



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

Re: Wood County
Open Burning & Asbestos
Complaint
**Notice of Violation (NOV) &
Return to Compliance (RTC)**

April 19, 2013

CERTIFIED MAIL

Nicholas & Carroll Feasel
Property Owners
521 Bull Creek Road
Jerry City, Ohio 4 3413

Dear Mr. & Mrs. Feasel:

This office received a complaint on April 4, 2013, concerning open burning being conducted at your property, as addressed above. My investigation shows that on April 4, 2013, the Central Joint Fire District (CJFD) conducted live fire training on a barn on your property, however, the CJFD did not have written permission from Ohio EPA to conduct this live fire training event, failed to submit a notification of the demolition of the structure and, to our knowledge, an asbestos inspection was not conducted of the structure prior to burning. The structure was located in a restricted area.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This is a violation of both Ohio Administrative Code (OAC) rule 3745-19-03(A) and Ohio Revised Code (ORC) 3704.05. A copy of the OAC rules pertaining to open burning has been enclosed for your review because you, as the property owner, are ultimately responsible for what occurs on your property may be held liable for current and future violations.

Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance with the cited open burning violations.

Ohio EPA's rules regarding demolition and asbestos are contained in OAC rule 3745-20. OAC rule 3745-20-03(A) requires each owner or operator to provide a written notification of intention to demolish or renovate at least ten working days before the beginning of any demolition operation, asbestos stripping or removal work. OAC rule 3745-20-02 requires that in addition to notifying the field office of the demolition, the owner or operator shall have the affected facility thoroughly inspected by a certified asbestos hazard evaluation specialist, in accordance with paragraph (C) of rule 3701-34-02 of the Administrative Code before any activities of disturbance can continue at the facility. At this time a notification of demolition has not been received by Ohio EPA, NWDO.

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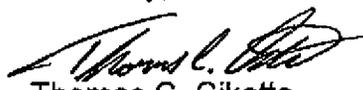
Based on our investigation there is sufficient evidence to determine that there has been a failure to notify the Ohio EPA, NWDO, 10 working days prior to the start of demolition or renovation work on the structure in question, which is a violation of both OAC rule 3745-20-03(A) and ORC 3704.05. Also, there has been a failure to have a thorough asbestos survey completed by an Ohio licensed asbestos hazard evaluation specialist prior to demolition, asbestos stripping or removal work, which is a violation of both OAC rule 3745-20-02(A) and ORC 3704.05.

Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than May 6, 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. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is your future compliance with applicable Ohio EPA requirements.

If you have any questions concerning the asbestos related issues discussed in this letter or the regulations, please feel free to call Josh Clifton at (419) 373-3058 or e-mail at josh.clifton@epa.ohio.gov. If you have any questions concerning the open burning related issues discussed in this letter or the regulations, please feel free to call me at (419) 373-3137 or e-mail at thomas.cikotte@epa.ohio.gov.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

Allr

Enclosure

pc: Wood County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 2474
ec: Brian Dickens, US EPA, Region V
Bruce Weinberg, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC – NWDO
Josh Clifton, , DAPC – NWDO