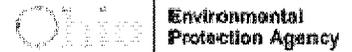


Air Pollution Control Division



Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544
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APC Contractual Representative
Serving All of Stark County

Terri A. Dzienis
APC Administrator

James M. Adams, RS, MPH
Health Commissioner

October 22, 2012

CERTIFIED MAIL

North Ridge Place, Ltd.
1201 S. Main Street
North Canton, Ohio 44720

**Re: NOTICE OF VIOLATION of Ohio EPA Asbestos Violations
Demolition without a thorough asbestos inspection
Former Evergreen Mobile Home Park, 1319 N. Main Street, North Canton, OH 44720**

Dear North Ridge Place, Ltd.:

As you are aware, 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 field surveillance on August 1, 2012, two investigators from this office were on site at the subject property (1319 N. Main Street, North Canton, Ohio) and documented evidence of building demolition. The subject property was void of any structures and fragments of building materials were observed on the ground surfaces.

As you were informed of within an earlier notice of violation letter, dated August 24, 2012, an asbestos survey is required for all demolition projects, per 40 Code of Federal Regulations (CFR) Part 61, Subpart M, Section 61.145(a) and the Ohio Administrative Code (OAC) 3745-20-02(A). During subsequent correspondences with Winkhart, Rambacher & Griffin, Inc., Attorneys at Law, it has been made clear that a thorough investigation of all buildings (including mobile homes) at the site was not completed prior to the demolition of such buildings. The lack of a thorough asbestos inspection (survey) was discussed in a previous response letter dated October 5, 2012.

Below is a summary of the additional findings, violations, and enforcement actions that are being conducted as a result of the investigation completed by the Canton City Health Department, Air Pollution Control Division.

Finding 1:

On or before August 1, 2012, demolition activities had been conducted at the former Evergreen Mobile Home Park located at 1319 N. Main Street, North Canton, Ohio. Based upon correspondences and information provided to APCD, it has been made clear that a thorough investigation of the subject buildings to determine the presence or absence of asbestos-containing materials (asbestos survey), had not been completed prior to demolition. The Phase I Environmental Site Assessment (ESA) conducted does not qualify as an asbestos survey.

Violation of:

Since a thorough asbestos inspection was not completed prior to demolition activities, North Ridge Place Ltd. 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, which states:

“prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos”

Due to failure to thoroughly inspect the subject buildings prior to the start of demolition activities, North Ridge Place, Ltd. is also in violation of Ohio Administrative Code (OAC) 3745-20-02(A). This regulation states:

“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.”

Enforcement Actions:

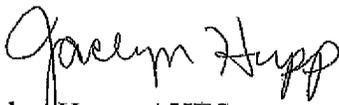
Canton APCD has forwarded the portions of the Phase I Environmental Site Assessment provided to us in a letter dated September 14, 2012, to the Ohio Department of Health for further investigation of the compliance status of the certified asbestos hazard evaluation specialist, due to misleading statements included in the Phase I ESA report. In addition, Canton APCD has sent notice of violations to Property Service Company (site operator). Ultimately the owner and operator of the site are dually responsible for following applicable rules and regulations. Therefore, the owner and operator are also dually accountable for failure to follow the applicable rules and regulations.

Based upon the severity of the above-listed violations, in addition to previous violations noted in a letter dated August 24, 2012, Canton APCD will forward case-related information to Ohio Environmental Protection Agency, Central Office, for further enforcement actions. The Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC), regardless of Canton APCD's recommendations.

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.

If you have any questions, please contact me at 330-489-3385 or via email to jhupp@cantonhealth.org.

Sincerely,



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

cc: 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
William MacDowell, USEPA Region 5, 77 W. Jackson Blvd. Chicago, IL 60604
Asbestos Notifications File
Correspondence File