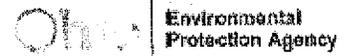


Air Pollution Control Division



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

November 9, 2012

CERTIFIED MAIL

COPY

Mr. Jason Marsden
Greystone Limited Partnership
4150 Belden Village Street NW
Suite 106
Canton, Ohio 44718

**Re: NOTICE OF VIOLATION of Ohio EPA Asbestos Violations
Renovation without an asbestos inspection, First Violation
City Center Building, 121 Cleveland Avenue SW, Canton, Ohio 44702**

Dear Greystone Limited Partnership:

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 October 31, 2012, an investigator from this office was on site at the subject property (121 Cleveland Avenue SW, Canton, Ohio) and documented evidence of building renovation. The investigator observed a roll-off dumpster located along the side (2nd Street) of the subject building that contained building materials, including gypsum board, ceiling panels, and drywall. Heavy dust was observed throughout interior portions of the building, including within areas open to the public. Per the Stark County Auditor, the subject property owner is Greystone Limited Partnership.

During a subsequent conversation with Mr. Jeff Barber, General Manager with Greystone Limited Partnership, it became clear that an asbestos inspection had not been completed prior to the start of renovation activities. A thorough asbestos inspection is required for all renovation 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). Ultimately the owner (Greystone Limited Partnership) and operator (unknown at this time) of the site are dually responsible for following applicable air pollution control rules and regulations. Therefore, the owner and operator are dually accountable for failure to follow the applicable rules and regulations.

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

Finding 1:

On or before October 31, 2012, renovation activities were being conducted without previous completion of an inspection of the building to determine the presence or absence of asbestos-containing materials (asbestos survey).

Violation of:

Since an asbestos survey was not completed prior to renovation activities, Greystone Limited Partnership and the operator are 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 facility prior to the start of renovation activities, Greystone Limited Partnership and the operator are also in violation of Ohio Administrative Code (OAC) 3745-20-02(A) (which is attached for your review). 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 Greystone Limited Partnership and the operator violated OAC 3745-20-02(A), then Greystone Limited Partnership and the operator are 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:

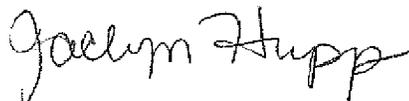
1. This Agency requests an immediate written response via email or regular mail (postmarked or emailed no later than November 15, 2012) from Greystone Limited Partnership indicating receipt of this letter and providing contact names, address, and phone numbers of site operator(s) (i.e. those completing the renovation work).
2. This agency requests that Greystone Limited Partnership contract with an Ohio-Certified Asbestos Hazard Evaluation Specialist to conduct a thorough inspection of any remaining building materials that will be disturbed during the remainder of the renovation project. The inspection and subsequent report shall conform to OAC 3701-34-06. In addition, the inspection shall sample the materials already removed and still located onsite, to confirm or deny the presence of asbestos for proper disposal of the materials. Once completed, a copy of the report shall be submitted to this office for review. A listing of certified inspectors is available on the Ohio Department of Health website at:
➤ http://publicapps.odh.ohio.gov/Envlicense_Reports/External_License_Search.aspx?Program=Asbestos

3. After an asbestos inspection has been completed per action #1 above, Greystone Limited Partnership and/or the inspector shall review OAC Rule 3745-20-02(B)(4) and shall submit an Ohio EPA notification, if required (for renovation projects, based on the amount of asbestos-containing materials present), to this office. A blank notification form is attached for your convenience.
4. In addition, Greystone Limited Partnership and/or the inspector shall review OAC Rule 3701-34-01(C) to determine if this project meets the ODH definition of an asbestos hazard abatement activity and submit a notification to the Ohio Department of Health if required.
5. Greystone Limited Partnership shall follow all federal, state, and local asbestos regulations during any future renovation and/or demolition projects.

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. Ohio EPA will determine later whether to pursue penalties in this case. 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.

