



**Environmental
Protection Agency**

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

Re: **Erie County
Notice of Violation/
Return to Compliance Letter**

September 11, 2012

CERTIFIED MAIL

Mr. Bob Herbst
Herbst Excavating LLC
2328 River Avenue
Sandusky, Ohio 44870

Dear Mr. Herbst:

This letter shall serve as follow-up to The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control's September 6 inspection of the property located at 1636 Hayes Avenue Sandusky, Ohio.

Upon arrival at the site, it was noticed that a member of the excavating crew was performing work in areas containing asbestos without having a trained asbestos supervisor on site. In addition, the friable asbestos material was not being maintained adequately wet during the demolition process. This failure to maintain the materials wet was causing visible emissions to be generated. The facility will need to ensure that the debris is maintained adequately wet at all times during demolition. Adequately wet is defined in OAC rule 3745-20-01 and means sufficiently mix or penetrate with liquid to prevent the release of particulates.

Once on site, Bob Herbst of Herbst Excavating stopped work and began wetting the disturbed material. This is sufficient to return the site to compliance until a certified asbestos supervisor can be on site and work can resume.

This notice of violation is being issued for the following:

1. Violation of OAC rule 3745-20-04(B) "Demolition and renovation procedures for asbestos emission control," for handling RACM without at least one authorized representative, trained in the provision of OAC 3745-20 being present at the location of operations.
2. Violation of OAC rule 3745-20-05 "Standard for asbestos waste handling," for failure to maintain adequately wet asbestos-containing waste material.

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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) 373-3121 or Tom Sattler at (419) 373-3116.

Sincerely,



Chad Winebrenner
Division of Air Pollution Control

/cg

cc: Tom Sattler, DAPC, NWDO
Mark Budge, DAPC, NWDO
William MacDowell, USEPA
Bruce Weinberg, DAPC, CO
Tom Buchan, DAPC, CO
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