



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

December 4, 2012

RE: **NOTICE OF VIOLATION**  
DEMOLITION OF A STRUCTURE  
LOCATED AT 1720 STARK  
AVE. SW, CANTON, OH

**CERTIFIED MAIL**

Mr. Tony Sokosd  
CRS General Contracting  
11109 Lincoln, PO Box 9  
Robertsville, Ohio 44670

Dear Mr. Sokosd:

This office was informed by a local contractor that the city authorized demolition of 1720 Stark Avenue SW structure, which occurred between October 27- 28, 2012. From the information obtained from the City of Canton, CRS General Contracting (CRS) was alleged to have been the contractor that conducted the demolition of this dwelling. Ohio EPA should have been sent an emergency demolition notification no later than October 29, 2012 (if that structure met the legal definition of "emergency demolition"). This office has no notification for this action.

Please be advised of 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; or as early as possible before, but not later than, the following working day if the operation is an emergency demolition, or if the operation is an emergency renovation.

The definition of an "emergency demolition" as set forth in OAC 3745-20-10 (B)(14) is "..... any demolition operation conducted under a written order issued by a state or local governmental agency because a facility is structurally unsound and in danger of imminent collapse."

In view of the above facts, the demolition project CRS conducted at 1720 Stark Avenue SW was subject to compliance with the Clean Air Act and regulations promulgated there under, setting forth a National Emission Standard for Asbestos 40 CFR 61.140, *et seq.* (NESHAP Asbestos Standard). These types of operations are also subject to Ohio Administrative Code (OAC) chapter 3745-20, "Ohio Asbestos Emission Control Rule."

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In accordance with the above stated delegation of authority, you are hereby notified that the demolition conducted at 1720 Stark Avenue SW by CRS, 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.

The asbestos standard applies to, among other things, a demolition operation. Pursuant to 40 CFR 61.145 all facilities must be inspected for the presence of asbestos prior to commencement of a renovation. Paragraphs (b), "Notification Requirements," and (c), "Procedures for Asbestos Emission Control" of this section would apply. Paragraph (b), "Notification Requirements," of this section also applies if no friable asbestos materials were found, or if the accumulative or total amount of friable materials in the structure were less than 260 linear feet on pipes and/or less than 160 square feet on any other component. (Similar requirements are also stated in OAC rules 3745-20-02, 3745-20-03 and 3745-20-04, "Ohio Asbestos Emission Control Rules.")

Pursuant to 40 CFR 61.141, an "owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls or supervises the facility being demolished or renovated, or any person who owns, leases, operates, controls or supervises the demolition or renovation operation, or both." Any owner or operator is prohibited under 40 CFR 61.19 from circumvention of a visible emission standard or notification requirements by the piecemeal carrying out of an operation.

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.

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.

- 1) The name, address, phone number and contact person of all contractors involved in the demolition project and an explanation of each company's involvement.
- 2) The name, address, phone number and contact person of all contractors involved in the disposal of both construction demolition and debris (CD&D) waste along with RACM from the site of the demolition project and an explanation of the involvement.
- 3) The location of the site where both construction demolition and debris (CD&D) waste along with RACM from the demolition was disposed including a copy of any manifests or receipts.
- 4) A copy of any asbestos survey report of the building.

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- 5) The actual beginning and end dates of the abatement and demolition project.
- 6) Copy of an asbestos notification form.

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) 963-1223 or Bob Princic at (330) 963-1230.

Sincerely



Christopher Williams, R.S.  
District Representative  
Division of Air Pollution Control

CW:bo

pc: Bruce Weinberg, DAPC, CO  
Bob Princic, DAPC, NEDO  
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Tom Buchan, DAPC, CO  
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