

**Environmental  
Protection Agency**

2011 Governor  
2011 Lt. Governor  
2011 Director

July 20, 2011

RE: **WARNING LETTER**  
ASBESTOS ABATEMENT ACTIVITIES AT  
207 NORTH LINCOLN WAY, LISBON, OHIO

**CERTIFIED MAIL**

Mr. Mike Pusateri  
Mike Pusateri Excavating, Inc.  
P.O. Box 2136  
East Liverpool, OH 43920

Dear Mr. Pusateri:

On July 1, 2011, the Division of Air Pollution Control (DAPC), Ohio EPA Northeast District Office (NEDO), received an Ohio EPA Notification of Demolition and Renovation form for the residence at the Eells-Leggett Funeral Home, located at 207 North Lincoln Way, Lisbon (Columbiana County). The notification was postmarked on June 29, 2011, with a start date for asbestos abatement to begin on July 7, 2011.

This notice was incorrectly and incompletely filled out. In our discussion of July 19, 2011, you confirmed that asbestos abatement had taken place on that date, which was six working days from the date of postmark.

In view of the above facts, the abatement project was subject to compliance with the Clean Air Act and regulations promulgated there under, setting forth a National Emission Standard for Asbestos 40 CFR 61.140, et seq. (NESHAP Asbestos Standard), specifically section 40 CFR 61.145 (b) Notification Requirements.

40 CFR 61.145 (b) (3) (i) states that notification is required "at least 10 working days before asbestos stripping or removal work or any other activity begins such as site preparation that would break up, dislodge or similarly disturb asbestos material..."

Similarly, Ohio Administrative Code (OAC) 3745-20-03 (A) (3) (a) states the same prior notification requirement.

I was unable to transmit a copy of the hand-corrections I had made to your notice to you at the e-mail address provided. Attached for your records is a copy of the original with the information you conveyed to me added.

This letter is to inform you that a revised notification, containing all corrected and updated information, is to be submitted to our office as soon as possible. Any additional work started or completed without the submittal of a corrected notification will be noted, and may be deemed to be in violation of the NESHAP requirements in 40 CFR 61.145 (b) "notification requirements," and OAC rule 3745-20-02, "Standard for Notification" in the Ohio Asbestos Emission Control Rules.

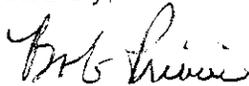
MR. MIKE PUSATERI  
JULY 20, 2011  
PAGE 2

In order to avoid these errors in future submittals, I recommend that you research our asbestos website for pertinent information regarding our notification form and relevant regulations. This information can be found at: <http://www.epa.ohio.gov/dapc/atu/asbestos/asbestos.aspx>.

This Warning Letter in no way waives the right of Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications may be directed to you regarding this violation or additional violations that may be found.

If you have any questions or concerns regarding the information being presented to you in this warning letter, please contact me at (330) 963-1230.

Sincerely,



Bob Princic  
Environmental Supervisor  
Division of Air Pollution Control

BP:bo

attachment

pc: Ed Fasko, DAPC, NEDO  
Tom Buchan, DAPC, CO

**OHIO ENVIRONMENTAL PROTECTION AGENCY  
NOTIFICATION OF DEMOLITION AND RENOVATION**

**OHIO EPA NEDO**  
Notification # **NE11493**

Operator Project #	Postmark <b>6/29/11</b>	Date Received <b>7/1/11</b>		
<b>I. TYPE OF NOTIFICATION:</b>		Original <input checked="" type="checkbox"/> X	Revised <input type="checkbox"/>	Cancelled <input type="checkbox"/>
<b>II. FACILITY INFORMATION:</b> (Include building name, number, and floor or room number) Building Name: <b>EELS - LEGGETT FUNERAL HOME - residence</b> Address: <b>207 W. LINCOLN WAY</b>  City: <b>LISON</b> State: <b>OHIO</b> Zip Code: <b>44432</b> County: <b>CAUWANA</b> Site Location Specific: <b>APPROXIMATELY 1/2 MILE WEST FROM RT 45 ON RT 30 IN LISON</b> Building Size (square feet): <b>APPROX 2200 SF</b> # of Floors: <b>2</b> Age in Years: <b>85</b> Present Use: <b>VACANT</b> Prior Use: <b>RESIDENCE / STORAGE</b>				
<b>III. TYPE OF OPERATION (Check One):</b> <input checked="" type="checkbox"/> Demo <input type="checkbox"/> Ordered Demo <input type="checkbox"/> Renovation <input type="checkbox"/> Emergency Renovation <input type="checkbox"/> Fire Training				
<b>IV. IS ASBESTOS PRESENT?</b> (Check One)			YES <input checked="" type="checkbox"/> X	NO <input type="checkbox"/>
<b>V. FACILITY INFORMATION:</b> Owner Name: <b>Same as above</b> Address: _____ City: _____ State: _____ Zip Code: _____ Contact: <b>Stacy Stouffer</b> Telephone #: <b>330 424-5500</b> Fax #: _____ Removal Contractor: <b>Environmental Protection Systems, LLC</b> License #: <b>1806</b> Address: <b>54 W. LIBERTY ST., SUITE B</b> City: <b>Girard</b> State: <b>Ohio</b> Zip Code: <b>44420</b> Contact: <b>Richard Gresley</b> Telephone #: <b>(330)539-2000</b> Fax #: <b>(330)539-5097</b> Other Operator: (Demolition/General) <b>Mike Pusetani Excavating</b> Address: _____ City: <b>See envelope</b> State: _____ Zip Code: _____ Contact: _____ Telephone #: _____ Fax #: _____				
<b>VI. PROCEDURE AND ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ASBESTOS MATERIAL:</b> <b>.PLM per EPA</b>				
Ohio Asbestos Hazard Evaluation Specialist:		Name: <b>Richard Gresley</b>		Certification #: <b>ES32728</b>
<b>VII. APPROXIMATE AMOUNT OF ASBESTOS MATERIAL</b>				
	RACM To Be Removed	Nonfriable ACM To Be Removed		Nonfriable Asbestos Material NOT to be Removed
		Category I	Category II	Category I Category II
Pipes (linear feet)				
Surface Area (square feet)	40			1,500
Facility Components (cubic feet)				
<b>VIII. Scheduled dates Demolition/Renovation(MM/DD/YY)</b>		Start: <b>7/18/20</b>	Complete: <b>7/20/11</b>	
<b>IX. Dates for Asbestos Removal:</b>		Start: <b>7-7-11</b>	Complete: <b>7-7-11</b>	
Days of the Week	MON.	TUES.	WED.	THURS. <input checked="" type="checkbox"/> X
				FRI. SAT. SUN.
Hours of Operation: <b>7:00am - 5:30pm</b>				
Complete all unshaded spaces, except demolitions which involve less than 260 l.f., 160 s.f., or 35 cubic feet of RACM, need not complete spaces VII, XI, XII, XIII, XIV, and XV. Notifications for Emergency Demolition or Emergency Renovation must supply attachments.				

