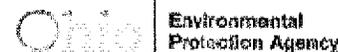


# Air Pollution Control Division



## 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 25, 2012

### CERTIFIED MAIL

Mr. Russell Stewart  
Chemstruction  
11746 Kile Road  
Chardon, Ohio 44024

Stark Ceramics Inc.  
c/o Ms. Lorraine Stewart Lockhart  
630 Deerfield Drive N  
Canton, Ohio 44720

**Re: NOTICE OF VIOLATION of Ohio EPA Asbestos Violations  
Improper Demolition Activities relating to Asbestos Containing Material  
Stark Ceramics, 600 West Church Street, East Canton, Ohio 44730**

Dear Mr. Stewart and Ms. Lockhart:

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.

In order to investigate a complaint received, an investigator from this office was on site at the subject property (600 West Church Street, East Canton, Ohio) on October 15, 2012 and documented evidence of building demolition. This was not the first time Canton APCD had visited the site in order to investigate improper handling of asbestos containing materials. Two investigators visited the site on July 13, 2012 in response to a complaint regarding improper care of asbestos-containing corrugated cement panels (commonly known as transite) during removal. While onsite on this date, investigators observed primarily large pieces of broken transite on the ground near the northern side and northeast corner of building 14. At this time, Chemstruction was advised that the transite pieces needed to be cleaned up and taken to an asbestos-accepting landfill. Chemstruction indicated that work was halted and personnel were kept out of this area; roll-off boxes were to arrive the following week to collect the transite for disposal.

On October 15, 2012, an investigator observed Chemstruction during active demolition activities. Buildings 14, 15, 16, 17, and 18 were partially demolished. Two investigators returned to the site on October 17, 2012 to complete a more thorough investigation of the demolition activities and debris pile. Broken pieces of transite were observed on the ground and within the debris pile. Canton APCD had received an Ohio EPA notification for portions of the subject property in December 2011; however, the notification received did not indicate demolition was to occur and also does not cover the buildings which have since been demolished. In addition, after subsequent correspondences with Chemstruction (operator), Ms. Lorraine Stewart Lockhart (owner representative of Stark Ceramics), and Pioneer Environmental Systems, Inc. (Pioneer), which performed asbestos abatement for portions of the facility, it has been discovered that not all of the known regulated asbestos containing material (RACM) within buildings 14 was removed prior to demolition. Furthermore, proper care was not followed during removal of transite and subsequent demolition activities, which has rendered the entire debris pile as asbestos contaminated waste material.

Below is a summary of the findings, violations, and requested actions that need to be addressed as a result of the investigations conducted by the Canton City Health Department, Air Pollution Control Division. The photographs taken during the site inspection by the APCD investigators and select regulations referred to in this letter are included as attachments for your review. In addition, a figure (Stark Ceramics Building Map) depicting the building numbers referred to in this investigation, is included for your review.

**Finding 1:**

On or before October 15, 2012, several of the buildings formerly located on the property were demolished without proper notification.

**Violation of:**

Since an Ohio EPA notification was not completed prior to demolition activities, Chemstruction and Ms. Lorraine Stewart Lockhart 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(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, Chemstruction and Ms. Lorraine Stewart Lockhart are 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 October 15, 2012, building 14 was partially demolished without the removal of known RACM and other buildings (15, 16, 17, and 18) were demolished without using proper work practices to minimize asbestos and dust emissions. On October 17, 2012, investigators observed small pieces of transite on the ground and throughout the debris pile along with building remnants from buildings 14, 15, 16, 17, and 18. There was evidence that some of the transite pieces on the ground, as well as portions of the debris pile, had been run over by heavy equipment.

