



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

Re: Allen County
Notice of Violation
Failure to Notify the Ohio EPA of a
new start date for asbestos
stripping or removal

November 13, 2012

CERTIFIED MAIL

Mr. Brian Depalma
Buckeye Environmental
608 North Main Street
Lima, Ohio 45807

Dear Mr. Depalma:

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 05, 2012, renovation inspection of the property located at 4141 North West Street, Lima, Ohio. During the inspection it was found that a portion of the abatement, which included removal of asbestos floor tile and mastic, had already been completed. When asked about the removal date of these materials Buckeye Environmental admitted work had begun prior to the date indicated on the Notification of Demolition and Renovation.

Ohio EPA's rules regarding asbestos stripping or removal work in any subject demolition or renovation that will begin on a date other than contained in the original notice are contained in Ohio Administrative Code (OAC) rule 3745-20. Specifically, OAC rule 3745-20-03(A)(3)(d) requires when the asbestos stripping or removal operation or demolition operation covered by this paragraph that will begin before the date contained in the notice, written notification is required to the Ohio EPA field office of the new start date at least ten working days before asbestos stripping or removal work begins. Delivery of the amended notice shall be by the United States postal service, commercial delivery, or hand delivery.

This notice of violation is being issued for the following:

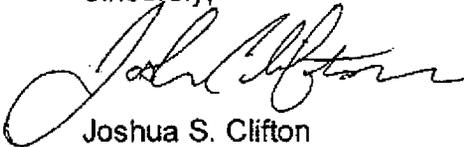
1. Violation of OAC rule 3745-20-03(A)(3)(d) "Standard for notification prior to demolition or renovation," for failure to notify the Ohio EPA field office of the new start date at least ten working days before asbestos stripping or removal work begins.

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In addition to work starting prior to the notification date, it was also found that abatement practices had rendered material that had previously been categorized as category I non-friable material into friable regulated asbestos containing material (RACM). The definition of friable asbestos material states in part "any category I or category II asbestos containing material that becomes damaged from either deterioration or attempts at removal or abatement resulting in small fragments the size of four square inches or less shall also be considered friable." The notification will need to be revised to reflect the true start date of removal and additional RACM created at the site during the removal process. This material was identified in large "rice bags" and has not been removed from the site at this time. It appears wet methods have been implemented and according to Buckeye Environmental they will re-wet the material before double bagging, sealing and placing in a lined dumpster. Ohio EPA, NWDO is requesting that Buckeye Environmental respond to this letter no later than November 23, 2012, with confirmation that the company understands the notification 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.

Sincerely,



Joshua S. Clifton
Division of Air Pollution Control

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

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