

APC

# 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

James M. Adams, RS, MPH  
Health Commissioner

Daniel J. Aleman, PE  
APCD Administrator

### CERTIFIED MAIL

February 23, 2010

Mr. Terry Rister  
H&H Environmental LLC  
2699 East County Road 50  
Tiffin, OH 44883

**Re: OAC violations - Regulated Asbestos-Containing Material removal at 728 Belden Ave., Canton, OH**

Dear Mr. Rister:

On December 7, 2009 this inspector observed and documented removal of transite siding from this structure by H&H Environmental LLC ("H&H") in such a manner as to render friable this normally Category II nonfriable material. Transite removal was being accomplished by smashing the siding with a hammer, pry bar, or equivalent and allowing the pieces to fall onto a tarp on the ground. The pieces were not being handled as Regulated Asbestos-Containing Material (RACM). A revised notification was not submitted reflecting the creation of additional RACM. This and other actions constitute violations of the Ohio Administrative Code (OAC) Rule 3745-20 and the underlying Ohio Revised Code ORC 3704.05 (G) which states that "No person shall violate any order, rule, or determination of the Director issued, adopted, or made under this chapter."

### Residential Installation ACM Abatement - Notification #CA10010

**Finding #1:** On January 7, 2009 H&H removed transite siding by breaking up the material into small pieces which were allowed to fall onto a tarp on the ground.

**Violation #1 OAC 3745-20-04 (A)(1)**

(A) "Each owner or operator or a demolition or renovation operation to whom this rule applies shall comply with the following procedures:

(1) Remove all regulated asbestos-containing material from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the materials...

**Finding #2:** On January 7, 2009 H&H removed transite siding by breaking up the material into small pieces which were allowed to fall onto a tarp on the ground. In addition, the broken transite was not wetted.

**Violation #2** OAC 3745-20-04 (A)(2) (a)

(2) "When a facility component covered with, coated with, or containing regulated asbestos-containing material is being taken out of the facility as units or in sections:

(a) Adequately wet all regulated asbestos-containing material exposed during cutting or disjoining operations, and ...

**Finding #3** On January 7, 2009 H&H was removing transite siding by breaking up the material into small pieces which were allowed to drop onto a tarp on the ground thereby damaging the regulated asbestos-containing material.

**Violation #3** OAC 3745-20-04 (A)(6)(b)

(6) "For all regulated asbestos-containing material including material that has been removed or stripped:

(b) Carefully lower the units or sections to the floor and to ground level not dropping, throwing, sliding or otherwise damaging or disturbing the regulated asbestos-containing material.

**Finding #4** H&H created additional regulated asbestos containing material by breaking up the former Category II non friable asbestos-containing material. This brought about a significant change in the quantity of regulated asbestos material to be removed. H&H failed to submit a revised notification reflecting this change.

**Violation #4** OAC 3745-20-03 (D)(1)

(D) "Each owner or operator shall inform the appropriate Ohio EPA field office ...any of the following changes ...

(1) "When the amount of regulated asbestos containing material affected by the demolition or renovation operations changes by at least twenty per cent"

**Finding #5** Active demolition was in progress on 12/09/2009. The Agency inspector found at least four pieces of broken transite on the site. H&H failed to completely remove all the regulated asbestos-containing material from the facility.

Mr. Terry Rister  
February 23, 2010  
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**Violation #5 OAC 3745-20-04 (A)(1)**

(A) "Each owner or operator of a demolition or renovation operation to whom this rule applies shall comply with the following procedures:

(1) Remove all regulated asbestos-containing material from a facility ...

**Requested Actions:**

1. H&H Environmental LLC submit a revised Ohio EPA notification to this agency postmarked not later than five working days following the receipt of this letter.
2. H&H Environmental LLC confirm that the RACM transite material was disposed of at an approved asbestos landfill and will send copies of the transite shipping records to this Agency.
3. H&H Environmental LLC conduct employee training such that all employees are informed that removal of transite material shall be done in accordance with OAC 3745-20-04 which means carefully removing the panels and lowering them to the ground.
4. H&H submit to this Agency evidence that the above-mentioned training has occurred. This can be in the form of a letter with distribution list attached, a Power Point (or equivalent) training presentation with an employee sign-in sheet, or some other evidence mutually agreed to by H&H and this Agency.

