



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

RE: Allen County
American Mall
**Notice of Violation/Return to
Compliance**

August 22, 2013

CERTIFIED MAIL

Mr. Mike Green
Technical Service Professionals
13930 Whitfield Court
Perry, Michigan 48872

Dear Mr. Green:

This letter shall serve as follow-up to The Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Air Pollution Control's August 20, 2013 inspection of asbestos abatement at the American Mall facility located at 3000 West Elm Street in Lima, Ohio.

Technical Service Professionals was onsite preparing to remove drywall on the east end of the mall at the time of the inspection. During the inspection it was found that regulated asbestos containing material (RACM) had been placed in waste containers outside of the building in the west parking lot. One of the containers had been lined but was not properly sealed. One end of the liner was open at the seam and material that had previously been wetted had started to dry out. All RACM must be adequately wet during removal and remain adequately wet until collected for disposal according to Ohio Administrative Code (OAC) 3745-20-04. OAC 3745-20-05 requires that materials that will not fit into containers without additional breakage shall be sealed with at least 0.0012 inch (twelve mils) of leak tight plastic. In addition to one of the containers not being properly sealed or maintained adequately wet, both waste containers were not labeled with signs indicating an asbestos danger was present as required by OAC 3745-20-05.

This notice of violation is being issued for the following:

1. Violation of OAC rule 3745-20-04 for failing to maintain RACM adequately wet prior to disposal.
2. Violation of OAC rule 3745-20-05 for failing to properly label asbestos waste containers.

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3. Violation of OAC rule 3745-20-05 for failing to properly seal a waste container that contained RACM.

After this violation was explained to Sean O'Conner, AS30768 of Technical Service Professionals, the company promptly wetted down the material in the dumpster, labeled the waste containers, and properly sealed the material in the waste container. By labeling the containers, adequately wetting the RACM and sealing the container Technical Service Professionals returned to compliance.

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

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ec: Josh Clifton, DAPC, NWDO
Tom Sattler, DAPC, NWDO
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