



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

Re: Lucas County
Notice of Violation
Failure to Notify the Ohio EPA of an
emergency demolition

February 27, 2013

CERTIFIED MAIL

Ms. Lori Rutkowski
City of Toledo
One Government Center – Suite 1800
Toledo, Ohio 43604

Dear Ms. Rutkowski:

This letter is being written in regards to the city ordered emergency demolition of the facility located at 1040 Peck Street, Toledo, Ohio that took place on January 23, 2013 with clean-up of the debris scheduled for a later date. The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control would like to inform you of the requirements of U.S. EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) standards for asbestos and Ohio EPA's rules mirroring these requirements. Ohio EPA's rules regarding demolition and asbestos are contained in Ohio Administrative Code (OAC) 3745-20. Specifically, 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 emergency demolition.

This notice of violation is being issued for the following:

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.

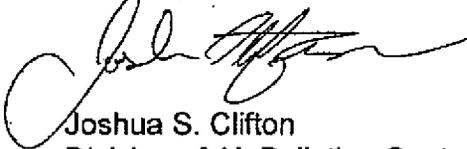
An incomplete emergency notification of demolition was received by the NWDO on February 04, 2013 with revisions to include the amount of asbestos contaminated debris submitted on February 08 and February 11, 2013 respectively. An asbestos survey was included with the original notification which indicated the presence of friable asbestos materials and the need to treat the entire demolition debris as regulated asbestos containing material (RACM).

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At this time the Ohio EPA requires all debris be maintained adequately wet until removed, a revised notification be submitted to include an asbestos removal contractor for clean-up, and a written response be provided no later than March 13, 2013 indicating that the city understands the OAC regarding emergency demolition notification procedures and proper handling of RACM.

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

/cg

pc: Certified Mail Receipt Number 7011350000082041923

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