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July 17, 2018



Mr. Stephen P. Rivera, Owner
c/o Mr. Ivan Wolfson
149 Oak Knoll Terrace
Highland Park, IL 60035
(Sent via email to: doc_iw@yahoo.com)

Re: Notice of Violation - 10-Unit Apartment Building, 306 129th Avenue East

CERTIFIED MAIL: 7017 3380 0000 9839 7979

Mr. Wolfson:

Pursuant to Chapters 78-601 and 90-403, Laws of Florida, and the rules promulgated therein, which authorizes and empowers the Pinellas County Air Quality Division (PCAQD) to control, abate and prohibit pollution of the air in Pinellas County, Florida, you are hereby notified of findings which indicate that violations of the Pinellas County Code has taken place as follows:

1. Pinellas County Code, Section 58-149. National emission standard for asbestos 40 CFR, Part 61, Subpart M, 61.145 Standard for demolition and renovation

(a) Applicability. To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity and 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, including Category I and Category II non-friable ACM.

Specifically, Mr. Stephen P. Rivera caused renovation activities to be performed, and failed to thoroughly inspect the referenced facility for asbestos containing materials prior to the renovation operation. An inspection conducted by PCAQD revealed the following approximate quantities of Suspect Asbestos Containing Material (SACM) had been disturbed:

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

2. Pinellas County Code, Section 58-149(a). National emission standard for asbestos 40 CFR, Part 61, Subpart M, 61.145 Standard for demolition and renovation

(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(3) Postmark or deliver the notice as follows:

Pinellas County Air Quality
509 East Ave. S. • Suite 138
Clearwater, FL 33756
Main Office: (727) 464-4422
FAX: (727) 464-4420
V/TDD: (727) 464-4062

www.pinellascounty.org



(i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in paragraph (a)(2) of this section, notification is required 10 working days before demolition begins.

Specifically, Mr. Stephen P. Rivera caused asbestos removal activities, described as disturbance of approximately 8,000 square feet of Regulated Asbestos Containing Material (RACM) wall texture, to be performed at the referenced facility, without first submitting written notification to the PCAQD, ten working days prior to commencement of renovation activities.

3. Pinellas County Code, Chapter 58, Section 58-149(a). National emission standard for asbestos 40 CFR, Part 61, Subpart M, 61.145 Standard for demolition and renovation.

(c)(1) Remove all Regulated Asbestos Containing Material (RACM) from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

Specifically, all RACM was not removed from the referenced facility prior to the commencement of renovation activities. The renovation activities dislodged RACM from the walls of the referenced facility and the disturbed RACM was found in and about the affected areas of the facility.

4. Pinellas County Code, Chapter 58, Sec. 58-149(a). National emission standard for asbestos 40 CFR, Part 61, Subpart M, 61.145 Standard for demolition and renovation.

(c)(6)(i) Adequately wet the Regulated Asbestos Containing Material and ensure that it remains wet until collected and contained or treated in preparation for disposal.

Specifically, the RACM did not remain wet and was not properly collected or contained for disposal.

5. Pinellas County Code, Chapter 58, Sec. 58-149(a). National emission standard for asbestos 40 CFR, Part 61, Subpart M, 61.150 Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations.

(a)(1)(iii) After wetting, seal all asbestos-containing waste material in leak-tight containers while wet;

Specifically, the RACM waste was not contained in leak-tight containers until transport and disposal. Dry RACM waste was observed in and about the affected areas of the facility.

6. Pinellas County Code, Chapter 58, Sec. 58-149(a). National emission standard for asbestos 40 CFR, Part 61, SUBPART M, 61.150 Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations.

(a) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a)(1) through (4) of this section.

Specifically, dry and disturbed asbestos containing waste material was observed on the facility grounds.

7. Pinellas County Code, Chapter 58, Sec. 58-149(a). National emission standard for asbestos 40 CFR, Part 61, SUBPART M, 61.145 Standard for demolition and renovation.

(c)(8) Effective 1 year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present.

Specifically, a trained on-site representative was not present during the removal of RACM.

8. Pinellas County Code, Chapter 58, Sec. 58-149(a). National emission standard for asbestos 40 CFR, Part 61, Subpart M, 61.150 Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations.

(b) All asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at: (1) A waste disposal site operated in accordance with the provisions of § 61.154; and (d) For all asbestos-containing waste material transported off the facility site: (2) Provide a copy of the waste shipment record, described in paragraph (d)(1) of this section, to the disposal site owners or operators at the same time as the asbestos-containing waste material is delivered to the disposal site.

Specifically, dry RACM waste material from the renovation operation was found on site and additional RACM waste had already been disposed of. This material was not identified as regulated asbestos containing waste.

Based on the facts stated above, and on the results of an April 11, 2018 inspection at the 10-Unit Apartment Building, located at 306 129th Avenue East, Madeira Beach, this serves as a Notice of Violation.

Respond By Phone and in Writing within 10 Days

Please call Cari Burchfield upon receipt of this letter to discuss the resolution of the violations for which Mr. Stephen P. Rivera may be responsible and follow-up in writing explaining the circumstances that may have led to the alleged violations and propose any corrective action deemed necessary to bring the facility back in compliance. You have the opportunity to request a conference if you feel that the violations did not occur and can provide supporting evidence. The initial discussion with the Division and follow-up written response will not absolve Mr. Stephen P. Rivera of potential civil penalty.

If Mr. Stephen P. Rivera does not submit the follow-up written response within ten (10) calendar days of receipt of this Notice of Violation, a Consent Order will be issued specifying compliance conditions along with a penalty of \$59,500.

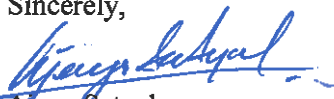
Potential Enforcement Action

Operation of a source in violation of Pinellas County Code, Chapter 58, may result in liability for damage and restoration and judicial imposition of a civil penalty up to a maximum of \$10,000 per violation, per day, pursuant to chapters 78-601 and 90-403, Laws of Florida. Continuation of activities in violation of existing regulations can result in fines being levied for each and every day a violation takes place. Violations may be resolved through entry into a Consent Order or formal enforcement action.

Failure to respond to this notice, or comply within the specified time frames, may result in commencement of civil, administrative or criminal action for injunctive relief and the assessment of civil and/or criminal penalties as provided by this Code, and the Florida Statutes. Also, the State of Florida, Department of Environmental Protection, reserves the right to take enforcement actions related to the potential violations cited above.

If you have any questions regarding this matter, please contact Cari Burchfield at (727) 464-4422.

Sincerely,



Ajaya Satyal
Air Quality Division Manager

Copy: Mr. Garry Stine, CRL Properties (Sent via email to: garry.stine@earthlink.net)
Mr. Jon Coats, Coats Schmidt, PA (Sent via email to: jon@cqslaw.com)
Case File, Read File