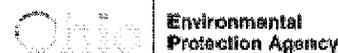


Air Pollution Control Division



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
APCD Administrator

James M. Adams, RS, MPH
Health Commissioner

October 22, 2012

CERTIFIED MAIL

Property Service Company
1324 Raff Road SW
Canton, Ohio 44710

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

Dear Property Service Company:

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. Be aware that an asbestos survey and an Ohio EPA notification are required for all demolition projects, regardless of asbestos content. APCD has been informed that Property Service Company was contracted to perform the demolition work (i.e. the "operator").

Below is a summary of the findings, violations, requested actions that need to be addressed, and enforcement actions being completed as a result of the investigation completed by the Canton City Health Department, Air Pollution Control Division. The photographs taken during the site inspection by the APCD investigators are included as attachments for your review.

Finding 1:

On or before August 1, 2012, the buildings formerly located on the property (1319 N. Main Street, North Canton, Ohio) were demolished without notification.

Violation of:

Since an Ohio EPA notification was not completed prior to demolition activities, Property Service Company 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, Property Service Company 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."

Finding 2:

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.

Violation of:

Since a thorough asbestos inspection was not completed prior to demolition activities, Property Service Company 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, Property Service Company 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."

Since Property Service Company violated OAC 3745-20-03(A)(1) and OAC 3745-20-02(A), then Property Service Company 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."

Requested Actions:

1. This Agency requests an immediate written response via email or regular mail (postmarked or emailed no later than October 29, 2012) from Property Service Company indicating receipt of this letter.

Enforcement Actions:

Please be aware that Canton APCD has already corresponded with the site owner, North Ridge Place Ltd. as part of the investigation being conducted. 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, 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

Enclosures: Photographs

cc: Addressee via First Class Mail
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