



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

November 17, 2009

RE: FORMER SMITH CHEMICAL SITE
1221 THIRD STREET, NE
CANTON, OH 44704, STARK COUNTY
NOTICE OF CRO AND HAZARDOUS WASTE
VIOLATIONS

Mr. Antoine Hodge
CMB-3-Corp
2124 Third Street SE
Canton, OH 44707

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dear Mr. Hodge:

By Stark County auditor records and Mr. Jack Ivan it is understood that you are the new property owner of the former Smith Chemical building at 1221 Third Street, N.E. in Canton. From meeting with you at the building on November 10, 2009, it is understood that you intend to renovate the structure into a "green building" and are working toward redevelopment of the area in general.

Cessation of Regulated Operations (CRO) Program

Under the CRO program, due to the regulated substances that could remain, you are required to prevent threats to human health and the environment due to potential conditions in this structure. Immediate responsibilities include the maintenance of facility entry barriers, posting of warning signs and performing and logging weekly security inspections to insure the entry barriers, signs and other security measures are in good order. You were provided a copy of the CRO program booklet. These rules are also online at: http://epa.ohio.gov/portals/32/pdf/CRO_Manual.pdf.

Under Mr. Ivan's tenure this building was in violation of several of Ohio's hazardous waste laws and regulations. This letter summarizes the current compliance status of the building with Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively).

Background

The former Smith Chemical building was abandoned at one time leaving with it a significant amount of hazardous waste and regulated substances. Ohio EPA was alerted and considered the facility an unpermitted hazardous waste treatment, storage and disposal (TSD) site. Subsequently, the USEPA performed a time critical removal in 2004 of hazardous waste, regulated substances and some solid waste materials. However, this effort did not establish that all hazardous waste and regulated substances were removed.

On July 28, 2009, the Ohio EPA collected a sample of one of the remaining items that it was believed may not have been completely evaluated. This analytical result determined that the solid tested as non-hazardous for the RCRA metals by the toxicity characteristic leaching procedure (TCLP) test method.

After USEPA's removal, Mr. Ivan maintained security measures and identified and removed many substances of concern including: tars, used oils, fuels, solvents, paints, acids, miscellaneous chemicals, electronic components, fluorescent lamps, lamp ballasts, mercury switches, thermostats and solid waste debris from the building. A list of the remaining items in the building (excluding the basement) was provided to you on November 10, 2009. This list needs completed for the basement and updated, per your recent efforts, and submitted.

It is now believed that State Emergency Response Commission (SERC) substances and hazardous wastes have been removed. Ohio EPA's phone conversations with Lieutenant Bagley of the Canton Fire Department appear to indicate the fire department is satisfied with the removal effort that has been conducted. The following numbered violations appear to have been abated:

5. Submission of current chemical hazardous lists or MSDS, ORC § 3752.06 (A)(2) and OAC 3745-352-20(A)(2)(b);
6. Drain or remove all regulated substances, ORC §3752.06(A)(4) and OAC 3745-352-20;
9. ORC § 3734.02(E) and (F); and
10. OAC 3745-55-11/3745-66-11 through 3745-55-20/3745-66-20, OAC 3745-55-42/3745-66-42, OAC 3745-55-43/3745-66-43 and OAC 3745-55-47/3745-66-47.

CRO Violation

The following violation remains to be abated:

7. **OAC 3745-352-20(A)(2) What are my responsibilities if I am an owner or operator?** EPA Form 0329 has not been submitted certifying to the director that you have complied with responsibilities according to OAC 3745-352-20(A)(2).

To abate this violation, you must complete and submit the required 90 day notification (Form EPA 0329, enclosed). This form certifies to the director that all regulated substances have been removed. You were provided a "building contents inventory" list on November 10, 2009 (also enclosed). This inventory needs updated and must include the approximate quantity of materials that remain in the basement.

Concerns and Recommendations

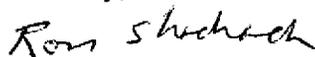
- A considerable amount of waste and debris remain at the Site. Ohio EPA continues to recommend that these materials, waste and debris be properly removed, recycled, sold or disposed.

- It is recommended that the facility continues to remain locked, secured and posted with no trespassing signs that warn of building hazards as maintained by Mr. Ivan.
- Regarding renovation, demolition or salvage activities, you may be required to file a Notice of Intent with the Canton City Health Department, Division of Air Pollution Control (APC) in regard to materials containing asbestos. You may contact the APC at (330) 489-3385.
- The services of an environmental consultant could assist you with characterization, disposal or recycle/reuse of substances and debris remaining at the site.
- Primary building constituent materials of concern that remain include lamp ballasts that do contain polychlorinated biphenyls (PCB's) and asbestos containing material.

Response

Please respond to me **within 30 days** of receipt of this letter providing a completed 90-Day Form and inventory list per the above. If you have any questions or need further assistance you may call me at (330) 963-1146 or email me at: ron.shadrach@epa.state.oh.us.

Sincerely,



Ronald J. Shadrach
District Representative
Division of Hazardous Waste Management

Sincerely,



Frank Popotnik
Unit Supervisor
Division of Hazardous Waste Management

RJS:ddw

- cc: Don McDonald, Stark County LEPC
Lorenzo Bagley, Canton Fire Department
Canton City Health Department
Jack Ivan, Jivan Properties
Ralph McGinnis, Ohio EPA, DHWM, CO
- ec: Frank Popotnik, Ohio EPA, DHWM, NEDO
Natalie Oryshkewych, Ohio EPA, DHWM, NEDO

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations.