

C. 110

Air Pollution Control Division



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. Daniel L. Pohl
Cardinal Environmental Services Inc.
142 South Van Buren Avenue
Barberton, Ohio 44203

Re: Notice of Violation: OAC 3745-20-02 (A)
OAC 3745-20-03 (A) (1)
OAC 3745-20-03 (A) (3)
OAC 3745-20-04 (A) (1)
OAC 3745-20-04 (B) (1)
OAC 3745-20-04 (B) (4),
Violation involving renovation at 430/440 Market Ave N., Canton OH

Dear Mr. Pohl:

On June 19, 2007, this agency discovered that employees of Cardinal Environmental Services ("Cardinal") were removing asbestos-containing floor tile from a renovation project at 430 and 440 Market Avenue N. in Canton. These employees were pounding the tiles with hammers and breaking up the material in their attempts at removal. A representative from this Agency observed and documented this activity. The Cardinal employees complied with this Agency's instructions to cease operations for the day.

FINDINGS

Finding #1: Cardinal was the operator of an asbestos abatement job at a commercial structure at 430 and 440 Market Avenue, N in Canton. On June 19, 2007 workers from Cardinal were observed actively removing asbestos-containing floor tile.

Finding #2: No party, neither Cardinal nor the building owners, nor the renovation contractor, was able to provide written evidence that a survey was conducted prior to the commencement of operations.

Mr. Daniel Pohl
August 14, 2007
Page 2 of 3

Finding #3: Since there was no notification submitted at all, there was no ten working-day notification.

Finding #4: Cardinal employees were removing floor tile by breaking it up in such a manner as to render it friable.

Finding #5. There was no person on site trained in the provisions of OAC Rule 3745-20-04 with the means of complying with these provisions.

Finding #6 OAC Rule 3745-20-04 (B) (4) requires posting of evidence that the personnel on the job received the required training for asbestos work. This evidence was not posted at the job site.

Violation #1: OAC Rule 3745-20-02 (A). This regulation requires that each owner or operator of any demolition or renovation operation shall have the affected facility or part of the facility where a demolition or renovation operation will occur thoroughly inspected by a certified asbestos hazard evaluation specialist, in accordance with paragraph (C) of rule 3701-34-02 of the Administrative Code prior to the commencement of the demolition or renovation for the presence of asbestos, including category I and category II nonfriable asbestos containing material. **Cardinal failed to conduct, or have conducted, a thorough inspection by a Certified Asbestos Hazard Evaluation Specialist prior to commencing abatement activity at this site.**

Violation #2: OAC Rule 3745-20-03 (A) (1): Each owner or operator to whom this rule applies shall: Provide the director of Ohio EPA with written notice of intention to demolish or renovate. **Cardinal failed to provide this agency with written notice of intention to demolish or renovate.**

Violation #3: OAC Rule 3745-20-03(A)(3): Each owner or operator to whom this rule applies shall: Postmark or deliver the notice to the Ohio EPA field office having jurisdiction in the county where the demolition or renovation is to occur as follows: (a) At least ten working days before the beginning of any demolition operation, asbestos stripping or removal work, or any other activity including salvage activities and preparations that break up, dislodge or similarly disturb asbestos material if the operation is a demolition or renovation operation subject to this rule. **Cardinal failed to provide any notification, which constitutes a violation of this rule.**

Violation #4: OAC Rule 3745-20-04(A)(1). Each owner or operator of a demolition or renovation operation to whom this rule applies shall comply with the following procedures: 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 or preclude access to the materials for subsequent removal. **Cardinal employees were breaking up asbestos-containing floor tile with hammers on June 19, 2007.**

Mr. Daniel Pohl
August 14, 2007
Page 3 of 3

Violation #5: OAC Rule 3745-20-04(B)(1). No regulated asbestos-containing material shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this chapter unless all of the following provisions are met: At least one authorized representative, trained in the provisions of this chapter and the means of complying with them, is present at the location of operations. **Cardinal did not provide a representative trained in the provisions of this chapter on the site on June 19, 2007.**

Violation #6: OAC Rule 3745-20-04(B)(4). Evidence that the required training per OAC Rule 3745-20-05 (B) (2) has been completed shall be posted and made available for inspection by the director or his representative at the demolition or renovation site. **Cardinal did not post evidence that this training had been completed by the employees removing the floor tile on June 19, 2007.**

Requested Actions This agency requests that Cardinal review future projects to ensure that proper inspections and notifications are in place before disturbing any asbestos-containing or assumed asbestos-containing materials. Cardinal is reminded of the provisions for a trained representative on the site and the requirements for posting evidence that the asbestos workers have the proper training. In addition, this agency requests that Cardinal employees always use the proper personal protective equipment to protect themselves as well as the proper barriers to protect other personnel outside of the asbestos work area.

Should Cardinal respond to this letter, any submission of a re-commitment and/or plan of action will 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. This NOV will be reviewed for inclusion in the enforcement action currently being prepared by Ohio EPA for the violations in the NOV dated April 28, 2005.

Sincerely,



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

pc: Addressee via First Class Mail
Lisa Holscher, USEPA Region V
Tom Kalman, Ohio EPA, DAPC, CO
Patty Porter, Ohio EPA, DAPC, CO
Stephen Feldmann, Ohio EPA, DAPC, CO
Joshua S. Koch, ODH Asbestos Program
Flip Properties LLC, 101 Central Plaza S, Suite 1000, Canton, OH 44702
Chuck Westerburg, TCS Industrial Maintenance, PO Box 191, Austinburg, OH 44010
Holly Davis, Pitinni & Koukoutas Inc. , 101 Central Plaza S, Suite 1000, Canton, OH 44702.

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:

DANIEL L. POHL
 CARDINAL ENVIRONMENTAL SERVICES, INC
 142 SOUTH VAN BUREN AVE
 BARBERTON OH 44203

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Marlene Wise Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

Marlene Wise *8-15-07*

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

Tracking Number
(Transfer from service label)

7005 1160 0000 8900 0054

3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

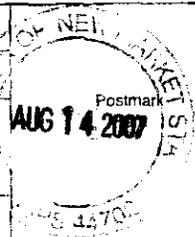
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

7005 1160 0000 8900 0054

OFFICIAL RECEIPT

Postage	\$.41
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.21



Sent To: DANIEL L. POHL
 Street, Apt. No.: CARDINAL ENVIRONMENTAL SERVICES,
 or PO Box No.: 142 SOUTH VAN BUREN AVE
 City, State, ZIP+4: BARBERTON OH 44203

Form 3800, June 2002

See Reverse for Instructions