



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

Re: Seneca County
225 South Poplar Street
Fostoria, Ohio 44830
Notice of Violation/Return to Compliance

March 7, 2013

CERTIFIED MAIL

Mr. Dave Allen
Allen Excavating, Inc.
7155 East County Road 6
Bloomville, Ohio 44818

Dear Mr. Allen:

This letter is being written in regard to the demolition activities completed on the facility located at 250 South Poplar Street, Fostoria, Ohio (aka former Footlighters Theater). A prior asbestos survey found 500 square feet of friable asbestos duct sheeting and transite roofing material that is likely to become friable during demolition at the facility. Asbestos abatement of this facility was not completed due to unsafe conditions and the decision to treat the entire building as regulated asbestos containing material (RACM) was made. On March 4, 2013, an inspection was conducted by the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control. The inspection found that an individual trained in the provisions of NESHAPS (40 CFR Part 61, Subpart M) and Ohio EPA's rules mirroring these requirements was not on-site when demolition began.

This notice of violation is being issued for the following:

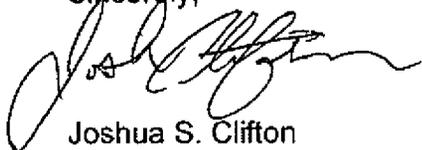
1. Violation of OAC rule 3745-20-04(B) "Demolition and renovation procedures for asbestos emission control" for failure to have at least one authorized representative, trained in the provisions of this chapter and the means to comply with them present at the location of operations during handling or disturbance of RACM .

Once the deficiency was identified, work was stopped, Allen Excavating was informed of the requirements for a trained individual to be present, and H&H Environmental was contacted to fill this role. Once a trained individual from H&H Environmental arrived onsite to oversee the demolition Allen Excavating returned to compliance.

Mr. Dave Allen
March 7, 2013
Page 2

Please note that the submission of any 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

/llr

Certified Mail Receipt Number 7009 1410 0001 1843 8634

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