



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

December 22, 2009

RE: **NOTICE OF VIOLATION**
RENOVATION OF WOODLAND BRANCH
CLEVELAND PUBLIC LIBRARY

CERTIFIED MAIL

Mr. Myron Scruggs
Facilities Administrator
Cleveland Public Library
320 Superior Ave.
Cleveland, Ohio 44114

Dear Mr. Scruggs:

The Ohio EPA received a complaint regarding an alleged renovation of the Woodland Branch of the Cleveland Library System located at 5806 Woodland Ave., Cleveland, Ohio. The information received indicated the possible asbestos containing material has been disturbed and removed from the facility.

Ohio EPA representatives Bob Princic and Rich Kolosionek of the Division of Air Pollution Control (DAPC) inspected the facility. During our inspection, we observed areas where ceiling tiles had been removed, dust and debris on the floor, bookshelves and furniture, and hanging sheets of plastic, which appeared to be an attempt at an asbestos removal containment area.

After meeting with Mr. Dennis Niedermyer of the library system and Mr. Jeff Hakes of Sterling Professional Group on November 9, 2009, to discuss this matter, Ohio EPA sent a letter to the library system on December 2, 2009, requesting an asbestos evaluation report and an asbestos renovation notification within five (5) days or receipt of the letter.

On December 3, 2009, Mr. Niedermyer informed this office that a report and notification would be forwarded to this office within a few days. To date, this office has not received the requested information.

In view of the above facts, Ohio EPA views the renovation project conducted on the Woodland Branch of the Cleveland Library System since about November 9, 2009, as subject to compliance with the Clean Air Act and regulations promulgated there under, setting forth a National Emission Standard for Asbestos 40 CFR 61.140, et seq. (NESHAP Asbestos Standard). These types of operations are also subject to Ohio Administrative Code (OAC) chapter 3745-20, "Ohio Asbestos Emission Control Rules."

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The asbestos standard applies to, among other things, a renovation operation. Pursuant to 40 CFR 61.145, all facilities must be inspected for the presence of asbestos prior to commencement of a renovation. Paragraphs (b), "Notification Requirements," and (c), "Procedures for Asbestos Emission Control" of this section would apply if the accumulative or total amount of friable asbestos materials in the structure was found to be equal to or greater than 260 linear feet on pipes and/or equal to or greater than 160 square feet on any other component. Paragraph (b), "Notification Requirements," of this section also applies if **no** friable asbestos materials were found, or if the accumulative or total amount of friable materials in the structure were less than 260 linear feet on pipes and/or less than 160 square feet on any other component. (Similar requirements are also stated in OAC rules 3745-20-02, 3745-20-03 and 3745-20-04, "Ohio Asbestos Emission Control Rules.")

Pursuant to 40 CFR 61.141, an "owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls or supervises the facility being demolished or renovated, or any person who owns, leases, operates, controls or supervises the demolition or renovation operation, or both." Any owner or operator is prohibited under 40 CFR 61.19 from circumvention of a visible emission standard or notification requirements by the piecemeal carrying out of an operation.

Finally, pursuant to Section 112 (KK), the authority to implement and enforce the NESHAP has been delegated to the State of Ohio Environmental Protection Agency's Division of Air Pollution Control. Parallel enforcement authority is retained by the administrator of U.S. EPA for any violations for which Ohio is unable to initiate a required enforcement action.

In accordance with the above stated delegation of authority, you are hereby notified that the renovation conducted on the Woodland Branch of the Cleveland Library System on or about November 9, 2009, by Sterling Professional Group, was in violation of the NESHAP requirements in 40 CFR 61.145(a) and (b), "applicability" and "notification requirements" in the "Standard for Demolition and Renovation." This was also a violation of OAC rule 3745-20-02, "Standard for Notification" in the "Ohio Asbestos Emission Control Rules."

Within fourteen (14) days of receipt of this letter, you are requested to submit the following information. This request for information is made pursuant to OAC Rule 3745-15-03.

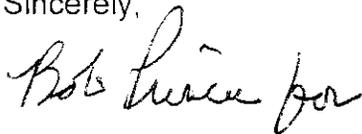
- 1) The name, address, phone number and contact person of all contractors involved in the renovation project and an explanation of each company's involvement.
- 2) The name, address, phone number and contact person of all contractors involved in the disposal of waste from the site of the renovation project and an explanation of the involvement.
- 3) The location of the site where the waste from the renovation was disposed including a copy of any manifests or receipts.
- 4) A copy of any asbestos survey reports of the building.
- 5) A completed asbestos renovation notification form.
- 6) Beginning and ending dates of the renovation project.

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This Notice of Violation in no way waives the right of Ohio EPA or U.S. EPA to pursue additional enforcement action. Further communications may be directed to you regarding this violation or additional violations that may be found.

Clarification, explanation or evidence pertaining to this violation should be brought to our immediate attention. If you have any questions, please contact me at (330) 963-1241 or Bob Princic at (330) 963-1230.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Princic for".

Richard Kolosionek
District Representative
Division of Air Pollution Control

RK:bo

pc: Keith Riley, DO, NEDO
Bob Princic, DAPC, NEDO
Tim Fischer, DAPC, NEDO
Tom Buchan, DAPC, CO
Tom Kalman, DAPC, CO
Lisa Holscher, U.S. EPA, Region 5