

November 14, 2007

Mr. Jerome E. McHugh
Zee- Tech Warehousing, Inc.
101 S. 15th Street
Sebring, Ohio 44672

CERTIFIED MAIL: 7006 2760 0002 3190 0058

Dear Mr. McHugh:

On September 17, 2007 I spoke with you in regards to the demolition operation you conducted on the facility located at 101 South 15th St. Sebring, Ohio 44672 Mahoning County. At that time you stated you had demolished a portion of the facility that was ready to collapse and posed a danger to the health, safety and welfare of the public. As you also stated the facility had sustained extensive damage from a fire and the general condition of the facility in the area of the fire had deteriorated since then.

I informed you we understood the fact that immediate action had to be taken to protect the public safety. I also informed you, however, we did not receive an Emergency Notification for the demolition in accordance with the notification requirements of 40 CFR Part 61, Subpart M, "National Emission Standard for Asbestos," and the Ohio Administrative Code (OAC) 3745-20, "Ohio Asbestos Emission Control Rules."

Please note that the asbestos standard applies to, among other things, an ordered emergency demolition. Pursuant to 40 CFR 61.145(a)(3), if the facility is being demolished under an order of a local government agency, issued because the facility is structurally unsound and in imminent danger of collapse, certain requirements of Section 61.145(b) and (c) would apply. Paragraph (b)(3)(iii), "Notification Requirements," states that notification must be submitted as early as possible before, but no later than, the following working day if the operation is an emergency demolition. Appropriate requirements in paragraphs (c) (4) through (c) (9), "Procedures for Asbestos Emission Control," would also apply if it could not be demonstrated that no asbestos containing material was present in the structure. Paragraphs (a)(3) and (b) of section 61.150, Standard for Waste Disposal," also apply in this matter. Similarly, in accordance with OAC 3745-20-02 (A)(3), "Standard for Demolition and Renovation Applicability," all of the requirements of OAC 3745-20-03(A)(2)and (A)(3)(c), Standard for Notification," OAC 3745-20-04 (A)(4), (A)(5), (A)(6), (B)and (C), "Demolition and Renovation Procedures for Asbestos Emission Control," and OAC 3745-20-05(B)(2), Standard for Asbestos Waste Handling," apply.

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Pursuant to 40 CFR 61.141, an "owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated, or any person who owns, leases, operates, controls or supervises the demolition or renovation operation, or both."

Again, Ohio EPA understands the circumstances surrounding this demolition activity and appreciates the swift action taken to protect public safety from the imminent danger of collapse. We must notify you, however, that because we did not receive notification of this emergency demolition, at the facility located at 101 South 15th Street under your control or supervision, violated the NESHAP requirements of 40 CFR 61.145(b)(3)(iii), "Notification Requirements" in the Standard for Demolition and Renovation." This was also a violation of OAC 3745-20-03(A)(3)(c), "Standard for Notification" in the Ohio Asbestos Emission Control Rules.

On September 17, 2007 three (3) samples of the demolition debris that remains on site were taken to be analyzed for asbestos content. The results of the samples showed the material contained greater than 1% friable asbestos.

In view of the above facts, you are being informed that Paragraph (a)(3) of 40 CFR Subpart M, Section 61.150, "Standard for Waste Disposal," requires all asbestos containing waste material be kept adequately wet at all times after demolition and be kept wet during handling and transporting to a waste disposal site. Paragraph (b)(1) of this Federal Standard also states that all asbestos containing waste material shall be deposited as soon as practical by the waste generator in a waste disposal site licensed to accept asbestos. Also, Paragraph (D) of OAC Rule 3745-20-04, "Demolition and Renovation procedures for Asbestos Emission Control," requires the debris to remain adequately wet until collected for disposal in accordance with rule 3745-20-05 of the Administrative Code. (A copy of the State and Federal Asbestos Regulations regarding these matters are enclosed for your information).

Within ten (10) working days of receipt of this letter please submit to Ohio EPA any and all intentions regarding control and disposal of the demolition debris.

Be advised that this notice does not constitute a waiver of MTAPCA's ability to pursue further enforcement action through Ohio EPA concerning this or other violations or to seek civil penalties as provided in Ohio Revised Code Chapter 3704.

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Clarification, explanation or evidence pertaining to this violation should be brought to our immediate attention. If you have any questions, please feel free to contact me at (330) 743- 3333 extension 278.

Yours very truly,

William Slanina
Inspector

cc: Lisa Holscher, US EPA, Region V
Tom Kalman, Ohio EPA
Vanessa Steigerwald-Dick, DERR, NEDO
Ron Schadrach, DHWM, NEDO
Misty Koletich, Mahoning County Health Department

copy by regular mail

enclosures