



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

Re: Ottawa County
6918 North Wildacre
Curtice, Ohio
Notice of Violation/Return to Compliance

January 14, 2013

CERTIFIED MAIL

Mr. David Marko, Owner
D&R Enterprises of Genoa, LLC
P. O. Box 1
Genoa, Ohio 43430

Dear Mr. Marko:

This letter is being written in regard to the demolition completed on December 27, 2012, by D&R Enterprises of Genoa, LLC (D&R), of the facility located at 6918 North Wildacre Drive, Curtice, Ohio 43430. Prior to completion, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control found that demolition activities had been performed by D&R without a thorough asbestos inspection or a notice of demolition. Demolition of this facility also included Category II asbestos containing material that was likely to become friable regulated asbestos containing material (RACM).

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, 10 working days prior to the start of work.
3. Violation of OAC rule 3745-20-04(A) "Demolition and renovation procedures for asbestos emission control" for failure to remove regulated asbestos containing material from a facility being demolished before any activity begins that will disturb the material.

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The facility was a privately owned "storage building" in a residential neighborhood that was previously owned by the City of Curtice and utilized as a community center. Once D&R was made aware the facility was regulated due to the prior use being a community center, an asbestos survey was completed, a notification was submitted and demolition debris was removed as RACM. Considering the actions taken to correct the violations and overall cooperation with the Ohio EPA, NWDO, D&R has returned to compliance.

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

/lr

Certified Mail Receipt Number 7009 1410 0001 1834 3037

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