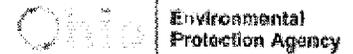


# Air Pollution Control Division



## Canton City Health Department

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

APC Contractual Representative  
Serving All of Stark County

Terri A. Dzienis  
APC Administrator

James M. Adams, RS, MPH  
Health Commissioner

October 3, 2012

### CERTIFIED MAIL

Mr. Steve Biroschak  
Steve Biroschak Demolition  
3815 Kirk Road  
Youngstown, Ohio 44511

**Re: NOTICE OF VIOLATION of Ohio EPA Asbestos Violations  
Demolition without Proper Notification; First Violation  
Various Residences, Alliance, Ohio**

Dear Mr. Biroschak:

The Canton City Health Department, Air Pollution Control Division (APCD) is the contractual representative for Ohio EPA in air quality matters within Stark County. As such, APCD employees have authority to investigate and enforce Ohio EPA air pollution regulations.

During routine surveillance on August 30, 2012, two investigators from this office inspected the following sites:

- Residence, 732 East Oxford Street, Alliance, Ohio 44601 (Site 1); CA1293
- Residence, 424 ½ South Linden Avenue, Alliance, Ohio 44601 (Site 2); CA1277
- Residence, 838 East Summit Street, Alliance, Ohio 4461 (Site 3); CA1288

APCD investigators documented evidence of building demolition at sites 2 and 3. The residence at site 1 was still intact with no demolition actions apparent. Be aware that an asbestos survey and an Ohio EPA notification are required for all demolition projects. An Ohio EPA notification is required for all demolition projects, regardless of asbestos content.

Below is a summary of the findings, violations, and requested actions that need to be addressed as a result of the investigations completed by the Canton City Health Department, Air Pollution Control Division. The photographs taken during the site inspections by the APCD investigators and select regulations referred to in this letter are included as attachments for your review.

### Finding 1:

On or before August 30, 2012, the buildings located at 424 ½ South Linden Street (Site 2) and 838 East Summit Street (Site 3), both in Alliance, Ohio were demolished without proper notification. APCD did receive Ohio EPA notifications from the abatement contractor (HEPA Environmental Services, Inc.) for each site [CA1277 for Site 2 and CA1288 for Site 3]. However, section VIII (scheduled dates of demolition) of the notifications indicated that demolition dates were "to be determined". Therefore, it was the responsibility of Steve Biroschak Demolition to submit to this office, the required Ohio EPA notifications for the demolition of Sites 2 and 3.

**Violation of:**

Since the scheduled demolition dates on the Ohio EPA notification were not provided prior to demolition activities, Steve Biroschak Demolition is in violation of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), 40 Code of Federal Regulations (CFR) Part 61, Subpart M, Section 61.145(b)(1), which states:

*"Each owner or operator of a demolition or renovation activity shall provide the administrator with written notice of the intention to demolish or renovate."*

Due to failure to notify the administrator prior to the start of demolition activities, Steve Biroschak Demolition is also in violation of Ohio Administrative Code (OAC) 3745-20-03(A)(1). This regulation states:

*"Each owner or operator shall provide the director of Ohio EPA with written notice of intention to demolish or renovate."*

Since Steve Biroschak Demolition violated OAC 3745-20-03(A), then Steve Biroschak Demolition is also in violation of Ohio Revised Code (ORC) 3704.05(G), which states:

*"No person shall violate any order, rule, or determination of the director issued, adopted, or made under this chapter."*

**Finding 2:**

On or before August 30, 2012, the buildings located at sites 2 and 3 were demolished without proper notification. According to the Ohio EPA notifications which were received by APCD, the structures in their entirety were to be demolished as regulated asbestos containing material (RACM).

**Violation of:**

The subject buildings at sites 2 and 3, in entirety, were demolished as RACM. An entire building may only be considered as RACM during an emergency demolition per OAC 3745-20-01(14), which states:

*"Emergency demolition" means 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."*

Therefore, since the subject buildings were demolished as RACM, without written order issued by a state or local governmental agency, and were therefore not emergency demolitions, Steve Biroschak Demolition is in violation of 3745-20-04(A)(1), which states:

*"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."*

**Finding 3:**

On August 30, 2012, the residence at site 1 was still standing, with no evidence of demolition present.

**Violation of:**

According to the original notification for site 1 (CA1293), received by APCD on July 16, 2012, the subject building was to be demolished starting August 13, 2012 and ending on August 20, 2012. Since the building was found to be still standing on August 30, 2012, Steve Biroshak Demolition is in violation of 40 CFR, Part 61, Section 61.145 (b)(iv)(A) which states:

*“For asbestos stripping or removal work in a demolition or renovation operation...and for a demolition described in (a)(2) of this section, that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator”*

Since Steve Biroshak Demolition did not notify the administrator prior to the original start date, Steve Biroshak Demolition is also in violation of OAC 3745-20-03(A)(3)(d), which states:

*“For asbestos stripping or removal work in any subject demolition or renovation operation that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the director....”*

**Requested Actions:**

1. This Agency requests an immediate written response via email or regular mail (postmarked or emailed no later than October 10, 2012) from Steve Biroshak Demolition indicating receipt of this letter and providing dates when demolition activities occurred for sites 2 and 3.
2. Postmarked no later than October 17, 2012, please provide Canton City Health Department, Air Pollution Control, with copies of waste manifests generated as part of demolition activities at each sites 2 and 3. If waste manifests are not available, please provide copies of invoices or bill of lading from either the waste transporter or landfill destination.
3. Since Steve Biroshak Demolition has violated 40 CFR, Part 61, Section 61.145 (b)(iv)(A) and OAC 3745-20-03(A)(3)(d), the original Ohio EPA notification (Site 1) submitted and received by APCD on July 16, 2012 is no longer valid. Therefore, a new Ohio EPA notification must be submitted within 10 working days (Monday through Friday) prior to the beginning of the demolition project at Site 1. Any work started or completed without the submittal of a corrected notification will be noted, and may be deemed to be in violation of the asbestos rules and regulations.
4. For any future renovation or demolition projects, Steve Biroshak Demolition shall follow all federal, state, and local asbestos regulations. Failure to do so may result in monetary penalties.

Steve Biroschak Demolition

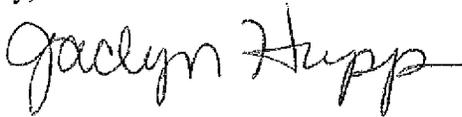
October 3, 2012

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Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date. It should be known, that based upon review of the information requested above, additional violations may be cited. In addition, repeat violations will likely result in penalties.

If you have any questions, please contact me at 330-489-3385 or via email to [jhupp@cantonhealth.org](mailto:jhupp@cantonhealth.org).

Sincerely,



Jaclyn Hupp, AHES  
Air Pollution Control Monitoring and Inspections Technician  
Canton City Health Department

Enclosures: Photographs  
OAC Rule 3745-20-03  
OAC Rule 3745-20-04

cc: Randall M. Flint, Alliance City Health Dept., 537 E. Market St., Alliance, OH 44601  
Tom Buchan, Ohio EPA P.O. Box 1049, Columbus, OH 43216-1049  
Bruce Weinburg, Ohio EPA P.O. Box 1049, Columbus, OH 43216-1049  
Mark Needham, Ohio Dept. of Health, Asbestos Program, 246 North High St, Columbus, OH 43215  
Allan Richards, Ohio Dept. of Health, Asbestos Program, 246 North High St, Columbus, OH 43215  
William MacDowell, USEPA Region 5, 77 W. Jackson Blvd. Chicago, IL 60604  
Asbestos Notifications File  
Correspondence File



Facing west, view of residence at 732 E. Oxford Street (Site 1) still standing on August 30, 2012.



Facing northwest, view of residence at Site 1.



Facing east, view of west side of residence at Site 1.



Facing southeast, view of Site 2 (424 1/2 S. Linden Avenue); note, the former residence has already been demolished.



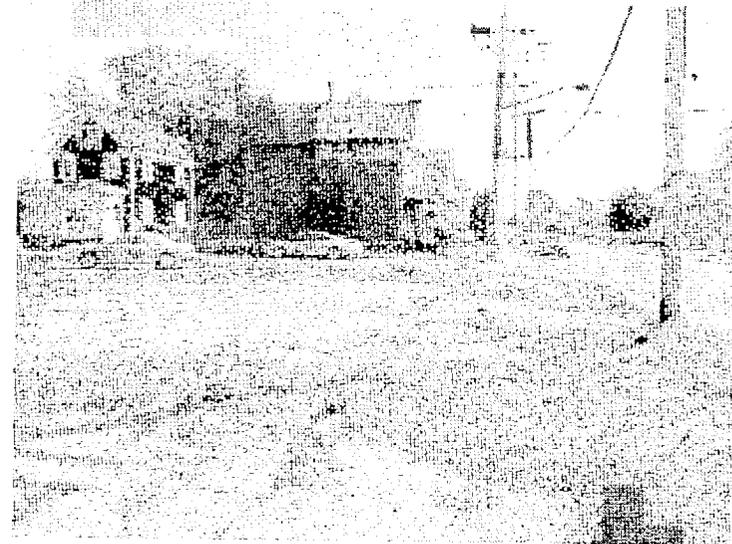
Facing east, view of Site 2.



Facing northwest, view of Site 2.



Facing north, view of Site 3 (838 E. Summit Street); note, the former residence has already been demolished.



Facing east, additional view of Site 3.

**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. Steve Biroschak  
 Steve Biroschak Demolition  
 3815 Kirk Road  
 Youngstown, OH 44511

2. Article Number  
 (Transfer from service label)

7011 1570 0003 0477 5204

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name)  C. Date of Delivery

STEVE BIROSCHAK

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

CORNERBURG AVENUE 44511  
 OCT 6 2012

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

Domestic Return Receipt

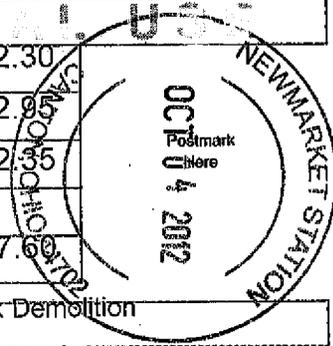
102595-02-M-1540

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7011 1570 0003 0477 5204

Postage	\$ 2.30
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.60



Sent To Steve Biroschak Demolition  
 Street, Apt. No., or PO Box No. 3815 Kirk Road  
 City, State, ZIP+4 Youngstown, OH 44511

PS Form 3800, August 2006

See Reverse for Instructions