Ohio EPA
40 years and moving forward
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Richland County
Notice of Violation
Failure to remove all regulated asbestos-containing material from a facility being demolished and maintain adequately wet asbestos containing waste

November 13, 2012

CERTIFIED MAIL

Mr. Mark Miley, Representative
Ohio Reality Advisors
Mansfield Business Park, LLC
4060 Kinross Lakes Parkway, Suite 200
Richfield, Ohio 44286

Dear Mr. Miley:

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 November 1, 2012, inspection of the property located at 245 East 4th Street, Mansfield, Ohio 44905. 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 may be considered RACM and will need to be disposed of in accordance with OAC rule 3745-20-05. At this time an asbestos survey needs to be completed of the entire site to determine the extent of RACM in the debris in accordance with OAC Rule 3745-20-02 (A). 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 3745-20-04(A)(1) "Demolition and renovation procedures for asbestos emission control," for failure to remove all regulated asbestos-containing material from a facility being demolished.

2. Violation of OAC rule 3745-20-05 "Standard for asbestos waste handling," for failure to maintain adequately wet asbestos-containing waste material.

Ohio EPA, NWDO is requesting that Mansfield Business Park, LLC respond to this letter no later than November 26, 2012, with a time line for action in regards to this matter and confirmation that the company understands the asbestos inspection and standards for asbestos waste handling requirements contained in Ohio Administrative Code, 3745-20.

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, Josh Clifton at (419) 373-3058 or Mr. Tom Sattler at (419) 373-3116.

Sincerely,

Joshua S. Clifton
Division of Air Pollution Control

/llr

ec: Tom Sattler, DAPC, NWDO
Mark Budge, DAPC, NWDO
Josh Clifton, DAPC, NWDO
Brian Dickens, USEPA
Bruce Weinberg, DAPC, CO

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