Please note that fulfillment of the above required actions does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC §3704.06. The determination to pursue or to decline to pursue such penalties in this matter will be made at a later date.

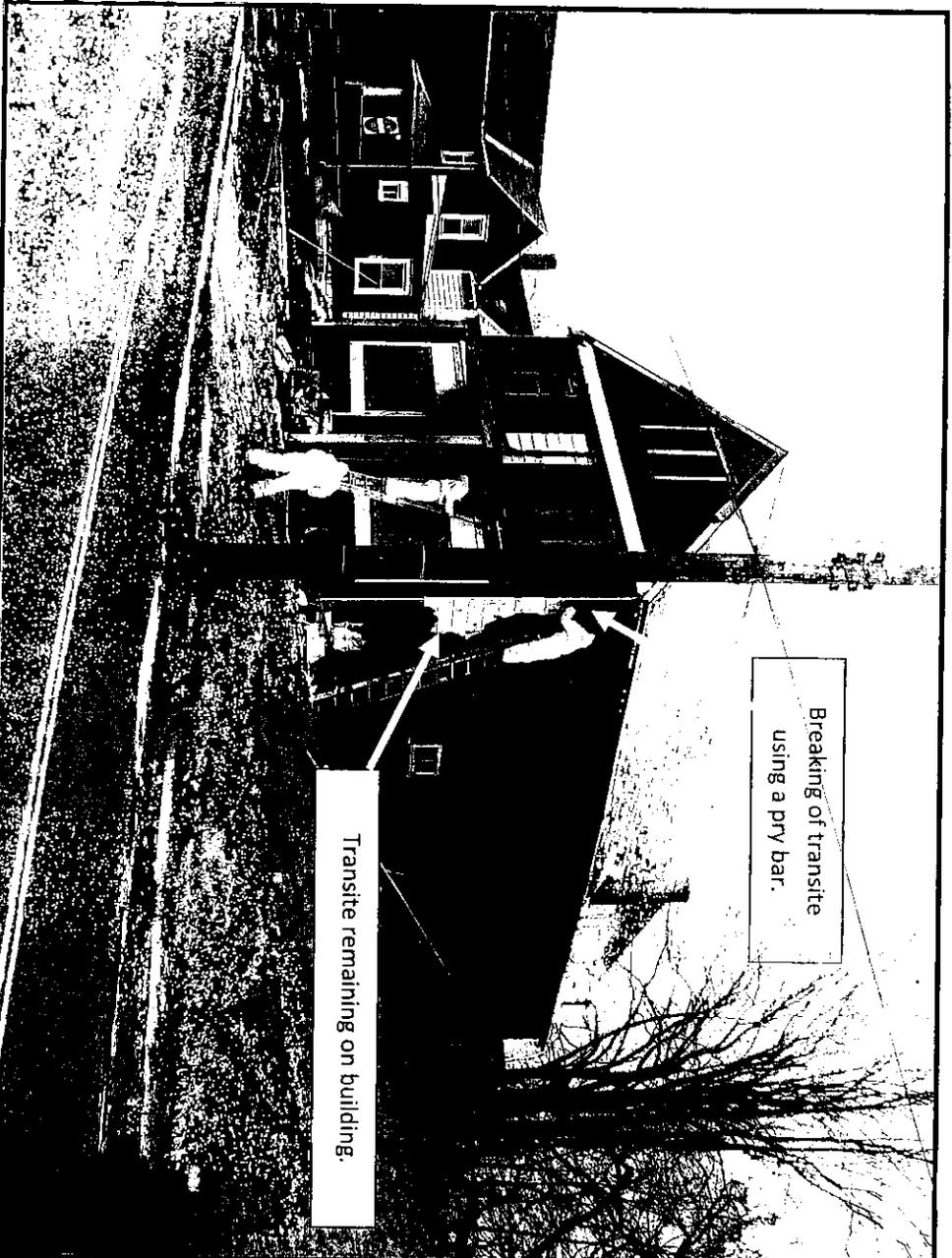
Should you have any questions regarding this letter or the situation that prompted this action, please contact this Agency at (330) 489-3385.

