



**Environmental  
Protection Agency**

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

Re: Marion County  
**Notice of Violation**  
**(Originally sent on 8/14 but returned undeliverable)**  
Failure to submit notification and maintain adequately wet asbestos containing waste

August 31, 2012

**CERTIFIED MAIL**

Mr. Eric Keith, Owner  
864 Barks Road East  
Marion, Ohio 43302

Dear Mr. Keith:

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 July 31 inspection of the property located at 333 Joseph Street, Marion Ohio 44334. Our investigation found Regulated Asbestos Containing Material (RACM) in demolition debris at the site.

Ohio EPA's rules regarding demolition and asbestos are contained in Ohio Administrative Code (OAC) rule 3745-20. Specifically, OAC rule 3745-20-04(A)(1) requires removal of all RACM from a facility being demolished before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the material for subsequent removal. Since RACM was not removed prior to demolition, the debris which remains is considered RACM and will need to be disposed of in accordance with OAC rule 3745-20-05. In addition, the debris must now be 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 3745-20-03 "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.

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2. Violation of OAC rule 3745-20-04(A)(1) "Demolition and renovation procedures for asbestos emission control," for failure to remove all regulated asbestos-containing material from a facility being demolished.
3. Violation of OAC rule 3745-20-05, Standard for asbestos waste handling, for failure to deposit the waste at an active waste disposal site operated in accordance with the provisions of OAC rule 3745-20-06, Standard for active waste disposal site.
4. 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 July 31, 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". In addition a new asbestos survey will need to be completed for the entire site in accordance with OAC rule 3745-20-02(A).

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,



Chad Winebrenner  
Division of Air Pollution Control

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ec: Tom Sattler, DAPC, NWDO  
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