



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

Re: Richland County
120 Raymond Avenue
Mansfield, Ohio 44903
Notice of Violation

February 28, 2013

CERTIFIED MAIL

Mr. Jim Burson
Ours Excavating Ltd.
4651 County Road 101
Mount Gilead, Ohio 43338

Dear Mr. Burson:

This letter is being written in regard to the demolition activities completed at the facility located at 102 Raymond Avenue, Mansfield, Ohio on or around February 04, 2013. On February 05, 2013 the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control was informed about demolition activities being performed at the site. Upon investigation it was found that the facility had caught fire on August 11, 2011 and the structure had been "deemed to be unsafe" for entry by the City of Mansfield preventing the completion of an asbestos evaluation and possible abatement. On February 04, 2013 Ours Excavating, Ltd. demolished the structure without submitting a valid notification of demolition and disposed of the demolition debris as C&D without having a prior asbestos survey completed.

This notice of violation is being issued for the following:

1. Violation of OAC rule 3745-20-03(A) "Standard for notification prior to demolition or renovation," for failure to notify the Ohio EPA, NWDO, 10 working days prior to the start of work.
2. Violation of OAC rule 3745-20-04(B) "Demolition and renovation procedures for asbestos emission control" for failure to have at least one authorized representative, trained in the provisions of this chapter and the means to comply with them present at the location of operations during handling or disturbance of assumed RACM .

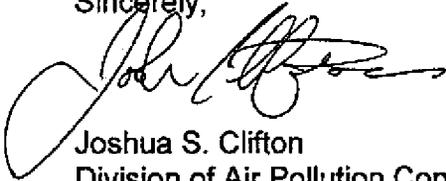
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3. Violation of OAC rule 3745-20-05(A) "Standard for asbestos waste handling," for failure to properly dispose all assumed asbestos containing waste material at an active asbestos waste disposal site.

At this time a written response to this NOV is required as soon as possible but no later than March 14, 2013 with confirmation that the company understands the requirements of the OAC as it pertains to asbestos removal and demolition. Additionally Ohio EPA is requesting copies of any and all waste disposal records as they pertain to the demolition debris from the facility.

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 7011350000082042524

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