

**Environmental
Protection Agency**

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

August 23, 2012

RE: **NOTICE OF VIOLATION**
DEMOLITION OF A STRUCTURE
LOCATED AT 1733 7TH ST., NE
CANTON, OHIO

CERTIFIED MAIL

Mr. James Marshall
138 12th St., NW
Canton, OH 44703

Dear Mr. Marshall,

On May 10, 2012, the Ohio EPA Northeast District Office (NEDO) Division of Air Pollution Control (DAPC) received an asbestos demolition notification for 1733 7th Street NE, Canton, Ohio. The notification indicated the demolition start date of May 22, 2012 with a completion date of June 23, 2012. The demolition contractor was listed as Marshall Land Company.

On May 23, 2012, the Ohio EPA conducted an inspection of the structure. At that time, no demolition work had commenced. On June 23, 2012, no demolition had begun and the notification had expired.

On August 1, 2012, this office received a **revised** notification of demolition from Marshall Land Company for 1733 7th Street NE listing a demolition start date of July 30, 2012 with a completion date of August 15, 2012.

Please be advised of Ohio Administrative Code (OAC), Rule 3745-20-03 (A) (3) (a) "Standard for Notification Prior to Demolition or Renovation", requires that a completed "Notification of Demolition" be submitted at least ten (10) working days before the beginning of any demolition operation. Since the **original** notification **expired**, the ten working day prior notice applies to the project.

On August 17, 2012, a representative from the Ohio EPA conducted an inspection at 1733 7th Street NE. At that time, the structure had been demolished. Backfill had been applied and seeded with a good amount of growth, which confirmed that the demolition had occurred prior to the ten working day requirement.

In view of the above facts, the demolition project conducted at 1733 7th St., NE was subject to compliance with the Clean Air Act and regulations promulgated there under, setting forth a National Emission Standard for Asbestos 40 Code of Federal Regulations (CFR) 61.140, *et seq.* (NESHAP Asbestos Standard). These types of operations are also subject to OAC, Chapter 3745-20, "Ohio Asbestos Emission Control Rules."

Finally, pursuant to Section 112 (KK), the authority to implement and enforce the 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.

LOCATED AT 1733 7TH ST., NE
AUGUST 23, 2012
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In accordance with the above stated delegation of authority, you are hereby notified that the demolition conducted at 1733 7th St., NE by Marshall Land Company, was in violation of the NESHAP requirements in 40 CFR 61.145(a) and (b), "applicability" and "notification requirements" in the "Standard for Demolition and Renovation." This was also a violation of OAC rule 3745-20-03, "Standard for Notification" in the Ohio Asbestos Emission Control Rules.

Within fourteen (14) days of receipt of this letter, please submit to this office, in writing, any clarifications, responses, explanations, or evidence on your behalf pertaining to the above stated violation.

Failure to respond to this request, in the requested time frame, can result in a referral to the Central Office of Ohio EPA for the appropriate enforcement action. The submission of the requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in ORC 3704.06. Ohio EPA will decide whether to pursue or decline to pursue penalties regarding this matter at a later date. Further communications may be directed to you regarding this violation or additional violations that may be found.

If you have any questions, 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: Bruce Weinberg, Ohio EPA, DAPC, CO
Bob Princic, Ohio EPA, DAPC, NEDO
Tim Fischer, Ohio EPA, DAPC, NEDO
Christopher Williams, Ohio EPA, DAPC, NEDO
Tom Buchan, Ohio EPA, DAPC, CO
Marcus Glasgow, Ohio EPA, Legal, CO
Bill MacDowell, U.S. EPA, Region 5
Ms. Angela Cavanaugh, City of Canton Building Dept.
Greg Clark, Canton City Health Dept., APC

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