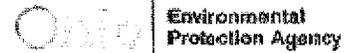


Air Pollution Control Division



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

COPY

November 6, 2012

CERTIFIED MAIL

Berlin Mineral Co, LLC
PO Box 295
Berlin, OH 44610

**Re: NOTICE OF VIOLATION of Ohio EPA Asbestos Violations
Demolition without a thorough asbestos inspection;
Property located along Sam Krabill Ave SE, East Canton, OH 44730 (Parcel # 3703706)**

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 subsequent correspondences with Thomas H. Hisrich, Attorneys and Counselor at Law, in response to an earlier notice of violation letter sent to you on October 5, 2012, 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. Although, it was indicated that the mobile homes had already been previously demolished at an earlier date, OAC 3745-20-01(B)(13) defines demolition as *means of wrecking, or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility*. Therefore, the intentional burning of the barn and two mobile homes, is considered a demolition activity.

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 5:

On or before May 24, 2012, demolition activities had been conducted at the Berlin Mineral Company property (Parcel # 3703706) located along Sam Krabill Avenue SE, East 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 (intentional burning).

Violation of:

Since a thorough asbestos inspection was not completed prior to demolition activities, Berlin Mineral Co, LLC 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, Berlin Mineral Co, LLC 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:

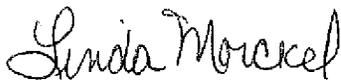
Canton APCD has sent notice of violations to Diversified Services Ltd. (site operator). Ultimately the owner and operator of the site are dually responsible for following applicable air pollution control rules and regulations. Therefore, the owner and operator are also dually accountable for failure to follow the applicable rules and regulations.

Based upon the severity of the above-listed violations, in addition to previous violations noted in the NOV letter dated October 5, 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.

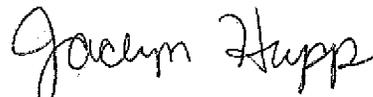
This letter or information pursuant to this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the ORC. Ohio EPA will determine later whether to pursue such penalties in this case.

If you have any questions, please contact us at 330-489-3385 or via email per the addresses below.

Sincerely,



Linda Morckel
Open Burning Inspector
APC Monitoring and Inspections Technician
lmorckel@cantonhealth.org



Jaclyn Hupp, AHES
Asbestos Inspector
APC Monitoring and Inspections Technician
jhupp@cantonhealth.org

cc: Bruce Weinburg, Ohio EPA P.O. Box 1049, Columbus, OH 43216-1049
Brian Dickens, U.S. EPA Region 5, 77 W Jackson Blvd, Chicago, IL 60604
Asbestos Notifications File
Complaints File #7698, Open Burning, Osnaburg Township
Correspondence File

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 checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>JEFF TROVER</u></p> <p>C. Date of Delivery <u>11/7/12</u></p>
<p>1. Article Addressed to:</p> <p>Berlin Mineral Co., LLC PO Box 295 Berlin, OH 44610</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 <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <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>7011 1570 0003 0477 5303</p>	

PS Form 3811, February 2004

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

Sent To: Berlin Mineral Co., LLC
Street, Apt. No., or PO Box No.: PO Box 295
City, State, ZIP+4: Berlin, OH 44610

NOV 06 2012
NEW MARKET STATION

PS Form 3800, August 2006 See Reverse for Instructions

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