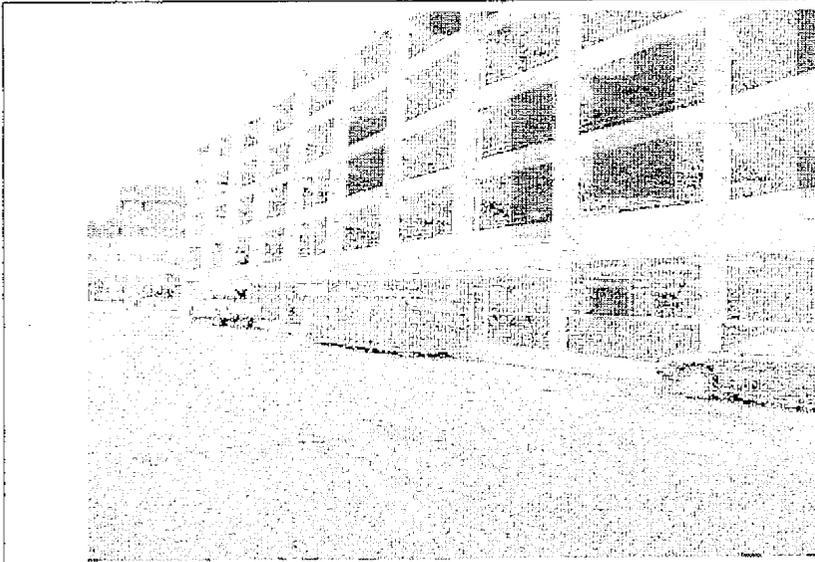
Sincerely,



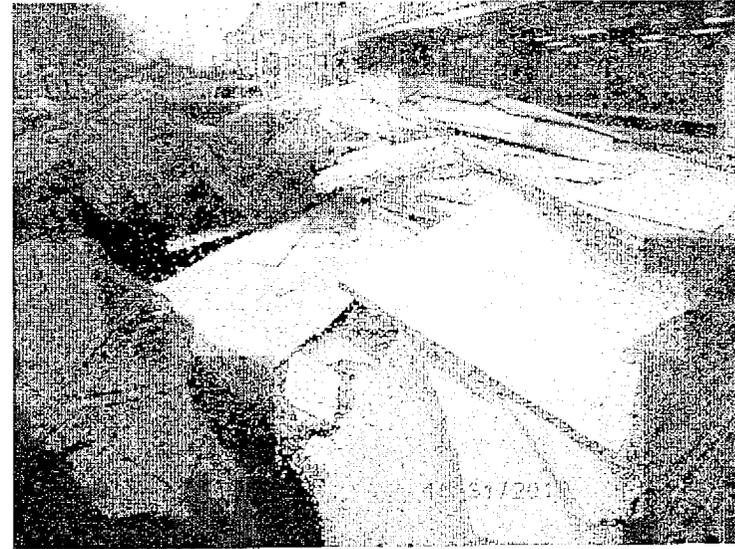
Jaclyn Hupp, AHES
Air Pollution Control Monitoring and Inspections Technician
Canton City Health Department

Enclosures: Photographs
OAC Rule 3745-20-02
Ohio EPA Asbestos Notification Form

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
Brian Dickens, USEPA Region 5, 77 W. Jackson Blvd. Chicago, IL 60604
Asbestos Notifications File
Correspondence File



View of roll-off dumpster, containing various building materials, located along side of subject building.



View of interior of roll-off dumpster; note drywall and ceiling panels.



Interior view of renovation area.



Interior view of renovation area which is open to the public; note heavy dust on ground.

3745-20-02 **Standards for demolition and renovation, facility inspection, and determination of applicability.**

- (A) Notwithstanding any other exclusion of this rule, and to determine which requirements of this rule and of rules 3745-20-03 and 3745-20-04 of the Administrative Code apply, 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.

Note: Inspections pursuant to paragraph (A) of this rule are subject to the Ohio department of health regulations under paragraph (C) of rule 3701-34-02 of the Administrative Code which states in part that no person shall identify, detect, or assess asbestos containing materials, [or] determine appropriate response actions unless he or she is certified as an asbestos hazard evaluation specialist by the director of the Ohio department of health in accordance with Chapter 3710. of the Revised Code.