Sincerely,

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

pc: Lisa Holscher, USEPA - Region V 77 W Jackson Blvd, Chicago 60604  
Tom Buchan, Ohio EPA - Columbus OH 50 W Town St, Suite 700, Columbus 43215  
Joshua S. Koch, ODH, Asbestos Program  
Tom Kalman, Ohio EPA - same as Buchan  
Butch Olmstead, American Demolition Company, 1800 19<sup>th</sup> St NE, Canton, OH  
Angela Cavanaugh, Chief Building Official, Canton, OH 424 Market Ave N, Canton 44702-1544

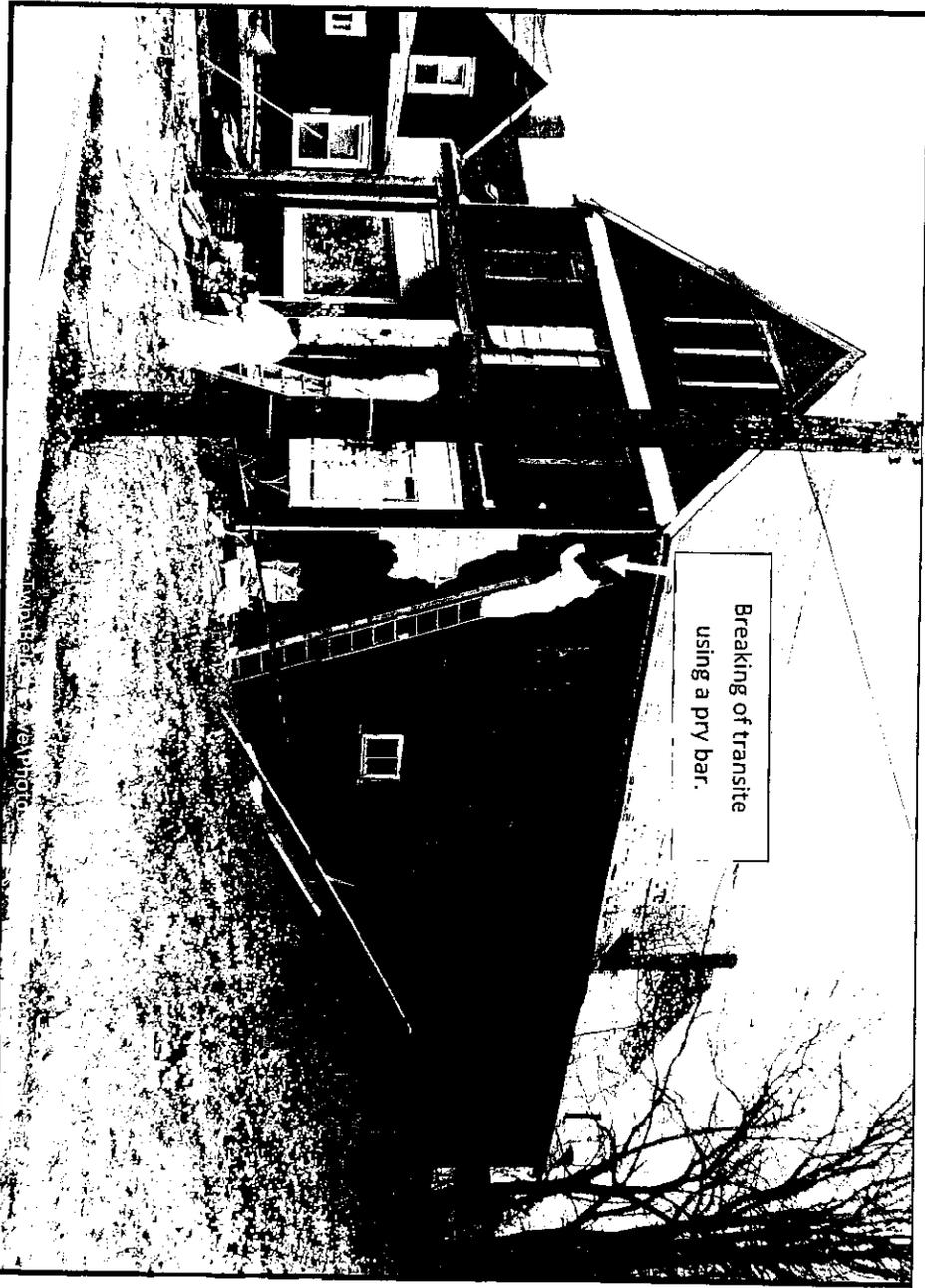




Breaking of transite using a pry bar.

