



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

September 7, 2010

CERTIFIED MAIL

Mr. Jack Riley, Vice President
A.J. Riley, Inc.
151 Akron Road
Norwalk, Ohio 44857

Re: **Notice of Violation**
Demolition at 196 Milan Avenue, Norwalk, Ohio

Dear Mr. Riley:

This letter is being written in regards to demolition of the Taco Loco Restaurant at 196 Milan Avenue, Norwalk Ohio on Aug 16, 2010. The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control discussed with you August 18, 2010, U.S. EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) standard 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 3745-20-03(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.

As we discussed, a survey for asbestos was completed in February 2010, and the only asbestos containing material, non friable roofing, was taken to Ottawa County Landfill. A.J. Riley, Inc. submitted the "Ohio EPA Notification of Demolition and Renovation" form immediately after learning that it had not been submitted.

Enclosed is a fact sheet entitled "Understanding the Asbestos Notification Requirements for Facility Demolition and Renovation Activities." NWDO is requesting the company submit a written response to this letter by September 24, 2010, which includes confirmation of the company's understanding of the demolition notification requirements.

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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

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pc: DAPC-NWDO File
 Certified Receipt Number 7009 1680 C

ec: Tom Sattler, Supervisor, DAPC, NWD
 Mark Budge, Manager, DAPC, NWDC
 Tom Kalman, DAPC, CO
 Lisa Holscher, USEPA
 Chad Delbecq, DAPC, NWDO

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Form 3800, August 2006 See Reverse for Instructions

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<p>1. Article Addressed to: MR. JACK RILEY, VICE PRESIDENT A. J. RILEY, INC 151 AKRON ROAD AKRON, OH 44357</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>
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