

**Environmental
Protection Agency**

John Kasich Governor

Mike DeWine Lt. Governor

Tommy Hall Director

November 4, 2011

RE: Demolition of Unsafe Structures

DELIVERED BY CERTIFIED MAIL AND E-MAIL

Ms. Angela Cavanaugh
City of Canton Building Dept.
424 Market Ave., North, 3rd Floor
Canton, OH 44702

Dear Ms. Cavanaugh:

On October 25, 2011, this office received a complaint from a demolition contractor who was preparing to submit a proposal for a number of residential structures being put out for bid by the City of Canton. These structures are a part of the city's ongoing urban demolition program. The contractor stated he had concerns that the instructions from the city for the bid package included the directive that all structures were to be demolished and disposed of as regulated asbestos-containing material (RACM).

The contractor expressed concerns to the Ohio EPA Division of Air Pollution Control (DAPC) inspector that for an entity to declare that a large number of structures to be demolished without abatement was in conflict with his understanding and experience with state and federal asbestos rules and regulations.

The city building department had declared these structures to be unsafe to enter for the purposes of inspection and abatement. We have advised you several times that while conducting asbestos surveys and abatement of structures slated for demolition is a costly endeavor, these steps are required by law.

On October 26, 2011, Ohio EPA representatives Tom Buchan, Chris Williams, and Frank Eichen along with City of Canton representatives Rick Miller and Greg Clark inspected the eight (8) residential structures scheduled for demolition in this most recent bid package. Only the 1902 Endrow Avenue NE structure appeared to the Ohio EPA and Canton inspectors to meet the definition of "emergency demolition" as delineated in OAC 3745-20-01(B)(14), as ".....structurally unsound and in imminent danger of collapse."

Ohio EPA found it interesting that this structure had been inspected and sampled by a city contractor, which would not be necessary (and is not recommended) in a fire-damaged and structurally-compromised structure. We found it inconsistent that the city would authorize an asbestos survey of a fire-damaged structure in order to determine the presence of asbestos, yet declare seven other structures as too dangerous to survey and further state that abatement would not be performed prior to demolition. We have also received a number of surveys for the remaining seven structures, also inconsistent with the city's declaration regarding their unsafe status. The use of the "emergency demolition" definition is viewed narrowly by both Ohio EPA and U.S. EPA, and should be used in very limited circumstances.

The inspections confirmed that seven (7) of the eight (8) structures were in fact accessible and therefore, would require evaluation for asbestos containing materials as stated in the "Ohio Asbestos Emission Control Rules" OAC Rule 3745-20-02 (A) which states in part "*each owner or operator of any demolition or renovation operation shall have the affected facility or part of the facility where a demolition or renovation operation will occur thoroughly inspected by a certified asbestos hazard evaluation specialist, in accordance with paragraph (C) of rule 3701-34-02 of the Administrative Code prior to the commencement of the demolition or renovation for the presence of asbestos, including category I and category II nonfriable asbestos-containing material.*"

Listed below are the eight (8) structures, a brief summary of our inspection, and whether NEDO has received asbestos surveys and notifications.

1649 Tuscarawas St., E - Inspection summary: dwelling was accessible, suspect material was observed and needs to be sampled prior to demolition. On November 2, 2011, NEDO received an incomplete notification via e-mail that listed demolition as commencing November 14, 2011. **Survey and revised notification required.**

1647 Tuscarawas St., E - Inspection summary: dwelling was accessible, suspect material was observed and needs to be sampled prior to demolition. NEDO received an incomplete notification that listed demolition as commencing November 14, 2011. **Survey and revised notification required.**

1733 7th St., NE - Inspection summary: dwelling was accessible, suspect material along with transite siding was observed and needs to be sampled prior to demolition. NEDO received an incomplete notification that listed demolition as commencing November 14, 2011. **Survey and revised notification required.**

2048 3rd St., NE - Inspection summary: dwelling was accessible, suspect material was observed and needs to be sampled prior to demolition. NEDO received a survey for this structure, indicating that an inspection and sampling was performed on October 14, 2011. The survey documented no RACM to be removed. **Original notification required.**

1902 Endrow Ave., NE - Inspection summary: extensive fire damage, OK to demolish as an emergency. NEDO received a survey for this structure, indicating that an inspection and sampling was performed on October 14, 2011. The survey documented no RACM to be removed. **This demolition can proceed. Ohio EPA letter sent.**

1437 Struble Ave., NE - Inspection summary: dwelling was accessible, suspect material was observed and needs to be sampled prior to demolition. NEDO has received a survey, indicating that the inspection and sampling occurred on October 14, 2011. The results of the survey documented that RACM was found that required abatement prior to demolition. **Original notification required.**

MS. ANGELA CAVANAUGH
NOVEMBER 4, 2011
PAGE 3

1003 21st St., NW - Inspection summary: dwelling was accessible, suspect material was observed and needs to be sampled prior to demolition. NEDO received an incomplete notification that listed demolition as commencing November 14, 2011. **Survey and revised notification required.**

2611 10th St., SW - Inspection summary: dwelling was accessible, suspect material was observed and needs to be sampled prior to demolition. **Survey and revised notification required.**

In the past, Ohio EPA DAPC representatives from NEDO and CO have spoken to you at length regarding the federal and state requirements relating to assessment and abatement of residential structures that are a part of an urban demolition project. Furthermore, we have provided you with U.S. EPA's position on urban demolition projects as well.

Ohio EPA will not approve with City of Canton's approach to this demolition project for structures that can be surveyed and abated if necessary. Ohio EPA requires that the remaining structures that have not been surveyed have complete asbestos surveys conducted, and that a notification based on the survey be prepared and submitted to Ohio EPA's northeast district. Proceeding with the demolitions as the city intends would be inconsistent with the Asbestos NESHAP and state regulations, and could subject the city to future enforcement.

If you have any questions regarding this letter, please contact the undersigned at (330) 963-1230, or Tom Buchan at (614) 644-3607.

Sincerely,



Bob Princic
Environmental Supervisor
Division of Air Pollution Control

BP:bo

pc: Marcus Glasgow, Legal/CO
Jennifer Kurko, Assistant Chief, NEDO
Tom Kalman, DAPC/CO
Tom Buchan, DAPC/CO
Frank Elchesen, DAPC/NEDO
Greg Clark, Canton Health Department
Jeff Bratko, U.S. EPA Region V