



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

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www.epa.ohio.gov

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

June 14, 2010

CERTIFIED MAIL

Mr. Todd Behrman, Owner
Behrman Excavating
I-239 County Road 2
Custar, Ohio 43511

Re: **Notice of Violation**
Demolition at 2293 Defiance Pike, Custar Ohio

Dear Mr. Behrman:

This letter is being written in regards to demolition of the Fertilizer Storage building at 2293 Defiance Pike, Custar Ohio on May 20 and 21, 2010. The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control spoke with you May 24, 2010, 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 3745-20-02 and 3745-20-03 require a thorough inspection for the presence of asbestos and submittal of notification to Ohio EPA prior to proceeding with demolition.

This notice of violation is being issued for the following:

- a. 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 demolition.
- b. 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.

Deshler Farmers Elevator had the debris which remained surveyed on May 26, 2010, and it along with all other debris was disposed of at the Wood County Landfill. The demolished building was an unheated fertilizer storage building constructed of mostly wood. Deshler Farmers Elevator submitted a completed "Ohio EPA Notification of Demolition and Renovation" form.

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Enclosed is a fact sheet entitled "Understanding the Asbestos Notification Requirements for Facility Demolition and Renovation Activities." NWDO is requesting Behrman Excavating submit a written response to this letter by June 30, 2010, which includes confirmation of your understanding of the asbestos survey and notification requirements.

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

/llr

Enclosure

pc: Tom Sattler, Supervisor, DAPC, NWDO
Tom Kalman, DAPC, CO
Lisa Holscher, USEPA
Chad Delbecq, DAPC, NWDO
DAPC-NWDO File
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