



State of Ohio Environmental Protection Agency

Northwest District Office

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

May 28, 2008

CERTIFIED MAIL

Mr. Chris Zervos, Acting Commissioner
City of Toledo
One Government Center – Suite 1800
Toledo, Ohio 43607

RE: Notice of Violation

Demolition at 831 Woodstock Ave, Toledo Ohio
Failure to submit notification of an emergency demolition within regulated time frame,
incorrect date of demolition recorded on notification and initiating demolition prior to
issuing government order.

Dear Mr. Zervos:

The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control received on May 1, 2008, the City of Toledo's Notification of Demolition and Renovation for 831 Woodstock Ave, Toledo Ohio. The notification identifies the City of Toledo's ordered demolition was scheduled to start May 15, 2008. However, our investigation has found this date to be inaccurate and that the City actually started demolition April 9, 2008 and failed to notify the Ohio EPA.

The City's notification identified the demolition was being ordered as an emergency. In the case of an emergency, the normal 10-working day waiting period can be avoided and demolition can proceed immediately. However, the debris is then required to be maintained adequately wet until an asbestos survey is completed and a determination can be made concerning the presence of Regulated Asbestos Containing Material (RACM). If RACM is found in the demolition debris, the potential exist that all the debris will need to be disposed of as asbestos waste.

OAC rule 3745-20-03(A)(3)(c) requires that the Ohio EPA be notified as early as possible prior to emergency demolition but no later than the following working day. OAC rule 3745-20-03(C) also requires a copy of the City's emergency order for demolition be attached to the demolition notification. The City attached their emergency order for this property, however, the order for demolition was not issued until April 29, 2008; 20 days after the building was actually knocked down. Finally, OAC rule 3745-20-03(C) requires that the emergency order identify the date demolition is ordered to begin; the City's order does not specify such date.

This notice of violation is being issued for the following:

Mr. Chris Zervos
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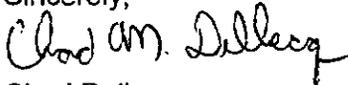
- a. Violation of OAC rule 3745-20-03(A)(3)(c) "Standard for notification prior to demolition or renovation," for failure to postmark or deliver notification of the demolition by the following working day after the emergency occurred.
- b. Violation of OAC rule 3745-20-03(C) "Standard for notification prior to demolition or renovation," for failure to submit a copy of the emergency demolition order by the following working day after the emergency occurred.
- c. Violation of OAC rule 3745-20-03(A)(4) "Standard for notification prior to demolition or renovation," for failure to identify the actual starting date of demolition on the notification form.

At this time, NWDO is requesting the City of Toledo submit a written response to this letter by June 13, 2008 which includes:

1. Submission of a revised demolition notification showing the actual dates for starting and completing demolition. (Box VIII of the notification).
2. Confirmation the City understands emergency demolition must be preceded by issuance of an emergency demolition order and that the order must specify the date demolition is ordered to begin.
3. The asbestos survey dated April 14, 2008, identified a high possibility that asbestos could be present in the building's basement. If the debris has now been removed from the basement please submit the name, certification number, phone number and findings of the Asbestos Hazard Evaluation Specialist that was on site during the debris removal. If the debris is still on site, please provide confirmation that the City understands an Asbestos Hazard Evaluation Specialist will be onsite during debris removal.

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

Enclosure

pc: Tom Sattler, Supervisor, DAPC, NWDO
Don Waltermeyer, Supervisor, DAPC, NWDO
~~Chad Delbecq, DAPC, NWDO~~
Tom Kalman, DAPC, CO
Lisa Holscher, USEPA
Karen Granata, City of Toledo, Division of Environmental Services
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PS Form 3800, June 2002

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