



State of Ohio Environmental Protection Agency

Northwest District Office

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March 5, 2010

CERTIFIED MAIL 7007 2560 0000 4485 8226

Mr. Daniel Fortman, Vice President Human Resources
Eagle Crusher Company, Inc.
525 South Market Street
Galion, Ohio 44833

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

Dear Mr. Fortman:

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. Eagle Crusher Company, LLC was the "Owner or Operator" of the property until approximately August 2009. Our investigation found 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. The remaining fire-damaged structure was knocked down by a contractor retained by Eagle Crusher's insurance company shortly after the fire. This contractor demolished the remaining structure, but did not remove building debris from the site. In August 2009, ownership of 605 South Market was transferred to Recycling Creations, LLC, which continued demolition work. 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 snow covered with 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.

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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.

This notice of violation is being issued for the following:

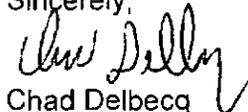
- a. Violation of OAC Rule 3745-20-02(A), "Standards for demolition and renovation, facility inspection, and determination of applicability," for failure to have the facility thoroughly inspected by a certified asbestos hazard evaluation specialist, prior to commencement of demolition.
- b. Violation 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." has been enclosed for your review. NWDO is requesting the company submit a written response to this letter by March 26, 2010, which includes confirmation of the company's understanding of the asbestos survey and notification requirements, and the name, address, phone number and contact person of the Insurance Company and Demolition Contractor involved in knocking down the fire-damaged structure in June 2009.

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

/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
Eric Keith, Recycling Creations LLC