



**Environmental
Protection Agency**

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

Re: Allen County
Notice of Violation
Failure to perform survey and submit
notification of renovation

August 22, 2012

CERTIFIED MAIL

Mr. Jeff Price, General Manager
Orick Industries, Inc.
614 East Kiracofe Avenue
Elida, Ohio 45807

Dear Mr. Price:

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 17th complaint investigation of the property located at 4141 North West Street, Lima Ohio 45801.

Our investigation found floor tile that had been crushed and broken, causing the floor tile and associated asbestos containing mastic material to be considered friable, which is a Regulated Asbestos Containing Material (RACM). Because of this, the damaged floor tile and any debris in contact with it has become subject to Ohio EPA's rules for asbestos emission control contained in Ohio Administrative Code (OAC) rules 3745-20. This material was then deposited in a dumpster in the front of the building without being enclosed in a leak tight container and maintained wet in accordance with 3745-20-05.

The facility will need to ensure that the debris is maintained adequately wet at all times. 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 3745-20-02(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 renovation.

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2. Violation of OAC rule 3745-20-03 "Standard for notification prior to demolition or renovation," for failure to submit notification at least 10 working days before beginning asbestos stripping or removal work.
3. 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.
4. Violation of OAC rule 3745-20-05 "Standard for asbestos waste handling," for failure to maintain adequately wet asbestos-containing waste material.

In order to stop this ongoing violation, an asbestos survey will need to be completed along with the submittal of a Notification for Demolition and Renovation to the Ohio EPA-NWDO, Division of Air Pollution Control. The RACM will then need to be removed, handled and disposed of in accordance with OAC rule 3745-20-04, 3745-20-05, and 3745-20-06.

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.

Sincerely,



Chad Winebrenner
Division of Air Pollution Control

/cg

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