



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

Re: Marion County
1550 Marion-Agosta Road
Marion, Ohio 43302
Notice of Violation

February 13, 2013

CERTIFIED MAIL

Mr. Mike Cenat
AP Marion, LLC
1603 Monroe Street
Madison, Wisconsin 53711

Dear Mr. Cenat:

This letter is being written in regard to the demolition activities completed at the facility located at 1550 Marion-Agosta Road, Marion, Ohio (aka former Sypris Manufacturing). On January 03, 2013 an inspection was conducted by the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control. The inspection resulted in the discovery of some friable regulated asbestos containing material (RACM) in the form of broken transite fragments found in the demolition debris. It was understood prior to the inspection that additional asbestos was discovered during demolition and a notification was filed. During a post inspection conversation with Heavy Metal Hauling it was explained that the notification would need to be updated considering asbestos removal dates had expired, quantity and category of asbestos materials did not appear to be accurate, and steps needed to be followed to handle and dispose of the RACM and associated asbestos contaminated debris properly. Mr. Mike Cenat, Managing Partner with AP Marion, LLC, who is listed as the owner of the facility, stated that an abatement contractor would be coming out at a later date to complete the asbestos removal and the notification would be updated to reflect existing conditions and work schedules.

During a subsequent conversation with Heavy Metal Hauling on January 14, 2013 Mr. Fred Messaros had stated that Heavy Metal Hauling had removed some of the asbestos contaminated debris to allow access to work areas, placed it in lined roll-off dumpsters, and had it shipped to Noble Road Landfill. In addition Mr. Messaros also stated that an abatement contractor had not been to the site since the January 03, 2013 inspection. At that time Heavy Metal Hauling was instructed to refrain from any further removal of RACM and/or asbestos contaminated debris.

Mr. Mike Cenat
February 13, 2013
Page 2

The most recent revised notification that was received on December 07, 2012 includes additional asbestos containing materials discovered during demolition. As previously mentioned this quantity appears inaccurate and upon questioning the listed Ohio asbestos hazard evaluation specialist (Mr. Robert Gillen with Allied Environmental) on January 31, 2012, it was realized that this additional material was not inspected or quantified by Mr. Gillen.

At this time an up-to-date notification of demolition and renovation has not been received by the NWDO.

This notice of violation is being issued for the following:

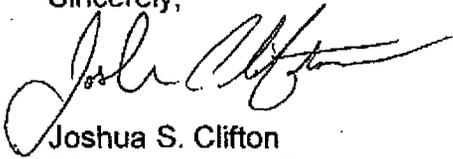
1. Violation of OAC rule 3745-20-02(A) "Standards for demolition and renovation, facility inspection, and determination of applicability" for failure to have a thorough asbestos survey completed by an Ohio licensed Asbestos Hazard Evaluation Specialist.
2. Violation of OAC rule 3745-20-03(A) "Standard for notification prior to demolition or renovation," for failure to notify the Ohio EPA, NWDO, of the new start date by telephone before the original start date and postmark or deliver to the Ohio EPA field office a written notification of the new start date as soon as possible before, and no later than, the original start date.
3. 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 RACM .

At this time AP Marion, LLC is required to inform the Ohio EPA, NWDO of the date that asbestos removal work will resume, what measures have been taken to correct the aforementioned violations, and submit a revised notification of demolition describing accurately work practices and engineering controls to be used to comply with the requirements, including asbestos removal and waste handling emission control procedures before work can continue at the facility. The NWDO is requesting copies of the waste shipment records for all RACM removed from this facility be provided under the authority of OAC 3745-20-05 (F) as soon as they become available and a written response to this NOV as soon as possible but no later than February 27, 2013 with confirmation that the company understands the requirements of the OAC as it pertains to asbestos removal and demolition.

Mr. Mike Cenat
February 13, 2013
Page 3

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

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