

**HAMILTON COUNTY
ENVIRONMENTAL
SERVICES**

July 11, 2007

Ms. Bonnie Rack
BAD, LLC
1506 Riesenber Avenue
Cincinnati, Ohio 45215

CERTIFIED MAIL - RETURN RECEIPT REQUESTED:

RE: Warning Letter for Violation of the Code of Federal Regulations
(CFR) 40 CFR 61.145 (b)(3)(i) and Ohio Administrative Code
(OAC) Rule 3745-20-03 (A)(3)(a)

Dear Ms. Rack:

On April 25, 2007, the agency received a referral from the Ohio Department of Health concerning the demolition of the old Stearns & Foster facility located on Williams & Wyoming Roads in Lockland, Ohio concerning the possibility that the building may contain asbestos. Upon arrival at the facility, agency personnel observed that the demolition was in full progress; however, no suspect asbestos containing material was observed during the investigation. Further review determined that neither the owner nor the operator submitted an Ohio Environmental Protection Agency (OEPA) Notification of Demolition and Renovation form prior to the start of the demolition project. This is a violation of 40 CFR 61.145 (b)(3)(i) and OAC Rule 3745-20-03 (A)(2)(a) which requires that this agency be notified ten working days prior to the start of the demolition project. A working day is defined as Monday through Friday and would include any holiday that may fall on Monday through Friday. On June 19, 2007, this agency received the required notification form from CJ&L Bushelman for the demolition of the former Stearns & Foster building; however, they failed to provide the requested information which shows that the entire structure was tested for asbestos containing materials. Only a partial survey has been provided to this agency at this time. By July 25, 2007, you are required to submit to this agency a copy of the report showing all of the structures to be demolished have been thoroughly tested for asbestos containing materials. Also by July 25, 2007, you are required to submit a compliance plan which will prevent this situation from recurring. This compliance plan should also include steps that will be taken to ensure that any regulated asbestos containing materials in the building will be handled properly.

Acceptance by the Ohio EPA of a compliance plan does not constitute a waiver of the EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.

Failure to comply with applicable regulations for this and future projects may result in additional legal action including referral to the Office of the Attorney General.

If you have any questions, feel free to contact me directly a (513) 946-7743.

Sincerely,



Ken Wilkins
Asbestos Program Specialist