*Not aware of 10-day notice*

**OHIO ENVIRONMENTAL PROTECTION AGENCY OHIO EPA NEDO**  
**Asbestos Demolition and Renovation Notification Form Page 2**

X. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHOD(S) TO BE USED  
 WE WILL BE USING A TRACK EXCAVATOR AND A WASTE TRUCK TO DEMOLISH THE BUILDING AND LOAD ALL DEMOLITION DEBRIS INTO TRUCKS TO BE TRANSPORTED TO A C/O LANDFILL.

XI. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE: **WET METHODS**

XII. WASTE TRANSPORTER #1:  
 Name: **Environmental Protection Systems LLC**  
 Address: **54 W. LIBERTY ST., SUITE B**  
 City: **Girard** State: **Ohio** Zip: **44420**  
 Contact Person: **Richard Gresley** Telephone #: **(330)539-2000** Fax #: **(330)539-5097**

WASTE TRANSPORTER #2  
 Name: **Wolford's, Inc.**  
 Address: **175 Ohio Ave.**  
 City: **McDonald** State: **OHIO** Zip Code: **44437**  
 Contact Person: **Paul Wolford** Telephone #: **(330)530-3200** Fax #: **(330)530-5514**

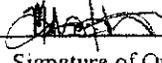
XIII. WASTE DISPOSAL  
 Name: **Minerva Enterprises**  
 Address: **9000 Minerva Rd.**  
 City: **Waynesburg** State: **OH** Zip Code: **44688**  
 Contact Person: Telephone #: **(330)866-3435**

XIV. EMERGENCY DEMOLITION: (Complete Item XIV and all other section, only if this project is an Emergency Demolition)  
 1. Attach a copy of the Order to this notice.  
 2. Name of Authority Issuing Order: Title:  
 3. Authority of Order (Citation of Code):  
 4: Date of Order (MM/DD/YY): Date Ordered to Begin:

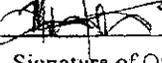
XV. EMERGENCY RENOVATION: (Attach separate sheet with the following information if project is Emergency Renovation)  
 1. Date and Hour of the Emergency:  
 2. Description of the Sudden, Unexpected event.  
 3. Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden.

XVI. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLED, PULVERIZED OR REDUCED TO POWER:  
**Work would be stopped & area secured until situation could be determined by an Ohio Certified Asbestos Hazard Evaluation Specialist**

XVII. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF NESHAPS (40 CFR PART 61, SUBPART M) WILL BE ON SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL AVAILABLE DURING NORMAL BUSINESS HOURS. (Required after November 20, 1991)

 **6/29/2011** **MATTHEW J. PUSARTEL TREASURER**  
 Signature of Owner/Operator Date Type or Print Name & Title

XVIII. I CERTIFY THAT THE ABOVE INFORMATION IS TRUE, ACCURATE AND COMPLETE

 **6/29/2011** **MATTHEW J. PUSARTEL TREASURER**  
 Signature of Owner/Operator Date Type or Print Name & Title

Original Notification must be mailed or hand delivered at least ten (10) working days (Monday - Friday excluding weekends) before demolition or renovation begins, except emergency demolitions and emergency renovations (see regulations) which must be submitted as soon as possible before operations begin, but no later than the following work day. (Form Revised 01/05/09)



**MIKE PUSATERI  
EXCAVATING, INC.**  
P. O. BOX 2136  
EAST LIVERPOOL, OH 43920

330-  
385-8823



**OHIO EPA RECEIVED**  
JUL 01 2011

Ohio EPA -- Northeast District Office  
2110 E. Aurora Rd.  
Twinsburg, OH 44087

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