



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 5, 2010

CERTIFIED MAIL 7007 2560 0000 4485 8233

Mr. Eric Keith, Owner
Recycling Creations, LLC
1010 Jamaica Drive
Marion, Ohio 43302

Re: **Notice of Violation**
Demolition at 605 South Market Street, Galion, Ohio

Dear Mr. Keith:

This letter shall serve as follow-up to Ohio EPA, Northwest District Office (NWDO), Division of Air Pollution Control's February 11, 2010, inspection of 605 South Market Street, Galion, Ohio 44833.

NWDO has learned that:

1. Recycling Creations, LLC is the "Owner or Operator" of the property and that in January or February 2009 Recycling Creations, LLC began the process of scrap reclamation and demolition of two buildings at this location, formerly the site of Eagle Crushers manufacturing operations. Recycling Creations, LLC continued working at the site from early 2009 to present.
2. In June 2009, a building that was not previously involved in demolition at the site caught fire. Shortly after the fire, the remaining damaged structure was knocked down by a contractor retained by Eagle Crusher's insurance company. This contractor demolished the remaining fire damaged building, but did not remove debris from the site. In August 2009, ownership of 605 South Market was transferred to Recycling Creations, LLC, which continued demolition on two buildings and reclaimed metal from the debris of the burned building. In February 2010, Recycling Creations, LLC retained GMC Excavating to bury debris at the site. GMC Excavating dug two holes. The first hole had to be filled in due to instability of the hole's side walls. While filling this first hole, several excavator shovels full of debris were used as fill. The second hole had no debris placed in it and has now been filled with only the soil originally removed from the hole.
3. Our February 11, 2010, inspection found the site was snow covered but had visible piles of building debris. NWDO obtained a sample of a layered black tar material from a debris pile which contained greater than 1% asbestos.

Ohio EPA's rules regarding demolition and asbestos are contained in Ohio Administrative Code (OAC) Chapter 3745-20. Specifically, OAC Rules 3745-20-02 and 3745-20-03 require a thorough inspection for the presence of asbestos and submittal of a notification to Ohio EPA prior to proceeding with demolition.

Mr. Eric Keith
March 5, 2010
Page Two

This notice of violation is being issued for the following:

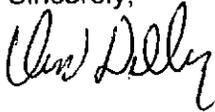
- a. Violation of OAC Rule 3745-20-02(A), "Standards for demolition and renovation, facility inspection, and determination of applicability," for failure to have the facility thoroughly inspected by a certified asbestos hazard evaluation specialist, prior to commencement of demolition.
- b. Violation 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.

NWDO requests no further disposal or cleanup at the site occur until a thorough survey of the site has been completed and submitted to NWDO along with a complete "Ohio EPA Notification of Demolition and Renovation" form. Please submit a copy of the survey and notification by March 26, 2010, or provide the date the survey and notification will be completed and submitted.

A fact sheet entitled "Understanding the Asbestos Notification Requirements for Facility Demolition and Renovation Activities." has been enclosed for your review.

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

/cs

Enclosure

pc: Tom Sattler, Supervisor, DAPC, NWDO
Don Waltermeyer, Supervisor, DAPC, NWDO
~~Chad Delbecq, DAPC, NWDO~~
Tom Kalman, DAPC, CO
Tom Buchan, DAPC, CO
Lisa Holscher, USEPA
Bill Nedolast, City of Galion Building & Zoning
Daniel Fortman, Eagle Crusher