



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

November 16, 2007

**RE: NOTICE OF VIOLATION
FORMER POPE GOSSER CHINA CO.
(FLAG BUILDING)
303 NORTH 15TH STREET
COSHOCOTON, OH 43812
COSHOCOTON COUNTY
CERTIFIED MAIL 70063450000190546994**

Mr. Dan McKay
Coshocoton Project LLC
2013 Fisher Drive
Wooster, Ohio 43812

Dear Mr. McKay:

This notice is in reference to the demolition project your company is conducting at the former Pope Gosser China Co. building (Flag Building), located at 303 North 15th Street, Coshocoton Ohio.

In accordance with 40 CFR 61.145 (a) and OAC 3745-20-02(A), all facilities must be inspected for the presence of asbestos prior to commencement of a demolition or renovation. Additional rules may apply depending upon the type and amount of asbestos existing at the facility. These rules apply to both the owner and operator of a demolition or renovation project.

On November 8, 2007, we spoke at the demolition site at 303 North 15th Street, Coshocoton. At that time the results of an asbestos survey had not been completed. During the discussion and walk through of the property, I requested that you and your company cease demolition activities at least until a proper asbestos survey of the property be completed. During the discussion it was agreed that you would stop the demolition and scraping activities inside the buildings. It was also agreed that site activities would be limited to the following: removal of the pallets of stacked bricks, the removal of nails from the stacked lumber along the north side of the property and the removal of the large sandstone blocks. It was also agreed that any material mixed with roofing debris would not be disturbed.

VIOLATIONS:

1. 40 CFR 61.145(a) and 3745-20-02 (A) require that prior to the commencement of demolition or renovation of an affected facility, a thorough inspection for asbestos be conducted by a certified asbestos hazard evaluation specialist.

By not having had the above noted inspection conducted at the facility, a violation of 40 CFR 61.145(a) and 3745-20-02 (A) has occurred.

2. 40 CFR Part 61.150(b)(3)(i) and OAC Rule 3745-20-03(A)(3)(a) state that each owner or operator shall provide notification of demolition or renovation at least ten working days before the beginning of any demolition operation, asbestos stripping or removal work, or any other activities including salvage activities and preparations that break up, dislodge or similarly disturb asbestos material if the operation is a demolition or renovation operation subject to this rule.

By not submitting the above noted notification within the proper time frames, a violation of 40 CFR Part 61.150(b)(3)(i) and OAC Rule 3745-20-03(A)(3)(a) has occurred.

At this time we are requesting that you stop all demolition activities at the property until the proper inspections and notifications have been conducted and submitted per the requirements of 40 CFR. Part 61 and OAC Rule 3745-20. Should asbestos abatement be required additional restrictions to the property may be required.

All future demolition and salvaging operations are required to be conducted in compliance with 40 CFR. Part 61 and OAC Rule 3745-20.

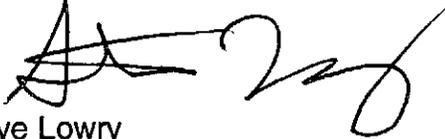
Within ten (10) days after receipt of this notice, we are requesting that you submit to our office the following information:

- An update regarding your company's plans to comply with the requirements of 40 CFR Part 61 and OAC Rule 3745-20.
- A summary of the demolition activities already completed including the type and quantity of material already removed from the building/site.
- The results of a complete asbestos survey of the building.
- Any clarifications, responses, explanations or evidence on your behalf pertaining to the above-stated violations.

Coshocton Project LLC
November 16, 2007
Page 3

Finally, be advised that this Notice of Violation in no way waives the right of the Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications may be directed to you regarding this violation or any additional violations that may be found. If you have any questions regarding this matter, please contact me at (740) 380-5231.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lowry', written over a horizontal line.

Steve Lowry
District Representative
Division of Air Pollution Control

SL/dh

cc: Bruce Weinberg, SEDO, DAPC
Tom Buchan, CO, DAPC
Tom Kalman, CO, DAPC
Lisa Holscher, USEPA, Region V
Dale Warner, SEDO, DSIWM