- (B) The requirements of rules 3745-20-03, 3745-20-04, and 3745-20-05 of the Administrative Code apply to each owner or operator of a demolition or renovation operation as follows:

- (1) If the combined amount of regulated asbestos-containing material is at least two hundred sixty linear feet on pipes or at least one hundred sixty square feet on other facility components, or at least thirty-five cubic feet off facility components where the length or area could not be measured previously in a facility being demolished, all the requirements of rules 3745-20-03, 3745-20-04, and 3745-20-05 of the Administrative Code apply, except as provided in paragraph (B)(3) of this rule.
- (2) If the combined amount of regulated asbestos-containing material is less than two hundred sixty linear feet on pipes and less than one hundred sixty square feet on other facility components, and less than thirty-five cubic feet off facility components where the length or area could not be measured previously or if there is no asbestos-containing material in a facility being demolished, only the notification requirements of paragraphs (A)(1), (A)(2), (A)(3)(a), and (A)(3)(d)(i) to (A)(3)(d)(iii), and (A)(4)(a) to (A)(4)(h), (A)(4)(m) and (A)(4)(n), and (D)(1) to (D)(3), and (E) of rule 3745-20-03 of the Administrative Code apply.
- (3) If the operation is an emergency demolition, the requirements of paragraphs (A)(1), (A)(2), (A)(3)(c), (A)(4) {except (A)(4)(i)}, (B), and (C) of rule 3745-

20-03, and paragraphs (A)(4) to (A)(7), (B) and (D) of rule 3745-20-04, and rule 3745-20-05 of the Administrative Code apply.

- (4) In a facility being renovated, including any individual nonscheduled renovation operation, all the requirements of rules 3745-20-03, 3745-20-04 and 3745-20-05 of the Administrative Code apply if the combined amount of regulated asbestos-containing material to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is at least two hundred sixty linear feet on pipes or at least one hundred sixty square feet on other facility components, or at least thirty-five cubic feet off facility components where the length or area could not be measured previously.
- (a) Paragraph (B)(4) of this rule applies to planned renovation operations involving a series of individual nonscheduled operations, that individually are exempt from this chapter, if the combined amount of regulated asbestos-containing material to be removed or striped during a calendar year, January first through December thirty-first, exceeds two hundred sixty linear feet on pipes or at least one hundred sixty square feet on other facility components or thirty-five cubic feet off facility components.
- (b) Paragraph (B)(4) of this rule applies to emergency renovation operations if the combined amount of regulated asbestos-containing material to be removed or stripped as a result of the sudden, unexpected event that necessitated the renovation exceeds two hundred sixty linear feet on pipes or at least one hundred sixty square feet on facility components or thirty-five cubic feet off facility components.

R.C. 119.032 review dates: 11/30/2011 and 11/30/2016

CERTIFIED ELECTRONICALLY
Certification

11/30/2011
Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E)
Prior Effective Dates: 11/4/02, 2/2/07

**INSTRUCTIONS FOR
NOTIFICATION OF ASBESTOS DEMOLITION AND RENOVATION
OHIO ENVIRONMENTAL PROTECTION AGENCY**

Regulatory Requirements:

The Ohio Environmental Protection Agency adopted Chapter 3745-20 of the Ohio Administrative Code (OAC) "Asbestos Emission Control from Renovation Demolition and Waste Disposal Operation" May 29, 1990. Chapter 3745-20 implements the National Emission Standard for Hazardous Air Pollutants (NESHAP) Standard for Asbestos. On November 20, 1990 U.S. EPA revised the asbestos NESHAP. Proper completion and submittal of the Ohio EPA form for notification, meets or exceeds all requirements for notification under the NESHAP and the Ohio Administrative Code. Notification requirements are found in OAC 3745-20-03 and in 40 CFR Section 61.145(b).

Who Must Notify:

Every demolition of a facility requires notification regardless of whether asbestos is involved. Renovation of a facility must be submitted when the amount of regulated asbestos-containing material (RACM) stripped, removed, dislodged, cut, drilled, or similarly disturbed exceeds 260 linear feet on pipes or 160 square feet on other facility components or 35 cubic feet off facility components.

When Must Notification Be Provided:

Notice must be postmarked, delivered or received by the Ohio EPA district office or local air agency with jurisdiction in the county where the operations will occur. A list of the counties and a map is available for reference. All notifications must be submitted at least 10 working days (Monday-Friday excluding weekends) before operations begin. Phone notification is not acceptable for original notification. Notification must be updated when substantive information changes or the amount of asbestos changes by more than 20%. Updated notification may be provided by phone or fax followed in writing before the operations continue. An emergency demolition or emergency renovation notice must be submitted as early as possible before but not later than the following working day, and must include the information required under notice sections XIV and XV.

