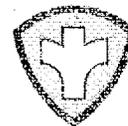


AIR POLLUTION CONTROL DIVISION

OHIO EPA AGENCY 15 • APC CONTRACTUAL REPRESENTATIVE SERVING ALL OF STARK COUNTY



Public Health
Prevent. Promote. Protect.

TERRI A. DZIENIS
APCD ADMINISTRATOR

JAMES M. ADAMS, RS, MPH
HEALTH COMMISSIONER

CANTON CITY HEALTH DEPARTMENT

420 MARKET AVENUE NORTH
CANTON, OHIO 44702-1544
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CERTIFIED MAIL

February 22, 2013

R L Deville Enterprises Ltd.
Deville Developments
Mr. Jack Schwab
3951 Convenience Circle NW
Suite 301
Canton, Ohio 44718

COPY

**Re: NOTICE OF VIOLATION of Ohio EPA Asbestos Violations
RESOLUTION OF VIOLATION of Ohio EPA Asbestos Violations
Renovation without a proper asbestos inspection, First Violation
Commercial Building, 4603 Everhard Road NW, Canton, Ohio 44718**

Dear R L Deville Enterprises Ltd. and Deville Developments (owner/operators):

During routine surveillance on January 24, 2013, Canton APCD observed evidence of an apparent active renovation project at the commercial building located at 4603 Everhard Road NW, Canton, Ohio (subject building). A 20-yard roll-off dumpster containing removed building materials was observed along the south side of the building. Building materials observed within the dumpster included metal framing, apparent wall board, fibrous insulation, and duct insulation. Per the Stark County Auditor, the subject building is owned by R L Deville Enterprises Ltd. During subsequent correspondences, it has become clear that Deville Developments is directing the renovation project.

During an earlier request for information letter sent to you on January 28, 2013, Canton APCD requested additional information in order to determine the compliance status of the renovation project at the subject building. Mr. Robert Brown, Director of Operations with Deville Developments responded with details of the renovation project in an email dated February 4, 2013. In addition, other project details were discussed during a telephone call on February 12, 2013 with Mr. Jack Schwab with Deville Developments.

Since an asbestos inspection was not completed prior to the start of the renovation project, Deville Developments contracted Cottrill Wrecking Co. to perform an asbestos inspection, as requested (item # 3) by Canton APCD in the earlier information letter. The asbestos survey results indicate that building materials disturbed and/or removed were found to be non-detect for asbestos. Therefore, since no regulated asbestos containing materials were identified, an Ohio EPA notification is not required for this renovation project.

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.

Finding 1:

On or before January 24, 2013, renovation activities were being conducted without previous completion of a thorough 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, R L Deville Enterprises Ltd. and Deville Developments (owner/operators) 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, R L Deville Enterprises Ltd. and Deville Developments (owner/operators) 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 R L Deville Enterprises Ltd. and Deville Developments (owner/operators) violated OAC 3745-20-02(A), then they 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 and Resolution of Violation:

Your submission of an asbestos inspection report for the removed building materials (completed by Cottrill Wrecking Co., dated February 7, 2013), satisfies Canton APCD's requested action(s). The violations noted above are now considered resolved.

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). Although the above-listed violations are resolved, this does preclude the Ohio EPA from seeking civil penalties pursuant to ORC section 3704.06. The decision about whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the company's future compliance with applicable Ohio EPA requirements. The following requested actions shall be completed to ensure future compliance:

1. R L Deville Enterprises Ltd. and Deville Developments (owner/operators) shall follow all federal, state, and local asbestos regulations during any future renovation and/or demolition projects.

Since this is a first time violation, civil penalties will not be pursued at this time. However, please note that as requested above (#1), R L Deville Enterprises Ltd. and Deville Developments (owner/operators) shall follow all federal, state and local asbestos regulations during any future renovation and/or demolition projects and repeat violations conducted will likely result in penalties.

If you have any questions, or want to know the requirements for future projects, please contact me at 330-489-3385 or via email to jhupp@cantonhealth.org.

Sincerely,


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