



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

Re: Allen County
Notice of Violation
Failure to have a thorough asbestos survey
completed prior to renovation operations

November 07, 2012

CERTIFIED MAIL

Mr. James M. Dobran, Chief Counsel
Cafaro Company
American Mall Inc.
2445 Belmont Avenue
Youngstown, Ohio 44504

Dear Mr. Dobran:

This letter is being written as a follow-up to The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control's October 24, 2012 inspection of the American Mall Shopping Center located at 2850 West Elm Street, Lima, Ohio. From visual observations that were made and conversations with a representative for the Cafaro Company, Mr. Ernie Chance, Director of Special Projects, Ohio EPA has determined that renovations had been performed at the facility prior to the completion of a thorough asbestos survey by a certified asbestos hazard evaluation specialist in accordance with paragraph (C) of rule 3701-34-02 of the Administrative Code. According to Ohio Administrative Code (OAC) 3745-20-01, "Renovation" means altering a facility or one or more facility components in any way, including the stripping or removal of regulated asbestos-containing material from a facility component.

This notice of violation is being issued for the following:

1. Violation of OAC rule 3745-20-02(A) "Standard for demolition and renovation, facility inspection and determination of applicability," for failure to have the affected facility or part of the facility where demolition or renovation operation will occur thoroughly inspected by a certified asbestos hazard evaluation specialist.

NWDO is requesting that the Cafaro Company respond to this letter no later than November 21, 2012 with confirmation that the company understands the asbestos inspection and renovation requirements. In addition, NWDO understands that an asbestos inspection has been scheduled to be completed at the facility and is requesting a copy of the final asbestos survey report for review.

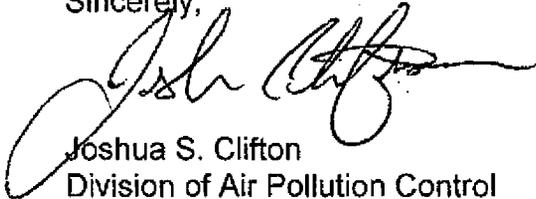
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In the event that further renovation or demolition activities will occur at the facility a notification of demolition and renovation may be required to be submitted to the Ohio EPA NWDO. In the case of renovation, when the amount of regulated asbestos-containing material (RACM) to be disturbed exceeds 260 linear feet, 160 square feet or 35 cubic feet, notification is required, and all demolition operations require prior notification. Notifications must be submitted at least 10 working days (Monday-Friday excluding weekends) before operations begin.

Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case.

If you have any questions, please feel free to contact me at (419) 373-3058 or Mr. Tom Sattler at (419) 373-3116.

Sincerely,



Joshua S. Clifton
Division of Air Pollution Control

/lr

ec: Josh Clifton, DAPC, NWDO
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