



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

RE: **Richland County**
Notice of Violation
Failure to maintain adequately wet
asbestos containing waste

August 9, 2013

CERTIFIED MAIL

Mr. Mark Miley, Representative
Ohio Realty Advisors
Mansfield Business Park, LLC
4060 Kinross Lakes Parkway, Suite 200
Richfield, Ohio 44286

Dear Mr. Miley:

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 06, 2013 inspection of the property located at 245 East 4th Street, Mansfield, Ohio also known as the Former Westinghouse site. Regulated asbestos containing material (RACM) was previously identified at the site co-mingled in the demolition debris. The asbestos-containing waste material (demolition debris) on the site is considered RACM and must be maintained adequately wet at all times.

At the time of the inspection GCS Industrial Services, Ltd., Ray Bertolini Trucking, and Pinnacle Environmental were on site conducting removal of regulated asbestos contaminated debris. NWDO was escorted around the site by Mr. Rick Perkins with Pinnacle Environmental, who is the third part consultant on site. A commercial snow machine was being used at the work area to provide water mist in a wide area and three manned hoses were being utilized to water debris, clean concrete pads, and water road areas. A water truck was being utilized previously but had broken down and was not at the site during the inspection.

Material appeared to be adequately wet in the work area located on the southwest portion of the site, the north and eastern portion of the site however was not being maintained wet and dry asbestos-containing waste material was observed. Adequately wet is defined in OAC rule 3745-20-01 and means sufficiently mix or penetrate with liquid to prevent the release of particulates.

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This notice of violation is being issued for the following:

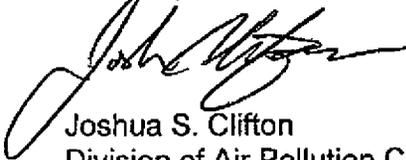
1. Violation of OAC rule 3745-20-05 "Standard for asbestos waste handling," for failure to maintain adequately wet asbestos-containing waste material.

NWDO last visited the site on August 06, 2013, and at that time, the debris was not being maintained "adequately wet". In order to stop this ongoing violation, the debris will need to be maintained "adequately wet" at all times until properly disposed of.

At this time NWDO is requesting a written response to this NOV as soon as possible but no later than August 23, 2013 with a description of measures that have been taken to ensure all asbestos-containing waste material is being maintained adequately wet.

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 70091410000118346380

ec: Tom Sattler, DAPC, NWDO
Mark Budge, DAPC, NWDO
Josh Clifton, DAPC, NWDO
Bruce Weinberg, DAPC, CO