



**Environmental
Protection Agency**

John R. Kasich, Governor
Bob Taylor, Lt. Governor
Chris J. Walsh, 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.

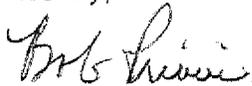
MR. MIKE PUSATERI
JULY 20, 2011
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In order to avoid these errors in future submittals, I recommend that you research our asbestos website for pertinent information regarding our notification form and relevant regulations. This information can be found 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 NEDS
Notification # **NE11493**

Operator Project #	Postmark 6/29/11	Date Received 7/1/11					
I. TYPE OF NOTIFICATION:							
Original	<input checked="" type="checkbox"/>	Revised	<input type="checkbox"/>				
Canceled	<input type="checkbox"/>						
II. FACILITY INFORMATION: (include building name, number, and floor or room number)							
Building Name: EOLS - LEGGETT FUNERAL HOME - RESIDENCE							
Address: 207 W. LINCOLN WAY							
City: LISON	State: OHIO	Zip Code: 44432	County: COLUMBIANA				
Site Location Specific: APPROXIMATELY 1/2 MILE WEST FROM RT 45 ON RT 30 IN LISON							
Building Size (square feet): APPROX 2200 SF	# of Floors: 2	Age in Years: 85					
Present Use: VACANT		Prior Use: RESIDENCE / GARAGE					
III. TYPE OF OPERATION (Check One):							
<input checked="" type="checkbox"/> Demo	<input type="checkbox"/> Ordered Demo	<input type="checkbox"/> Renovation	<input type="checkbox"/> Emergency Renovation				
<input type="checkbox"/> Fire Training							
IV. IS ASBESTOS PRESENT? (Check One)							
YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>				
V. FACILITY INFORMATION:							
Owner Name: Same as above							
Address: Same as above							
City:	State:	Zip Code:					
Contact: Stacy	Telephone #: 330-424-5500	Fax #:					
Contact: Stacy							
Removal Contractor: Environmental Protection Systems, LLC		License #: 1806					
Address: 54 W. LIBERTY ST., SUITE B							
City: Girard	State: Ohio	Zip Code: 44420					
Contact: Richard Gresley	Telephone #: (330)539-2000	Fax #: (330)539-5097					
Other Operator: (Demolition/General) Mike Pisetani Excavating							
Address:							
City: See envelope	State:	Zip Code:					
Contact:	Telephone #:	Fax #:					
VI. PROCEDURE AND ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ASBESTOS MATERIAL: .PLM per EPA							
Ohio Asbestos Hazard Evaluation Specialist:		Name: Richard Gresley	Certification #: ES32728				
VII. APPROXIMATE AMOUNT OF ASBESTOS MATERIAL							
	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)							
VIII. Scheduled dates Demolition/Renovation(MM/DD/YY)		Start: 7/18/20	Complete: 7/22/11				
IX. Dates for Asbestos Removal:		Start: 7-7-11	Complete: 7-7-11				
Days of the Week	MON.	TUES.	WED.	THURS. X	FRI.	SAT.	SUN.
Hours of Operation:	7:00am - 5:30pm						
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 WHEEL TRUCK TO DEMOLISH THE BUILDING AND LOAD ALL DEMOLITION DEBRIS INTO TRUCKS TO BE TRANSPORTED TO A C&D 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**

WASTER 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:

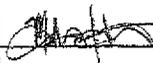
2. Description of the Sudden, Unexpected event.

3. Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden.

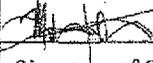
XVI. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLED, PULVERIZED OR REDUCED TO POWER:

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. PUSAREL	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. PUSAREL	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 NEDDO
JUL 01 2011
RECEIVED

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

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