



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 6, 2011

Certified Mail 7009 1410 0001 1842 5221

Mr. August Palladino, Owner
Kellstone, Inc.
3203 Harvard Avenue
Newburgh Heights, Ohio 44105

Re: Notice of Violation
Demolition of building- 125, 127 and 129 Division Road, Kelley's Island, Ohio

Dear Mr. Palladino:

This letter is being written in regards to demolition of a building containing three separate businesses at 125, 127 and 129 Division Road on Kelley's Island, Ohio. The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control regulates building demolition and asbestos through Ohio Administrative Code (OAC) rule 3745-20. Specifically, OAC Rules 3745-20-02 and 3745-20-03 require a thorough inspection of a structure for the presence of asbestos and submittal of a notification to Ohio EPA prior to proceeding with demolition.

It is NWDO's understanding the building containing the three separate businesses at 125, 127, and 129 Division Road caught fire on August 19, 2010. The fire was extinguished and the property was soon thereafter acquired by KIR Holding Co., LLC, for which you are also the registered owner. The building located at 125-129 Division Road was demolished and the demolition debris was moved from the Division Road location to parcel 54-00738.000, off Bookerman Road on an unknown date in the fall of 2010.

This Notice of Violation letter is being issued for the following rule violations:

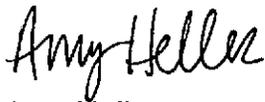
1. Violation of OAC rule 3745-20-02(A), "Standards for demolition and renovation, facility inspection, and determination of applicability," for failure to have the facility thoroughly inspected by a certified asbestos hazard evaluation specialist, prior to commencement of demolition.
2. Violation of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

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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 written response to this letter by June 20, 2011, which includes confirmation of the company's understanding of the asbestos survey and notification requirements.

Please be advised that this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC 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) 373-3058.

Sincerely,



Amy Heller
Division of Air Pollution Control

/cs

Enclosure

pc: DAPC-NWDO File

ec: Tom Sattler, Supervisor, DAPC, NWDO
Mark Budge, Manager, DAPC, NWDO
~~Amy Heller, DAPC, NWDO~~
Marcus Glasgow, Legal-CO
Tom Kalman, DAPC, CO
William MacDowell, USEPA

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Mr. August Palladino

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BOWLING GREEN OH 43402
 JUN 6 2011
 USPS

Bowling Green, Ohio
 283 Harvard Ave.
 Bowling Green, Ohio 44105

PS Form 3800, August 2006 See Reverse for Instructions

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. August Palladino
 Bowling Green, Ohio
 283 Harvard Ave.
 Bowling Green Heights,
 Ohio 44105

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 August Palladino Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

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 Certified Mail Express Mail
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