CITY OF TOLEDO

DEPARTMENT OF PUBLIC UTILITIES

August 12, 2010

CERTIFIED MAIL

Toledo Public Schools
Attn: Ken Swartz
4020 E. Manhattan Blvd
Toledo, Ohio 43608

RE: Notice of Violation

Dear Mr. Swartz:

Enclosed is a Notice of Violation for non-compliance with the Toledo Municipal Code (TMC) Chapter 1787 and the Ohio Administrative Code (OAC) Chapter 3745 regarding Asbestos/ Demolition Standards at the school located at 3131 Cambridge St in Toledo, OH (Old West End Academy).

Please review this document carefully, as some action is required on your part. Please contact me at 419-936-3767 if you have any questions.

Sincerely,

Lynn M. Pedro
Senior Environmental Specialist
Asbestos Coordinator

LMP/lmp

cc: Tom Buchan, Ohio Environmental Protection Agency
Tom Kalman, Ohio Environmental Protection Agency
Shamus Estep, Ohio Department of Health
Timothy D. Murphy, Commissioner, Toledo Environmental Services
Karen P. Granata, Chief, Air Resources

Timothy D. Murphy, Commissioner
DIVISION OF ENVIRONMENTAL SERVICES
Quilter Environmental Center
348 South Erie Street, Toledo, Ohio 43604-8633 USA
Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: tim.murphy@toledo.oh.gov

Notice of Violation

August 12, 2010

The City of Toledo, Division of Environmental Services hereby serves notice that:

Toledo Public Schools
4020 E. Manhattan Blvd
Toledo, Ohio 43608

Has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

Date of violation:	**Description of violation:**
August 2, 2010	City of Toledo, Environmental Services was notified by TTL that an Asbestos Containing Roof was being removed in such a way that debris and dust containing Asbestos Containing Material was entering into the School Gym and Second floor at Old West End Academy on 3131 Cambridge Street, Toledo, OH by Wolfe's Roofing. At this point, @ 28,000 sq ft of the roof had been removed. **August 3, 2010,** Toledo Environmental Services (TES) did an inspection of the debris inside the building. They were shown the lab results of the debris, which showed the roofing tarpaper to have 25% crystotile. This debris was located in the gym, and areas on the second floor. They noted dumpsters that were not marked and/or covered. Samples taken from these dumpsters from TTL resulted in 25% Asbestos crystotile. They saw no evidence of any wet application to the roof. On **August 5, 2010** Ohio EPA and Ohio Department of Health, conducted another inspection, and determined that the material inside the school was Asbestos Containing Material that had become Friable during the Roofing removal process; therefore, needing proper notification and cleanup of the asbestos. They were told to finish the remainder of the roof according to proper procedure, or hire an Asbestos Certified contractor to remove the rest. Monday, **August 9, 2010**, TES did another inspection and noted the roof had been

completed. They were told that Wolfe's Roofing had done it over the weekend. They were informed that there were now the same Asbestos Containing Material debris on top of the ceiling tiles where the new removal occurred, therefore, causing more Asbestos cleanup.

Regulation(s) violated:

TMC 1787.05 (a) & (b)

Toledo Municipal Code Standard for Demolition and Renovation.

OAC 3745-20-03

Standards for notification prior to demolition or renovation.
Written notification should have been sent when the asbestos containing material became crumbled, pulverized, or reduced to powder.

OAC 3745-20-04

Demolition and renovation procedures for asbestos emission control.
Adequately wet the regulated asbestos-containing material. Each owner or operator of any demolition or renovation operation, shall ensure all regulated asbestos-containing materials which have been damaged or made friable by demolition, renovation or adjacent stripping operations are repaired, encapsulated, or removed for disposal in accordance with rule OAC 3745-20-05, prior to the removal of emission controls.

Observation of roof removal after initial violation suggests that the same removal procedures were used, therefore; still creating friable material, which entered into the second floor of the school.

OAC 3745-20-05

Standard for asbestos waste handling
All containers of asbestos-containing waste materials and wrapped material shall be labeled, sealed in plastic bags, proper methods used to ensure no visible emissions during the collection, treatment, transport and disposal of the asbestos-containing waste materials, and must be taken to the appropriate waste landfill.

Required Actions

Upon receipt of this notice, you are required to:

1. Abate the violation(s) or provide acceptable remedies.

2. Reply in writing to this Notice of Violation within fourteen (14) calendar days. The reply shall include:

    a. Description(s) and date(s) of action(s) taken to abate the violation.

    b. Description(s) and expeditious time schedules of action(s) yet to be taken to abate the violation(s).

    c. Description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

    d. Supply proper information of the waste shipment record. This shall include the name and address of the landfill, the number and type of containers included in the waste shipment, the approximate volume of the waste, signature(s) acknowledging receipt of the asbestos containing waste shipment, and the name and address of the transporter.

    e. Submit a written notification of demolition and renovation.

Your written response, and any questions regarding this Notice of Violation, should be directed to Lynn M. Pedro, Division of Environmental Services, 348 S. Erie St., Toledo, Ohio 43604.

This Notice of Violation is not a final action of the Director of Public Utilities. The City of Toledo reserves the right, pursuant to Chapter 1787 of the Toledo Municipal Code and any other applicable local, state, and federal laws or regulations to require further site investigation and abatement to address releases of hazardous wastes, hazardous substances, industrial wastes, or other wastes, pollutants, or contaminants into the environment at the above designated site and to seek civil penalties, reimbursement of oversight costs, response costs, and any other appropriate legal or equitable relief for any violation of law.