UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SAMPLE COLLECTION LOG

Facility Name: Wight Bay Cond (unit [redacted])

Sampler(s)/signature(s): [illegible]

Facility Address:

Date Sampled: 3/30/16

SAMPLE NUMBER	SAMPLE LOCATION	SAMPLE DESCRIPTION	COMMENTS
033016-01RP	front door floor	drywall debris	
033016-02RP	Living room	debris on hooks	
033016-03RP	Bed Room #2	carly debris	
033016-04RP	Bedroom #2 (hallway)	debris in floor	
033016-05RP	Bedroom #1	debris floor	

Page 1 Of 1

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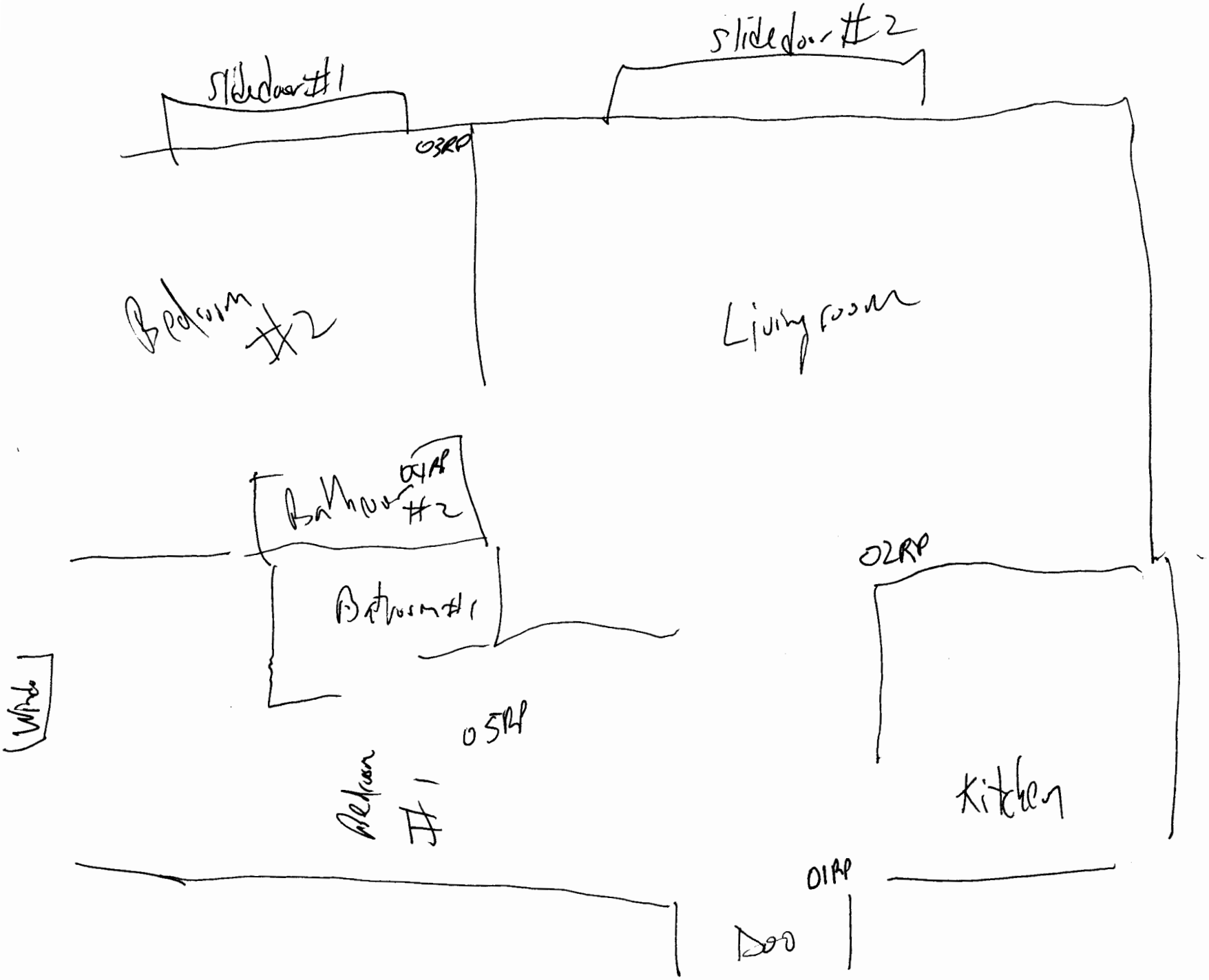
slidedoor #1
slidedoor #2
03RP
Bedroom #2
Living room
04RP
Bathroom #2
Bathroom #1
02RP
Kitchen
05RP
Bedroom #1
Wind
01RP
Door

Ponak, Rich

From: (b) (6) [redacted]
Sent: Tuesday, March 29, 2016 1:56 PM
To: Ponak, Rich
Subject: Additions to our Conversation...

