



**Environmental
Protection Agency**

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

December 29, 2011

RE: **CERTIFIED WARNING LETTER**
DEMOLITION OF:
2316 Mahoning Ave., NE
Canton, OH 44708

Mr. James Marshall
Marshall Land Co.
138 12th Street
Canton, OH 44703

CERTIFIED MAIL

Dear Mr. Marshall:

On October 19, 2011, the Ohio EPA, Northeast District Office (NEDO), Division of Air Pollution Control (DAPC), received an asbestos demolition notification for 2316 Mahoning Avenue. The notification indicated that there was to be abatement of 5320 square feet of asbestos containing transite siding and subsequent demolition. Transite siding in it's intact state is normally categorized as a Category II non-friable material and must be removed prior to demolition. The date for asbestos removal listed on the notice was October 31, 2011 thru December 2, 2011 and demolition from October 31, 2011 thru December 30, 2011.

On November 22, 2011, the Ohio EPA conducted an inspection of the structure. At the time, the inspection documented that the structure had been demolished and suspected asbestos containing material (ACM) in the form of pieces of broken transite panels were co-mingled with the demolition debris. Previously, on November 9, 2011, prior to the demolition, a sample of the transite material on the ground was taken for analysis.

On December 2, 2011, Ohio EPA received sample results of the transite that documented it as containing 15% asbestos.

Ohio EPA's observation of the fragmented pieces co-mingled with the demolition debris precipitated a phone call to you regarding the necessary cleanup of the ACM debris prior to disposal. Per our phone conversation you committed to have the ACM debris cleaned up by a licensed asbestos removal contractor prior to any disposal. On November 23, 2011, a subsequent inspection verified the cleanup of the ACM debris.

In view of the above facts, this abatement/demolition project conducted at 2316 Mahoning Avenue NE 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). These types of operations are also subject to Ohio Administrative Code (OAC) chapter 3745-20, "Ohio Asbestos Emission Control Rules."

The asbestos standard applies to, among other things, a demolition operation. Pursuant to 40 CFR 61.145 all facilities must be inspected for the presence of asbestos prior to commencement of a renovation or demolition. Paragraphs (b), "Notification Requirements," and (c), "Procedures for Asbestos Emission Control" of this section would apply if the accumulative or total amount of friable asbestos materials in the structure was found to be equal

MR. JAMES MARSHALL
MARSHALL LAND CO.
DECEMBER 29, 2011
PAGE 2 OF 2

to or greater than 260 linear feet on pipes and/or equal to or greater than 160 square feet on any other component. Paragraph (b), "Notification Requirements," of this section also applies if no friable asbestos materials were found, or if the accumulative or total amount of friable materials in the structure were less than 260 linear feet on pipes and/or less than 160 square feet on any other component. (Similar requirements are also stated in OAC rules 3745-20-02, 3745-20-03 and 3745-20-04, "Ohio Asbestos Emission Control Rules.") Based on the notification received on October 19, 2011, the demolition at 2316 Mahoning Avenue was subject to the removal requirements.

Pursuant to 40 CFR 61.141, an "owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls or supervises the facility being demolished or renovated, or any person who owns, leases, operates, controls or supervises the demolition or renovation operation, or both." Any owner or operator is prohibited under 40 CFR 61.19 from circumvention of a visible emission standard or notification requirements by the piecemeal carrying out of an operation.

Finally, pursuant to Section 112 (KK), the authority to implement and enforce the National Emission Standard for Hazardous Air Pollution (NESHAP) has been delegated to the State of Ohio Environmental Protection Agency's Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of U.S. EPA for any violations for which Ohio is unable to initiate a required enforcement action.

Regulated demolitions must comply with the above cited regulations in their entirety. You are hereby being notified that any further demolitions being conducted by Marshall Land Company must abide by said rules.

This certified warning letter in no way waives the right of Ohio EPA or U.S. EPA to pursue additional enforcement action.

If you have any questions or mitigating information regarding this matter, please contact me at (330) 963-1209 or Bob Princic at (330) 963-1230.

Sincerely,



Frank Elchesen
District Representative
Division of Air Pollution Control

FE/cs

cc: Ed Fasko, Ohio EPA, DAPC, NEDO
Bob Princic, Ohio EPA, DAPC, NEDO
Tim Fischer, Ohio EPA, DAPC, NEDO
Christopher Williams, Ohio EPA, DAPC, NEDO
Ms. Angela Cavanaugh, City of Canton Building Dep

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