What Information Must Be Supplied:

Complete all parts of the form except XIV and XV unless the notice is for emergency demolitions or renovations. Demolition

which involves less than 260 linear feet or 160 square feet do not need to complete items XI, XII, and XIII. Before submitting any notice the facility must be thoroughly inspected for asbestos including Category I (nonfriable packing gaskets, floor tile, asphalt roofing) and Category II (all other nonfriable ACM). OAC 3701-34-02(C) prohibits any person not certified as an asbestos hazard evaluation specialist in Ohio from inspecting and identifying asbestos for the purpose of determining the need for an asbestos hazard abatement activity.

Operator Project # -- this is an optional space provided for the person submitting the notice to indicate a project number.

- I. Identify if the notice is an original, revised, or canceled.
- II. A complete facility description must be provided including the specific portion of the facility affected by the operations. Building size must be estimated in square feet, number of floors, and age in years. Also include the present and prior use (i.e., industrial, commercial, institutional, etc.)
- III. Identify the type of operation being notified. If uncertain consult 40 CFR 61.141 and 61.145(a) or OAC 3745-20-01 and 3745-20-02.
- IV. Declare whether or not asbestos is present in any quantity.
- V. All spaces must be completed identifying the Owner, Removal Contractor and other responsible operator (if applicable) such as a demolition contractor or general contractor.
- VI. Include the procedure used to detect and analyze asbestos. All operations should have the records of the inspection and analyses on-site during active operations for inspection. Such records would include a list of materials assessed, locations sampled and the sample results.
- VII. Quantify asbestos in the three columns (RACM, Nonfriable Asbestos Material to be Removed, Nonfriable Asbestos Material NOT to be Removed).

- VIII. The starting and ending date for demolition or renovation must be noted even when asbestos is not being removed.
- IX. Include the scheduled dates for asbestos removal and specify the hours of operation and check off the days of the week operations will be active.
- X. Describe the demolition or renovation which will occur and the methods or operations that will be employed.
- XII. Indicate the names and addresses and phone numbers of any waste transporters. You must also complete a Waste Shipment Record prior to consigning any asbestos waste materials.
- XIII. Identify the waste disposal site and its actual location (may be different from mailing address).
- XIV. This space is only for emergency demolitions that meet the definitions and requirements of the regulation. In addition to completing the notification form, four additional items must be completed or attached to the notice. If a facility is not in imminent danger of collapse, it is not an emergency demolition even though it may be ordered due to hazardous conditions.
- XV. Emergency Renovations must meet criteria described at 40 CFR 61.141 and OAC 3745-20-01. Include an attachment with the three items listed on the notice form.
- XVI. Describe the procedures to be followed in the event unexpected asbestos is found or nonfriable asbestos becomes RACM. This will prevent delays or complete re-notification. In the event asbestos quantities change by 20% or more, you must update the notice.
- XVII. After November 20, 1991 you must certify a NESHAP trained person will be available during normal business hours at the demolition or renovation site. Signature must be by an authorized officer of the owner or operator.