Dear Mr. Ponak,

Thank you for calling me back and for your time I know you are incredibly busy. You mentioned the Property Management Company had informed you only a small amount of drywall was being removed. The insulation behind the entirety of the drywall for the two rooms (approximately 10 x 18 ft and 10 x 13 feet) is also being removed. That insulation tested positive in tests done prior to the project which began a year ago.

Regards,

(b) (6) [redacted]

COMPLIANCE & CUSTOMER ASSISTANCE TRACKING SHEET

STATUTE ☐ FIFRA ☐ NESHAPS ☐ TSCA/AHERA ☐ TSCA/ASHARA

Customer Assistance Provided by: | **Date:** 3/29/16 | **Time:**

Caller Name: (b) (6) [redacted]

Company Wright Ring

Address

Phone Number (b) (6) [redacted]

Assistance Provided:
☐ PROGRAM ☐ ENFORCEMENT
☐ REGULATORY ☐ TECHNICAL
☐ COMPLIANCE ASSISTANCE
☐ CUSTOMER ASSISTANCE
☐ OTHER

Type of Contact: (b) (6) [redacted]
☐ Phone Call ☐ Workshop/Meeting/Training
☐ Tool Development In-House ☐ On-Site Visit
☐ Correspondence
☐ Other (Describe): Fishers Eng. Ryt Plumbing Vitex diddoors

Contact Notes:
Work ahead Co. left
~~did~~ Allshakes did some dry wall

Assistance Required For:

☐ Label Interpretation, claims	☐ C&T	☐ Disposal/Container Recycling
☐ Label Interpretation, use	☐ Worker Protection Standard	☐ Imports
☐ Section 7 Application	☐ General FIFRA Information	☐ PCO Training Presentation
☐ Section 7 Reporting	☐ Urban Initiative Review	☐ Other Presentation
☐ Pesticide Registration	☐ PCO Requirements	☐ Other

Critical Approaches (Check all that apply)	Environmental Priorities	Potential Impact
☐ Community Based	☐ Children's Health	☐ Increased Awareness and Understanding
☐ Environmental Protection	☐ Reducing Toxics	☐ Behavioral Changes
☐ Environmental Justice	☐	☐ Regulatory
☐ Partnership Programs	Other	☐ Non-Regulatory
☐ Pollution Prevention		☐ Environmental and Human Health Improvements

Follow-Up? ☐ No ☐ Yes (describe)

Are follow-up activities planned to collect outcome data? ☐ Yes ☐ No

# Entities Reached:	Were Small Businesses Assisted? ☐ Yes ☐ No
Amount of Time Spent:	Referred for Follow-Up To:

Is the activity part of a larger sector/media approach (e.g., combined with enforcement strategy? ☐ Yes ☐ No

Follow-Up Completed By:	Date:

Receipt of Tip/Complaint Form

Case Number	Information (Not Required) ☐ Call ☐ Letter ☐ Email ☐ Other	Date Received	Time Received
Name			
Phone			

Program: ☐ FIFRA ☐ NESHAPS ☐ TSCA AHERA ☐ TSCA ASHARA ☐ MAP ☐ Other

Facility Information

Name	EPAID#
Address/Location	
Tip/Complaint	
Follow-up Action	

Recommended Action	Signatures
☐ Open Case File ☐ Schedule for Inspection ☐ Refer to State Environmental Agency ☐ Refer to State Agricultural Agency ☐ Refer to Other EPA Region ☐ Refer to Other EPA Media Program _____ ☐ Refer to other Federal Agency ☐ Refer to Local Government Agency ☐ No Further Action Required Explain:	Compliance Officer Signature Coordinator Concurrence Chief, PAPEB

Receipt of Tip/Complaint Form

Case Number	Information (not required) ☐ Call ☐ Letter ☐ Email ☐ Other	Date Received	Time Received
Name			
Phone			

Program: ☐ FIFRA ☐ NESHAPS ☐ TSCA AHERA ☐ TSCA ASHARA ☐ MAP ☐ Other

Facility Information

Name	EPAID#
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Tip/Complaint	
Follow-up Action	

	Signatures
Recommended Action ☐ Open Case File ☐ Schedule for Inspection ☐ Refer to State Environmental Agency ☐ Refer to State Agricultural Agency ☐ Refer to Other EPA Region ☐ Refer to Other EPA Media Program _____ ☐ Refer to other Federal Agency ☐ Refer to Local Government Agency ☐ No Further Action Required **Explain:**	Compliance Officer Signature Coordinator Concurrence Chief, PAPEB

COMPLIANCE & CUSTOMER ASSISTANCE TRACKING SHEET

STATUTE ☐ FIFRA ☐ NESHAPS ☐ TSCA/AHERA ☐ TSCA/ASHARA

Customer Assistance Provided by:	**Date:**	**Time:**

Caller Name: [redacted] (b) (6)

Company OC Public Schools

Address

Phone Number [redacted] (b) (6)

Assistance Provided:
- ☐ PROGRAM ☐ ENFORCEMENT
- ☐ REGULATORY ☐ TECHNICAL
- ☐ COMPLIANCE ASSISTANCE
- ☐ CUSTOMER ASSISTANCE
- ☐ OTHER

