i>2275 STATE ROUTE 18</i> <i>DESHER, OHIO 43514</i></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7006 3450 0001 0611 1490