

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 20, 2007

Mr. Robert Englert
F.L.I.P. Properties LLC
101 Central Plaza, South, Suite 1000
Canton, OH 44702

Re: Notice of Violation: Ohio Administrative Code 3745-20-02 (A)
Ohio Administrative Code 3745-20-03 (A)

Dear Mr. Englert:

This Agency is aware that renovation work was taking place at 430 and 440 Market Avenue North in Canton without the required asbestos inspection and subsequent notification.

Finding: Workers from Cardinal Environmental Services ("Cardinal") were observed actively removing asbestos-containing floor tile on June 19, 2007. No party, neither Cardinal nor F.L.I.P. Properties, the building owners, nor TCS Industrial Maintenance, the renovation contractor, was able to provide written evidence that an inspection in accordance with OAC Rule 3745-20-02 (A) was conducted prior to the commencement of operations.

Violation #1: OAC 3745-20-02 (A). Cardinal's tile removal work without a survey constitutes a violation of this Ohio Administrative Code. This regulation requires a thorough inspection by the owner or operator for asbestos-containing materials prior to the commencement of any demolition or renovation project.

Mr. Robert Englert
F.L.I.P. Properties LLC
August 20, 2007
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Finding: Workers from Cardinal Environmental Services (“Cardinal”) were observed actively removing asbestos-containing floor tile on June 19, 2007. No party, neither Cardinal, nor F.L.I.P. Properties LLC, the building owners, nor TCS Industrial Maintenance, the renovation contractor, was able to provide evidence that a notification was submitted at least ten working days prior to the commencement of the project.

Violation #2: OAC 3745-20-03(A). Cardinal’s tile removal work without a notification constitutes a violation of this Ohio Administrative Code . This regulation requires a notification by the owner or operator for asbestos-containing materials at least ten working days prior to the commencement of any demolition project or renovation project over a certain threshold. The asbestos quantities in this project exceeded that threshold.

Requested Actions: This agency requests that F.L.I.P. Properties LLC review future projects to ensure that proper asbestos inspections and notifications are in place before conducting renovation or demolition activities on any of their properties.

Please note that should F.L.I.P. Properties LLC 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.

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
Joshua S. Koch, ODH Asbestos Program, 246 North High Street, Columbus, OH 43215
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:

ROBERT ENGLERT
 F.L.I.P. PROPERTIES LLC
 101 CENTRAL PLAZA SOUTH STE 1000
 CANTON OH 44702

2. Article Number
 (Transfer from service label)

7005 3110 0000 8719 9315

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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A. Signature Agent Addressee
 X *Tanya Williams*
 B. Received by (Printed Name) Date of Delivery
 Tanya Williams 1/10/07
 D. Is delivery address different from item 1? Yes No
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3. Service Type
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Sent To: ROBERT ENGLERT
 Street, Apt. No., or PO Box No.: F.L.I.P. PROPERTIES LLC 1000
 City, State, ZIP+4: CANTON OH 44702

PS Form 3800, June 2002

See Reverse for Instructions