



**Environmental
Protection Agency**

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

Re: Marion County
Notice of Violation
Failure to maintain adequately
wet asbestos containing waste

September 19, 2012

CERTIFIED MAIL

Mr. Stanley Rosenfelds
2741 Navarre Avenue
Suite 402
Oregon, Ohio 43616

Dear Mr. Rosenfeld:

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 August 23, 2012, and September 5, 7, 11 & 14, 2012 inspections of the property located at 333 Joseph Street, Marion Ohio 44334. Our investigation found that the Regulated Asbestos Containing Material (RACM) in the demolition debris is not being maintained adequately wet at all times as is required by the Ohio Administrative Code (OAC) and was stated in our August 10, 2012, letter to you.

Ohio EPA's rules regarding demolition and asbestos are contained in Ohio Administrative Code (OAC) rule 3745-20. Specifically, OAC rule 3745-20-05(B)(2) require that facilities demolished in accordance with paragraph (A)(1) or (D) of rule 3745-20-04 of the Administrative Code, where asbestos was not removed prior to demolition, keep asbestos-containing waste material adequately wet at all times during and after 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.

This notice of violation is being issued for the following:

1. Violation of OAC rule 3745-20-05 "Standard for asbestos waste handling," for failure to maintain adequately wet asbestos-containing waste material.

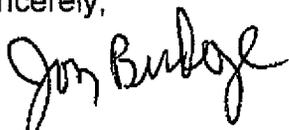
NWDO last visited the site on September 17, 2012, and at that time, the debris was not being maintained "adequately wet". In order to stop this ongoing violation, the debris will need to be maintained "adequately wet".

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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 Tom Sattler at (419) 373-3116.

Sincerely,



Jon Budge
Division of Air Pollution Control

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Certified Mail Receipt Number 7009 1410 0001 1834 5062

ec: Tom Sattler, DAPC, NWDO
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