

# Air Pollution Control Division

**OhioEPA**

APC Contractual Representative  
Serving All of Stark County

## Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544  
(330) 489-3385 • Fax: (330) 489-3335

**Robert E. Pattison, MPA**  
Health Commissioner

**Daniel J. Aleman**  
APCD Administrator

### CERTIFIED MAIL

August 14, 2007

Mr. Jack Coppergel  
1460 Edison Street LLC  
367 E. Turkeyfoot Lake Road  
Akron, OH 44319

**Re:** Notice of Violation: Ohio Administrative Code 3745-20-03 (D) (3) at the former Hartville Ready Mix site, 1460 Edison Street, Hartville, OH

Dear Mr. Coppergel:

Ohio law requires property owners or operators to notify the Ohio EPA or its appropriate field office in advance about asbestos whenever an affected property is scheduled for demolition. The intent is to give the Ohio EPA an opportunity to review the project and possibly inspect the structure prior to demolition. This is done to ensure that the project is in compliance with all Ohio EPA asbestos regulations. It is also the owner or operator's responsibility to submit notification revisions to keep the notification up to date if certain changes are made in the project.

A proper "Ohio Environmental Protection Agency Notification of Demolition and Renovation" was submitted for the subject site. The notification listed Butcher & Son Excavating, 2057 McCoy Road, Akron, OH 44320, as the demolition contractor. It was later learned that 1460 Edison Street LLC engaged the services of a different contractor to demolish the structure.

### FINDINGS

Finding #1: The demolition notification submitted by Mr. Fred L. Butcher of Butcher & Son Excavating on June 21, 2007 (CA07062) shows Butcher & Son to be the demolition contractor. There were no notification revisions changing this. On July 10, 2007, another contractor was observed conducting the demolition. It was later learned that this contractor was Madenfort Excavating. This was confirmed by this agency via a telephone conversation with Mr. Mitch Madenfort on July 12, 2007.

Violation #1: Ohio Administrative Code Rule 3745-20-03 (D) (3). This regulation requires that each owner or operator of any demolition or renovation operation inform the appropriate Ohio EPA field office whenever there is any change in the owner or operator. **1460 Edison Street LLC engaged the demolition services of Mr. Madenfort and failed to notify this field office.**

Requested Actions: This agency requires that 1460 Edison Street LLC: 1) submit, for the record, a revised Ohio Environmental Protection Agency Notification of Demolition and Renovation form correctly showing the demolition operator, and 2) review future projects to ensure that notification revisions are submitted in accordance with all applicable regulations. The Ohio regulations covering asbestos are contained in the Ohio Administrative Code 3745-20. The specific regulation in this case is Rule 3745-20-03 (D):

*“Each owner or operator shall inform the appropriate Ohio EPA field office by telephone or facsimile concerning any of the following changes to information provided by the notice. An amended written notification shall be submitted to that office as soon as possible but not later than one working day following discovery of the change. The changes requiring amended written notification are:*

- (1) When the amount of regulated asbestos-containing material affected by the demolition or renovation operations changes by at least twenty per cent;*
- (2) Any deviation in the demolition or renovation schedule or in the methods to be used for asbestos removal or disposal;*
- (3) Any change in the owner or operator; and*
- (4) Any change in the name and location of the selected waste disposal site.”*

Also, for future reference, be aware that the Ohio Department of Health has asbestos project requirements. Information can be obtained at <http://www.odh.ohio.gov/odhPrograms/dspc/asbes1/asbestos1.aspx>.

Any submission of a re-commitment and/or plan of action on the part of 1460 Edison Street LLC will not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC §3704.06. Any decision to pursue such penalties will be made at a later date.

The Ohio Environmental Protection Agency Notification of Demolition and Renovation form is enclosed. It can also be obtained from <http://www.epa.state.oh.us/dapc/atu/asbestos/asbestos.html>.

Sincerely,



Gregory A. Clark, CHMM, CAHES  
Air Pollution Control Engineer

enclosure

pc: Addressee via First Class Mail  
Lisa Holscher, USEPA Region V  
Tom Kalman, Ohio EPA, DAPC, CO  
Joshua S. Koch, ODH Asbestos Program, 246 North High Street, Columbus, OH 43215  
Madenfort Excavating, 3872 Atterbury Circle NE, Hartville, OH 44632-9194  
Butcher & Son Excavating, 2057 McCoy Road, Akron, OH 44320

7005 1160 0000 8900 0061

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$ .41	AUG 14 2007 <i>Show to delivery address</i>
Certified Fee	2.65	
Return Receipt Fee (Endorsement Required)	2.15	
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$ 5.21</b>	

Sent To  
**JACK COPPERGEL**  
 Street, Apt. No.,  
 or PO Box No. **1460 EDISON STREET**  
 City, State, ZIP+4® **367 E TURKEYFOOT LAKE RD**  
**AKRON OH 44319**