

**Environmental  
Protection Agency**

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

March 3, 2011

**RE: FORMER SMITH CHEMICAL BUILDING  
1221 THIRD STREET, NE  
CANTON, OH 44704, STARK COUNTY  
RETURN TO COMPLIANCE**

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

Dear Mr. Hodge:

Stark County auditor records identify you as the owner of the former Smith Chemical building at 1221 Third Street, N.E. in Canton. A letter dated November 16, 2009, identified that the status of Cessation of Regulated Operations (CRO) Program violations had essentially been abated prior to your acquisition of the property. However, Ohio EPA desired to inform you of these historic violations and ongoing concerns and former storage of substances at the property. It was requested that you file the final 90 day CRO form, as you were the new owner and it had not been received by this office.

Having reviewed this matter further it has been determined that you would have little knowledge to confirm what had been done to complete this effort. Therefore, this form is no longer being requested to be completed and submitted by you.

### **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. Later, Ohio EPA analytical results of a solid tested as non-hazardous for the RCRA metals by the toxicity characteristic leaching procedure (TCLP) test method.

As the November 16, 2009 letter stated, it is now believed that State Emergency Response Commission (SERC) substances and hazardous wastes have been removed. From an Ohio EPA phone conversation with Lieutenant Bagley of the Canton Fire Department and a previous site visit with Don McDonald of the Local Emergency Planning Commission (LEPC) it appears the removal effort has been conducted satisfactorily.

The remaining violation is abated:

7. OAC 3745-352-20(A)(2) What are my responsibilities if I am an owner or operator?

### **Concerns and Recommendations**

The following concerns for this property remain:

**Northeast District Office**  
2110 East Aurora Road  
Twinsburg, OH 44087-1924

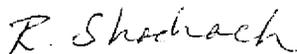
330 | 963 1200  
330 | 487 0769 (fax)  
[www.epa.ohio.gov](http://www.epa.ohio.gov)

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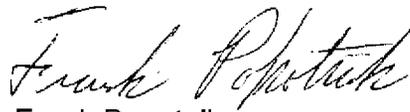
- A considerable amount of waste and debris remain at the Site. Ohio EPA continues to recommend that these materials, waste and debris be properly removed, recycled, sold or disposed.
- It is recommended that the facility continues to remain locked, secured and posted with no trespassing signs that warn of building hazards as they exist. The Ohio EPA last visited the property on February 9, 2011, and the facility appeared maintained relatively secure.
- 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 and reuse of substances and debris remaining at the site.

No response to this letter is required. If you have any questions or need further assistance, you may call me at (330) 963-1146, or e-mail me at [ron.shadrach@epa.state.oh.us](mailto:ron.shadrach@epa.state.oh.us).

Sincerely,



Ronald J. Shadrach  
District Representative  
Division of Hazardous Waste Management



Frank Popotnik  
Unit Supervisor  
Division of Hazardous Waste Management

RJS/FP/cl

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  
Marlene Kinney, Ohio EPA, DHWM, NEDO

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.