**Violation of:**

Since Chemstruction and Ms. Lorraine Stewart Lockhart began demolition activities at building 14 without prior removal of known RACM, which was identified in an asbestos material survey completed by Pioneer Environmental Systems, Inc. for Chemstruction in October 2011, Chemstruction is in violation of CFR Part 61, Subpart M, Section 61.145(c), *procedures for asbestos emission control*, and OAC 3745-20-04(A)(1) which states:

*"Each owner or operator of a demolition operation to whom this rule applies shall remove all regulated asbestos-containing material from a facility being demolished before any activity begins that would break up, dislodge, or similarly disturb the materials or preclude access to the materials for subsequent removal."*

Since Chemstruction and Ms. Lorraine Stewart Lockhart did not remove all RACM prior to demolition, utilized improper work practices, including improper removal of transite, and failed to adequately wet materials during demolition activities, noted by a lack of water supply systems observed by investigators on both October 15 and 17, 2012, Chemstruction and Ms. Lorraine Stewart Lockhart are also in violation of OAC 3745-20-04(A)(6), which states:

*“For all regulated asbestos-containing material including material that has been removed or stripped, (a) adequately wet the material and ensure that the materials remain adequately wet until collected and contained....(b) carefully lower the materials to the ground or floor not dropping, throwing, sliding, or otherwise damaging or disturbing the material....”*

**Finding 3:**

On or before October 15, 2012, asbestos-containing transite panels, which were formerly located on the roof and walls of several buildings, were improperly removed during demolition activities and subsequently broken into small pieces. Thus, these activities rendered the typical category II non-friable asbestos containing material (ACM) to now be considered friable and therefore regulated asbestos containing material (RACM).

**Violation of:**

Since Chemstruction performed demolition work without proper asbestos training and licenses; Chemstruction violated 40 CFR Part 61, Subpart M, Section 61.145(c)(8), which requires an authorized and trained representative to be present onsite during the handling of RACM, and OAC 3745-20-04(B)(1), which states:

*“(B) No regulated asbestos-containing material shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this chapter unless all the following provisions are met..(1) At least one authorized representative, trained in the provisions of this chapter and means of complying with them, is present at the location of operations.”*

Since Chemstruction and Ms. Lorraine Stewart Lockhart violated multiple rules and regulations within OAC 3745-20, then Chemstruction and Ms. Lorraine Stewart Lockhart 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.”*

**Discussion:**

Small pieces of transite still remain onsite and were observed throughout the debris pile and building remnants from buildings 14, 15, 16, 17, and 18. Since the transite pieces are now comingled in with other construction and demolition waste, the entire demolition pile, estimated to be greater than 50,000 square feet, is considered asbestos contaminated waste material. Canton APCD contacted Chemstruction and Ms. Lorraine Lockhart on October 19, 2012 to inform each that the debris pile is now considered asbestos contaminated waste material (ACWM) and specific rules and regulations apply pertaining to the treatment and disposal of such waste. Both parties were advised to stop work in the debris pile area until appropriate action plan could be generated. In addition, both parties were informed that no porous materials would be salvageable and that if any non-porous materials, such as steel and metal, were to be salvaged, a decontamination plan would need to be completed and

submitted to Canton APCD for approval. The decontamination plan would need to take into account the fact that rinsewater would need to be collected and disposed of accordingly as asbestos containing waste. During the inspection completed on October 15, 2012, the investigator observed two roll-off dumpsters containing broken pieces of transite, as well as other construction debris. The roll-off containers were not properly lined, appeared to be in poor condition with holes in the bottom and sides, and were not labeled to inform others they contained asbestos fibers. Canton APCD informed Chemstruction of these deficiencies on October 17, 2012. Investigators returned to the site on October 22, 2012 and met with Chemstruction to discuss activities. Chemstruction was working in the vicinity of building 20, which was not within the identified asbestos contaminated waste material debris pile. The formerly observed roll-off dumpsters containing broken transite pieces were not observed. According to Mr. Russell Stewart, President of Chemstruction, Pioneer Environmental Systems Inc. visited the site on Saturday October 20, 2012 to inspect the facility in order to discuss with Chemstruction and develop a cleanup plan. However, according to Mr. Bob Slanina, Secretary/Treasurer of Pioneer Environmental Systems, Inc. (Pioneer) on October 24, 2012, Pioneer had not been paid (\$43,000) for an earlier abatement job completed in building 11, 17, and the burnt office building, so they will not complete further work at this site. Therefore, it appears that there is no clear plan as to how the owner and operator will address the situation at hand.

