

**BOARD OF COUNTY
COMMISSIONERS**

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February 4, 2016

Mr. Jeffrey Randazzo
Randazzo Builders, Inc.
24819 State Road 46
Sorrento, FL 32776

Re: Notice of Violation: - Sailpointe Apartments, 6740 & 6742 Gulfport Boulevard South

CERTIFIED MAIL: 7014 2120 0001 4794 4297

Mr. Randazzo:

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 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, Randazzo Builders, Inc. performed renovation activities, and failed to thoroughly inspect the referenced facility for asbestos containing materials prior to the renovation operation. Inspection by Pinellas County Air Quality Division (PCAQD) personnel revealed the following approximate quantities of suspect asbestos containing building materials were disturbed:

- 35,000 square feet of ceiling texture surfacing material
- 15,000 square feet textured drywall system
- 3,500 square feet of carport structure
- 1,000 square feet of exterior stucco

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

(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, Randazzo Builders, Inc. demolished load-supporting structural members at Sailpointe Apartments, located at 6740 & 6742 Gulfport Boulevard South, South Pasadena, without first submitting written notification to the Pinellas County Air Quality Division (PCAQD), ten working days prior to demolition. An approximately 3,500 square foot carport structure was demolished without written notification. Required standards and procedures for asbestos inspection, handling, emission control, and waste disposal cannot be demonstrated.

Additionally, Randazzo Builders, Inc. performed asbestos stripping and removal operations at the Sailpointe Apartments residential buildings without first submitting written notification to PCAQD, ten working days prior to commencement of stripping or removal work. Inspections by PCAQD personnel on November 9, 2015 and November 10, 2015 determined approximately 50,000 square feet of regulated asbestos containing materials (RACM) were disturbed. This includes approximately 35,000 square feet of ceiling texture and 15,000 square feet of textured drywall.

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 scheduled commencement of renovation activities. These renovation activities dislodged RACM from the ceilings and walls within approximately 57 individual dwelling units at the above referenced facility. Inspections by PCAQD personnel on November 9, 2015 and November 10, 2015 observed disturbed RACM 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)(3) When Regulated Asbestos Containing Material (RACM) is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation;

A total of approximately 15,000 square feet of RACM textured drywall was stripped from the referenced facility without adequately wetting the material. No wetting of the RACM wall texture was performed as it was stripped from the individual dwelling units and transported in an open-air container. An inspection by PCAQD personnel on November 10, 2015 observed dry, disturbed RACM drywall texture being removed from the facility.

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

Specifically, approximately 50,000 square feet of previously stripped RACM did not remain wet and was not properly contained for disposal. PCAQD inspection interviews with on-site personnel revealed the RACM ceiling texture was initially wet for the stripping activity but no further actions were taken to ensure the stripped RACM remained wet. Additionally, no wetting of the stripped RACM drywall texture was performed. The asbestos containing waste material did not remain wet as it was transported via open-air waste containers.

6. 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) (4) After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections pursuant to paragraph (c)(2) of this section, it shall be stripped or contained in leak-tight wrapping, except as described in paragraph (c)(5) of this section.

Specifically, approximately 50,000 square feet of disturbed RACM ceiling texture and textured drywall were not contained in leak-tight wrapping prior to transport and disposal. Stripped RACM waste was placed into an open-air wooden box attached to a forklift, then transported to larger open-top waste containers on-site. Progressive Waste Solutions of Florida, Inc. provided and hauled the waste containers which were not leak-tight.

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 approximately 50,000 square feet of regulated asbestos containing material (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.

Asbestos containing waste materials generated from renovations at Sailpointe Apartments, located at 6740 & 6742 Gulfport Boulevard South, South Pasadena, were deposited in open top roll-off dumpster containers; disposal of these materials was not in accordance with the regulations as set forth in 40 CFR 61.154 and waste shipment records were not created. Waste receipts supplied by Progressive Waste Solutions of Florida, Inc. revealed these waste containers were subsequently transported for waste disposal to Pinellas County Solid Waste landfill, Angelo's Recycled Materials (St. Petersburg), and Sonny Glasbrenner/ Greenway Recycling. This material was never identified as regulated asbestos containing waste. These waste disposal sites were not operated in accordance with the provisions of 40 CFR 61.154, and the operators of these waste facilities were not notified that this material contained asbestos.

9. 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 from the stripping operations of approximately 15,000 square feet of asbestos containing textured drywall material was observed in an open-air wooden box attached to a forklift, and within larger open-top waste containers on-site. Interviews with on-site personnel revealed similar work practices were utilized for all asbestos waste generated during the renovations at the facility.

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

(a)(iv) Label the containers or wrapped materials specified in paragraph (a)(1)(iii) of this section using warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.1001(j)(4) or 1926.1101(k)(8). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.

(v) For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated.

Specifically, inspections by Pinellas County Air Quality Division personnel on November 9, 2015 and November 10, 2015 did not find any of the waste materials wrapped or labeled as per regulation requirements.

11. 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.

(5)(c) Mark vehicles used to transport asbestos-containing waste material during the loading and unloading of waste so that the signs are visible. The markings must conform to the requirements of §§61.149(d)(1) (i), (ii), and (iii).

Specifically, an inspection by Pinellas County Air Quality Division personnel on November 9, 2015 and November 10, 2015 did not find markings (signage) on work vehicles or the open top roll-off dumpster containers which held the asbestos waste materials. Additionally, waste receipts supplied by Progressive Waste Solutions of Florida, Inc. indicate the waste was not treated as asbestos waste. Further, it was confirmed Progressive Waste Solutions of Florida, Inc. does not typically haul asbestos waste and did not mark its waste containers or vehicles as containing regulated asbestos waste.

Based on the facts stated above, and on the results of November 9, 2015 and November 10, 2015, inspections at the Sailpoint Apartments, located at 6740 & 6742 Gulfport Boulevard South, South Pasadena, this serves as a Notice of Violation.

Respond By Phone and in Writing within 10 Days

Please call Brennan Farrington upon receipt of this letter to discuss the resolution of the violations for which Randazzo Builders, Inc. 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 Randazzo Builders, Inc. of potential civil penalty.

If Randazzo Builders, Inc., 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 \$225,450.

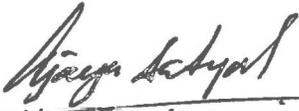
Potential Enforcement Action

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, contact Brennan Farrington at (727) 464-4667.

Sincerely,



Ajaya Satyal
Air Quality Division Manager