



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 Korteski, Director

March 15, 2010

**CERTIFIED MAIL**

Mr. Michael Rettig, Owner  
M&J Scrap Removal  
E251 State Route 108  
Holgate, Ohio 43527-9708

Re: **Notice of Violation**  
Demolition at 1303 Oakwood Ave, Napoleon Ohio

Dear Mr. Rettig:

This letter is being written in regards to demolition of the Concrete Plant at 1303 Oakwood Ave, Napoleon Ohio during the week of March 8, 2010. The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control spoke with you March 11, 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.

A fact sheet entitled "Understanding the Asbestos Notification Requirements for Facility Demolition and Renovation Activities." is enclosed for your review. NWDO is requesting the company submit a written response to this letter by April 2, 2010, which includes confirmation of the company's understanding of the asbestos survey and notification requirements.

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Disposal of the remaining debris or continued cleanup at the site should not proceed until a thorough survey of the site has been completed and the survey along with a completed "Ohio EPA Notification of Demolition and Renovation" form have been submitted to NWDO.

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

/lr

pc: Tom Sattler, Supervisor, DAPC, NWDO  
Don Waltermeyer, Supervisor, DAPC, NWDO  
Chad Delbecq, DAPC, NWDO  
Tom Kalman, DAPC, CO  
Lisa Holscher, USEPA  
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Ohio EPA  
Postmark Here  
MAR 18 2010

Sent To	Michael Rettig - owner - 104 J. S. KAP. Removal
Street, Apt. No., or PO Box No.	E. 251 STATE ROUTE 108
City, State, ZIP+4	HULLATE, OH 43527-9708

PS Form 3800, August 2006 See Reverse for Instructions