



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

Re: Allen County
**Notice of Violation/Return to
Compliance Failure to Notify the
Ohio EPA of an emergency demolition**

January 29, 2013

CERTIFIED MAIL

Mr. Joe Smith
LMC Services
3160 Kill Road
Delphos, Ohio 45833

Dear Mr. Smith:

This letter is being written in regards to the emergency demolition of the Say Furniture Store property located at 3037 Elida Road in Lima, Ohio. On January 07, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control received information that the facility was being demolished and a demolition notification had not been filed. Upon visiting the facility on January 07, 2013, it was found that the building had been damaged in a fire, demolition had begun, an asbestos survey had not been completed, and a notification had not been submitted. LMC Services was the demolition contractor on site and once the aforementioned issues were identified all demolition work was stopped and LMC Services was informed about Ohio EPA's rules regarding demolition and asbestos contained in Ohio Administrative Code (OAC) 3745-20.

Subsequently an asbestos survey was performed by Allied Environmental. American Township, zoning inspector, Brad Settlage, inspected the structure for integrity and deemed it in danger of imminent collapse due to the fire damage. Normally an inspection that results in an ordered demolition would occur before demolition had begun and OAC rule 3745-20-03 requires written notice to the Ohio EPA field office having jurisdiction in the county where the demolition will occur as early as possible before, but no later than, the following work day in the case of an ordered emergency demolition.

Considering this facility was not inspected for structural integrity and deemed to be in danger of imminent collapse until after demolition had commenced, this notice of violation is being issued for the following:

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1. Violation of OAC rule 3745-20-03(A)(3)(c) "Standard for notification prior to demolition or renovation," for failure to notify the Ohio EPA field office of the emergency demolition as early as possible before, but no later than, the following work day.

By having the building inspected for structural integrity, an asbestos survey completed, and submission of the emergency demolition documents and notification LMC Services has returned to compliance.

Please note that the submission of any 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

Certified Mail Receipt Number 7009 1410 0001 1834 4317

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