

Case Report for Consent Order A16-043, Asbestos Case – Commercial Building

5111 66th Street North, St. Petersburg

On June 22, 2016, Air Quality Division (AQD) personnel conducted a surveillance inspection after observing evidence of ongoing renovations in progress at the subject property. The on-site inspection conducted by AQD staff confirmed large quantities of suspect asbestos-containing materials had been disturbed during the renovation and no inspection for asbestos was performed. The subject property consists of:

- A commercial office building, sub-divided into four office suites with shared common hallways

The facility was not occupied during the renovation activities.

At the time of the initial AQD inspection, renovations had disturbed building materials in each of the four office suites. An after-the-fact analysis of the suspect materials confirmed the following approximate quantities of regulated asbestos containing materials (RACM) were disturbed in Building 3 during the renovation:

- 1,000 square feet of textured drywall systems, which contained 1.75% asbestos
- 1,000 square feet of popcorn ceiling texture, which contained 3% asbestos

The inspection revealed multiple violations had occurred related to controlling the handling and emissions of asbestos during removal or disposal of the RACM. During a follow up inspection conducted on June 23, 2016, it was noted that one dumpster had already been disposed of. Entities (Respondents) responsible for this renovation are:

- Owner – Three Angels Investment CO., LLC
- General Contractor – Alpha to Omega Contractors, Inc.
- Residential Contractor – Mears Contracting, Inc.

Residential contractor, Mears Contracting, quickly took steps to bring the facility back into compliance once made aware of the violations. A Notice of Violation was sent to all three respondents. A meeting was held in the AQD office on August 8, 2016, during which it was agreed to adjust (remove) the initial economic benefit component of the penalty (\$6,500.00) to account for costs associated with “clean-up” abatement activities performed. The respondents also agreed to a Consent Order to resolve the violations.

General contractor, Alpha to Omega Contractors, Inc., has agreed to resolve the violations through a Consent Order which includes a penalty of \$33,500.00. The penalty will be paid in three installments due on or before: October 3, 2016, November 3, 2016, and December 5, 2016.

Pursuant to Resolution 94.63, the County Administrator or his designee has the authority to execute consent orders for environmental infractions for penalty amounts up to \$25,000.00. Consent orders over \$25,000.00 must be executed by the Board of County Commissioners (BCC). Therefore, this Consent Order is requested to be executed by the BCC.