



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 maintained adequately
wet asbestos containing waste

February 22, 2013

CERTIFIED MAIL

Mr. Mark Miley, Representative
Ohio Realty 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 Notice of Violation (NOV) that was issued to Mansfield Business Park, LLC on November 13, 2012 regarding the property located at 245 East 4th Street, Mansfield, Ohio 44905. Our previous investigation found Regulated Asbestos Containing Material (RACM) in demolition debris at the site. The original NOV required that a thorough asbestos survey be completed of the entire site and the demolition debris be maintained adequately wet at all times. At this time there has been no evidence that either of these requirements have been fulfilled.

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 all 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. In addition, the debris must 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:

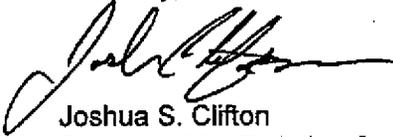
1. Violation of OAC rule 3745-20-04(A)(1) "Demolition and renovation procedures for asbestos emission control," for failure to remove all regulated asbestos-containing material from a facility being demolished.
2. Violation of OAC rule 3745-20-05 "Standard for asbestos waste handling," for failure to maintain adequately wet asbestos-containing waste material.

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NWDO visited the site on November 01, 2012, and December 07, 2012. During those site visits there was no indication that measures had been taken to maintain the asbestos contaminated demolition debris adequately wet at all times. In order to stop this ongoing violation, the debris will need to be maintained "adequately wet". In addition an asbestos survey needs to be completed for the entire site as soon as possible with proper removal of all RACM and asbestos contaminated debris to begin thereafter. Furthermore a time line for implementation was requested in the original NOV and was agreed to be delivered by Mansfield Business Park, LLC by February 13, 2013. To date a timeline has not been received by Ohio EPA. Ohio EPA is requesting that Mansfield Business Park, LLC respond to this letter in writing confirming the company understands the requirements cited in this letter and deliver a time line of work to be completed as soon as possible and no later than March 08, 2013.

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 70113500000082041879

ec: Tom Sattler, DAPC, NWDO
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