



State of Ohio Environmental Protection Agency

Northwest District Office

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

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

March 15, 2010

CERTIFIED MAIL

Mr. Fred Gerken, Owner
Fred H. Gerken Company
1303 Oakwood Avenue
Napoleon, Ohio 43545

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

Dear Mr. Gerken:

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 met 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.

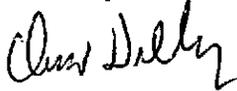
A fact sheet entitled "Understanding the Asbestos Notification Requirements for Facility Demolition and Renovation Activities." was given to you March 11. NWDO is requesting the company submit a written response to this letter by April 2, 2010, which includes confirmation of the company's understanding 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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FRED GERKEN
 1303 CAXWOOD AVENUE
 CH 43545

PS Form 3811, August 2004 See Reverse for Instructions

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:
 MR. FRED GERKEN
 FRED N GERKEN JR,
 1303 CAXWOOD AVENUE
 CHARLOTTE, NC
 28204-4354

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x Fred R. Gerken

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