Ohio EPA
40 years and moving forward
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Lucas County
Notice of Violation
Failure to Notify the Ohio EPA of an emergency demolition

May 31, 2013

CERTIFIED MAIL

Ms. Lori Rutkowski
City of Toledo
One Government Center – Suite 1600
Toledo, Ohio 43604

Dear Ms. Rutkowski:

This letter is being written in regards to the city ordered emergency demolition of the vacant property located at 401 Pulaski Street, Toledo, Ohio that took place on May 18, 2013 with clean-up of the debris scheduled for a later date. The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control would like to inform you of the requirements of U.S. EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) standards for asbestos and Ohio EPA's rules mirroring these requirements. Ohio EPA's rules regarding demolition and asbestos are contained in Ohio Administrative Code (OAC) 3745-20. Specifically, OAC rule 3745-20-03 requires written notice to the Ohio EPA field office having jurisdiction in the county where the demolition will occur as early as possible before, but no later than, the following work day in the case of an emergency demolition.

This notice of violation is being issued for the following:

1. Violation of OAC rule 3745-20-03(A)(3)(c) "Standard for notification prior to demolition or renovation," for failure to notify the Ohio EPA field office of the emergency demolition as early as possible before, but no later than, the following work day.

An emergency notification of demolition was received by the NWDO on May 22, 2013, two business days after the demolition, with debris removal dates starting June 10, 2013 until July 10, 2013. The NWDO has not yet received the information on whether there is asbestos present in the demolition debris.

At this time the Ohio EPA requires all debris be maintained adequately wet until removed and a revised notification be submitted to include an asbestos survey as well as the amounts of friable, or regulated asbestos containing material (RACM) to be removed.

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

pc: Certified Mail Receipt Number 70091410000118346946

ec: Tom Sattler, DAPC, NWDO
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