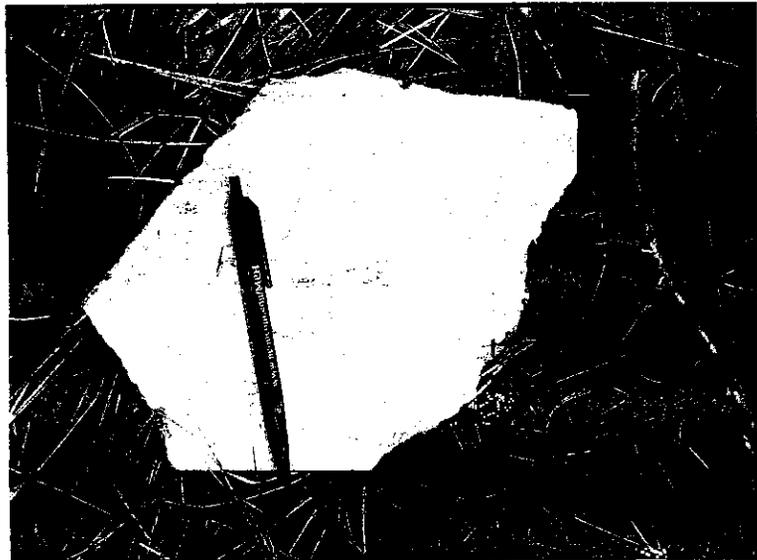
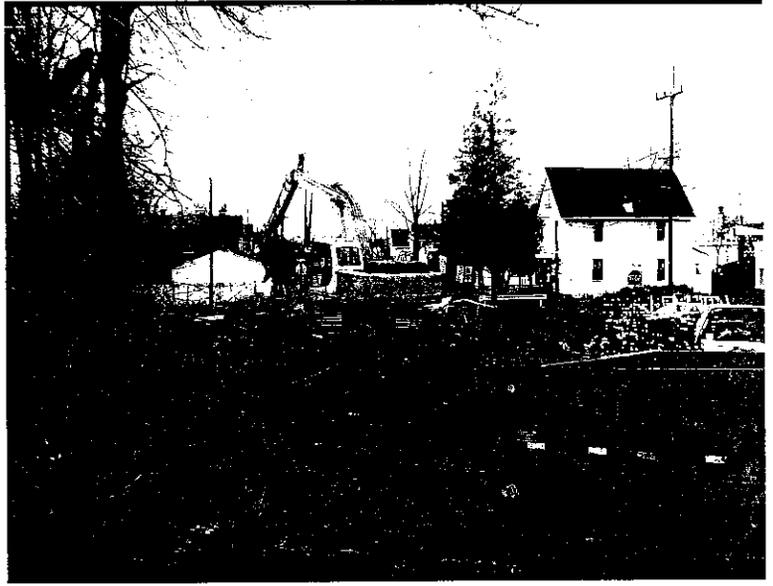
Transite remaining on building.

Transite removal in progress, 728 Belden Ave NE, Canton, OH G.A. Clark 12/07/2009



Breaking of transite using a pry bar.

© 2009 G.A. Clark



These are examples of transite left on the ground.



Transite removal in progress, 728 Belden Ave NE, Canton, OH G.A. Clark 12/09/2009

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. TERRY RISTER  
 H&H ENVIRONMENTAL LLC  
 2699 EAST COUNTY ROAD 50  
 TIFFEN, OH 44883

2. Article Number  
(Transfer from service label)

7009 0080 0002 0413 1476

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *E. X. Rister*  Agent  Addressee

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery *2/24/10*

D. Is delivery address different from item 1?  Yes  No  
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*TIFFEN OH 2/24/10*

Sent To **MR. TERRY RISTER**  
 Street, Apt. No., or PO Box No. **H&H ENVIRONMENTAL LLC**  
**2699 EAST COUNTY ROAD 50**  
 City, State, ZIP+4 **TIFFEN, OH 44883**