**Requested Actions:**

1. This Agency requests an immediate written response via email or regular mail (postmarked or emailed no later than November 1, 2012) from Chemstruction and Mr. Lorraine Lockhart indicating receipt of this letter.
2. Postmarked no later than November 1, 2012, please provide Canton City Health Department, Air Pollution Control, with a complete OEPA asbestos notification form indicating specific buildings and demolition start dates; please note that an incomplete form will not be accepted. Additional details relating to asbestos regulations and instructions on completing the notification form can be found on the following page of Ohio EPA's website: <http://epa.ohio.gov/dapc/atu/asbestos/asbestos.aspx>.
3. Postmarked no later than November 15, 2012, please provide Canton City Health Department, Air Pollution Control, with written documentation to indicate that a certified person/company has been contacted and that a compliance plan is in the process of being developed.
4. Postmarked no later than November 30, 2012, please provide Canton City Health Department, Air Pollution Control, with a copy of the written compliance plan which details specific work activities and individuals/entities involved in cleanup activities. The compliance plan shall include at least the following:
  - the corrective actions taken thus far to minimize asbestos emissions, and the dates completed (examples include security to restrict access, demarcation of the area, keeping materials wet, etc.);
  - the plan of action, and timeframe for future compliance (for example: specific disposal activities, work practices, how to keep materials wet, loading and transport of ACWM, transport companies, licensed/certified individual/entities to perform work, decontamination plan for recycling/salvaging of non-porous materials, waste disposal facility, air sampling during removal activities, how to meet the requirements of applicable rules/regulations, specifically 40 CFR Part 61, Subpart M, Section 61.150 and OAC 3745-20-05, etc.).

**Additional Information:**

Please be aware that APCD's investigation is continuing and further violations may be cited as a result of that investigation. You will receive a separate letter from APCD at that time. 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.

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  
Stark Ceramics Building Map  
OAC Rule 3745-20-03  
OAC Rule 3745-20-04  
OAC Rule 3745-20-05

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  
Judge Frank G. Forchione, via email  
Asbestos Notifications File  
Correspondence File

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- 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:

Stark Ceramics Inc.  
c/o Ms. Lorraine Stewart Lockhart  
630 Deerfield Drive #SW  
North Canton, OH 44720

2. Article Number (Transfer from service label) 7011 1570 0003 0477 5297

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
*Lorraine Lockhart*

B. Received by (Printed Name) LORRAINE LOCKHART Date of Delivery 10-26-12

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

*"SW"*

*\* left in mailbox*

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

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

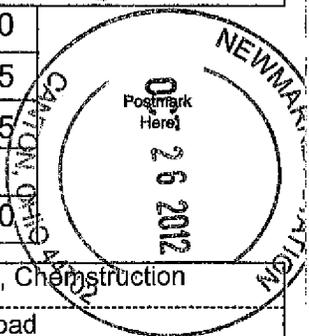
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Sent To Mr. Russell Stewart, Construction  
 Street, Apt. No., or PO Box No. 11746 Kile Road  
 City, State, ZIP+4 Chardon, OH 44024

PS Form 3800, August 2006 See Reverse for Instructions

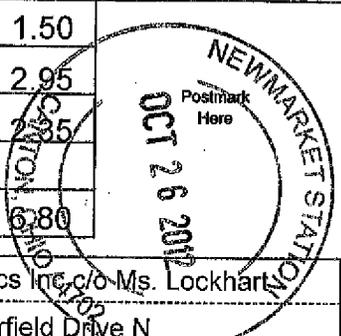
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Sent To Stark Ceramics Inc c/o Ms. Lockhart  
 Street, Apt. No., or PO Box No. 630 Deerfield Drive N  
 City, State, ZIP+4 North Canton, OH 44720

PS Form 3800, August 2006 See Reverse for Instructions