HAMILTON COUNTY ENVIRONMENTAL SERVICES

June 25, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED:

Mr. Phil Jergens
Charles F. Jergens Construction
1280 Brandt Pike
Dayton, Ohio 45404

RE: Warning Letter for Violation of the Code of Federal Regulations (CFR) 40 CFR 61.145 (b)(3)(i) and Ohio Administrative Code (OAC) Rule 3745-20-03 (A)(2)(b)

Dear Mr. Jergens:

On June 02, 2008, this agency received a revised notification from Central Insulation Systems which identified Charles F. Jergens Construction as the demolition contractor for the Metro West project located at the former Queen City Barrel site in Cincinnati, Ohio. This revised notification indicated that demolition would begin on June 03, 2008, which covered the mandatory ten working day waiting period. On June 02, 2008, agency personnel conducted an inspection of the Metro West site and observed that demolition of two structures had already taken place. This is a violation of CFR 61.145 (b)(3)(I) and OAC Rule 3745-20-03 (A)(2)(b) which requires this agency be notified ten working days prior to the start of the demolition project By July 10, 2008, you are required to submit to this agency a compliance plan which will prevent this situation from recurring.

Acceptance by the Ohio EPA of a compliance plan does not constitute a waiver of the EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.

Failure to comply with applicable regulations for this and future projects may result in additional legal action including referral to the Office of the Attorney General.

The violations identified above also constitute a violation of Title X, City of Cincinnati Municipal Code and City of Cincinnati local Health Department rules. Title X is enforced by the City Solicitor's Office and the City of Cincinnati local Health Department rules are enforced by HCDOES. The City Solicitor's Office has requested that this agency notify them of all Title X violations identified by this agency. Consequently, a copy of this Notice of Violation has been sent to the City Solicitor's Office. The City Solicitor's Office has requested that a copy of all

compliance plans be forwarded to their office. Therefore, please send a copy of the compliance plan to the City Solicitor's Office, attn: Mike Harmon, City Hall Room 214, 801 Plum Street, Cincinnati, Ohio, 45202.

If you have any questions, feel free to contact me directly a (513) 946-7743.

Sincerely,

Ken Wilkins
Asbestos Program Specialist

KW/kw

cc: Larry Falkin