**OHIO ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF DEMOLITION AND RENOVATION**

Operator Project #	Postmark	Date Received	Notification #				
I. Type of Notification (check one): <input type="checkbox"/> Original <input type="checkbox"/> Revised <input type="checkbox"/> Canceled							
II. Facility Description (include building name, number, and floor or room number)							
Building Name: _____							
Address: _____							
City: _____ State: OHIO Zip Code: _____ County: _____							
Site Location (specific): _____							
Building Size (square feet): _____ # of Floors: _____ Age in Years: _____							
Present Use: _____ Prior Use: _____							
III. Type of Operation (check one): <input type="checkbox"/> Demo <input type="checkbox"/> Ordered Demo <input type="checkbox"/> Renovation <input type="checkbox"/> Emergency Renovation <input type="checkbox"/> Fire Training							
IV. Is Asbestos Present? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No							
V. Facility Information							
Owner Name: _____							
Address: _____							
City: _____ State: _____ Zip Code: _____							
Contact: _____ Telephone: () Fax: ()							
Asbestos Removal Contractor Name: _____ License # _____							
Address: _____							
City: _____ State: _____ Zip Code: _____							
Contact: _____ Telephone: () Fax: ()							
Other Operator/Contractor (demolition/general): _____ License # _____							
Address: _____							
City: _____ State: _____ Zip Code: _____							
Contact: _____ Telephone: () Fax: ()							
VI. Procedure, including analytical methods, employed to detect the presence of and to estimate the quantity of RACM and Category I and Category II nonfriable ACM:							
Ohio Asbestos Hazard Evaluation Specialist: _____							
Name			Certification #				
VII. Approximate Amount of Asbestos Materials:							
	RACM to be Removed	Nonfriable Asbestos Material to be Removed		Nonfriable Asbestos Material NOT to be Removed			
		Category I	Category II	Category I	Category II		
Pipes (linear feet)							
Surface Area (square feet)							
Facility Components (cubic feet)							
VIII. Scheduled Dates Demolition or Renovation: Start: _____ Complete: _____							
IX. Dates for Asbestos Removal (MM/DD/YY) Start: _____ Complete: _____							
Days of the Week:	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Hours of Operation:							
Complete all unshaded spaces, except demolitions which involve less than 260 linear feet, 160 square feet, or 35 cubic feet of RACM, need not complete spaces XI, XII, XIII, XIV, and XV. Notifications for Emergency Demolition or Emergency Renovation must supply attachments.							

OHIO ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF DEMOLITION AND RENOVATION

Page 2 of 2

X. Description of planned Demolition or Renovation work to be performed and method(s) to be employed, including demolition or renovation techniques to be used and description of affected facility components:

XI. Description of work practices and engineering controls to be used to comply with the requirements, including asbestos removal and waste handling emission control procedures:

XII. Waste Transporter #1

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Contact: _____ Telephone: () _____ Fax: () _____

Waste Transporter #2

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Contact: _____ Telephone: () _____ Fax: () _____

XIII. Waste Disposal

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Contact: _____ Telephone: () _____ Fax: () _____

XIV. Emergency Demolition (complete Item XIV and all other sections, only if this project is an Emergency Demo.)

1. Attach a copy of the Order to this notice.
2. Name of Authority Issuing Order: _____ Title: _____
3. Authority of Order (Citation of Code): _____
4. Date of Order (MM/DD/YY): _____ Date Ordered to Begin: _____

XV. Emergency Renovation (Attach separate sheet with the following information if project is Emergency Reno.)

1. Date and Hour of the Emergency
2. Description of the Sudden, Unexpected Event
3. Explanation of how the event caused unsafe conditions or equipment damage or an unreasonable financial burden.

XVI. Description of procedures to be followed in the event that unexpected RACM is found or nonfriable ACM becomes crumbled, pulverized or reduced to powder.

XVII. I certify that an individual trained in the provisions of NESHAPS (40 CFR PART 61, SUBPART M) will be on-site during the Demolition or Renovation and evidence that the required training has been accomplished by this person will be available during normal business hours.

Signature of Owner/Operator Date Type or Print Name and Title

XVIII. I acknowledge the existence of laws prohibiting the submission of false or misleading statements and I certify that facts contained in this notification are true, accurate, and complete.

Signature of Owner/Operator Date Type or Print Name and Title

Original Notification must be mailed or hand delivered at least ten working days (Monday-Friday excluding weekends) before demolition or renovation begins, except emergency demolitions and emergency renovations (see regulation) which must be submitted as soon as possible before operations begin, but no later than the following work day. (Form Revised 10/3/12)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><input checked="" type="checkbox"/> <i>Jason Willey</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Mr. Jason Marsden Greystone Limited Partnership 4150 Belden Village Street NW, Suite 106 Canton, OH 44718</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>7010 1060 0002 2980 7195</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 0.45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.75

Postmark Here

Sent To: Mr. Jason Marsden

Street, Apt. No.; or PO Box No.: 4150 Belden Village St NW, #106

City, State, ZIP+4: Canton, OH 44718

PS Form 3800, August 2006 See Reverse for Instructions

7010 1060 0002 2980 7195