

## Case Report for Consent Order A18-037, Asbestos Case – 10-Unit Apartment Building

### 306 129th Avenue East, Madeira Beach

On April 11, 2018, Air Quality Division (AQD) personnel conducted an inspection after receiving a citizen complaint regarding renovations in progress at the property located at 306 129th Avenue East, Madeira Beach. The on-site inspection conducted by AQD staff confirmed renovations were in progress in a two-story 10-unit apartment building. Large quantities of suspect asbestos-containing materials had been disturbed, and no inspection for asbestos was performed. The subject property consists of:

- 10-Unit Apartment Building, 306 129th Avenue East, Madeira Beach

At the time of inspection, the following approximate quantities of suspect asbestos containing materials were observed to have been disturbed with the renovation activities:

- 10,100 square feet of dry wall systems on the walls and ceilings
- 8,000 square feet of orange-peel wall texture
- 2,100 square feet of popcorn ceiling texture

An after-the-fact asbestos survey was conducted on May 8, 2018. Point count analysis results provided with the survey report confirmed all the materials noted above contained >1% asbestos, making them regulated asbestos containing materials (RACM). Dry wall system samples collected by the AQD inspector were submitted for separate point count analysis and revealed the *composited* dry wall systems contained <1% asbestos and the orange peel wall texture contained >1% asbestos. Since some of the ceilings had been damaged by the hurricane and some disturbed by renovations, it was difficult to determine the actual square footage of ceiling texture disturbed. Therefore, when calculating the penalties in this case, only the approximately 8,000 square feet of disturbed RACM orange peel wall texture was taken into consideration.

The inspection revealed multiple violations had occurred related to handling and the controlling of emissions of asbestos during the renovations. Entity (Respondent) responsible for these renovations are:

- Owner – Mr. Stephen P. Rivera

The Respondent took steps to bring the facility back into compliance once made aware of the violations. A Notice of Violation was sent to the Respondent on July 17, 2018. It should be noted, to date, only the exterior of the facility has been cleaned up, therefore the Consent Order requires the owner to submit a notification regarding interior clean up.

At the Respondent's request, the financial benefit component (\$26,000) has been removed from the penalty calculation. The costs of remediation (once complete) will exceed any possible benefit derived, and in an attempt to promptly settle this administrative action, Air Quality Management opted to remove the entire benefit component.

The Respondent, Mr. Stephen P. Rivera, has agreed to resolve the violations through a Consent Order which includes a penalty of \$33,500. The penalty will be paid in 3 monthly installments due on or before December 28, 2018, January 25, 2019, and February 22, 2019.