Type of Contact:
- ☐ Phone Call ☐ Workshop/Meeting/Training
- ☐ Tool Development In-House ☐ On-Site Visit
- ☐ Correspondence
- ☐ Other (Describe):

Contact Notes:

Assistance Required For:

☐ Label Interpretation, claims ☐ Label Interpretation, use ☐ Section 7 Application ☐ Section 7 Reporting ☐ Pesticide Registration	☐ C&T ☐ Worker Protection Standard ☐ General FIFRA Information ☐ Urban Initiative Review ☐ PCO Requirements	☐ Disposal/Container Recycling ☐ Imports ☐ PCO Training Presentation ☐ Other Presentation ☐ Other _____

Critical Approaches (Check all that apply)	Environmental Priorities	Potential Impact
☐ Community Based ☐ Environmental Protection ☐ Environmental Justice ☐ Partnership Programs ☐ Pollution Prevention	☐ Children's Health ☐ Reducing Toxics ☐ Other _____	☐ Increased Awareness and Understanding ☐ Behavioral Changes ☐ Regulatory ☐ Non-Regulatory ☐ Environmental and Human Health Improvements

Follow-Up? ☐ No ☐ Yes (describe)

Are follow-up activities planned to collect outcome data? ☐ Yes ☐ No

# Entities Reached:	Were Small Businesses Assisted? ☐ Yes ☐ No
Amount of Time Spent:	Referred for Follow-Up To:

Is the activity part of a larger sector/media approach (e.g., combined with enforcement strategy? ☐ Yes ☐ No

Follow-Up Completed By:	Date:

Ponak, Rich

From: El-Abdaoui, Fatima
Sent: Monday, March 28, 2016 11:54 AM
To: Ponak, Rich
Subject: RE: Follow-Up to Our Conversation re Asbestos Emergency

Hi, Rich:

From Everett's voice mail I just forwarded to you, it seems that work is still on going and that the company doing this work does not seem to be licensed and that ceiling popcorn containing asbestos is been removed. Please listen to Everett message I forward to find out if there is any new information that we need to check out

Thank you.

Fatima El Abdaoui
Fatima El Abdaoui, Ph.D., Chief
Pesticides & Asbestos Programs Branch
EPA Region III, 3LC62
1650 Arch Street
Philadelphia, PA 19103-2029
Tel: (215) 814-2129
Fax: (215) 814-3113
El-Abdaoui.Fatima@EPA.GOV

From: Ponak, Rich
Sent: Monday, March 28, 2016 11:32 AM
To: El-Abdaoui, Fatima <El-Abdaoui.Fatima@epa.gov>
Subject: RE: Follow-Up to Our Conversation re Asbestos Emergency

I reviewed this before and the rest of the documents from last year. There are NO violations. This is not even regulated.

From: El-Abdaoui, Fatima
Sent: Monday, March 28, 2016 11:29 AM
To: Ponak, Rich <Ponak.Rich@epa.gov>
Cc: sorto, evelyn <sorto.evelyn@epa.gov>; daw, harry <daw.harry@epa.gov>
Subject: FW: Follow-Up to Our Conversation re Asbestos Emergency

Hi, Rich:

Please review the attached documents and follow-up with MDE.

We need to respond to HQ. From the e-mail below, HQ was trying to contact you. Did discuss this with them?

Thank you.

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From: Bishop, Everett
Sent: Monday, March 28, 2016 10:54 AM
To: El-Abdaoui, Fatima <El-Abdaoui.Fatima@epa.gov>
Cc: Duffy, Rick <Duffy.Rick@epa.gov>
Subject: FW: Follow-Up to Our Conversation re Asbestos Emergency

Fatima –

Here is the information Rick received from (b) (6) regarding the Wight Bay condominiums that I mentioned in my voice message.

Everett Bishop
US EPA
Office of Compliance
(202) 564-7032
bishop.everett@epa.gov

From: Duffy, Rick
Sent: Monday, March 28, 2016 9:38 AM
To: Bishop, Everett <Bishop.Everett@epa.gov>
Subject: FW: Follow-Up to Our Conversation re Asbestos Emergency

From:(b) (6)
Sent: Monday, March 28, 2016 9:35 AM
To: Duffy, Rick <Duffy.Rick@epa.gov>
Subject: Follow-Up to Our Conversation re Asbestos Emergency

Mr. Duffy,

I have tried to gather the records which you requested on Friday during our conversation. As I mentioned Friday, our notes from phone calls we made and voice messages we left, for whom and when are in our condo and for our safety as discussed we are not returning to the condo until we have assurances it is safe to do so, i.e. thorough negative air and carpet testing, where the testing is performed with the correct methodology.

I have attached:

- the asbestos positive test results done by the Condo Board,
- the report from the expert we hired to do testing specifically in our unit (with the goal of Dr. White providing the Condo Board, Property Management Company- OCREM and Contractors with the exact scope of work which indeed required asbestos abatement and containment),
- the air clearance test received after our conversation on Friday which was done BEFORE all work in the unit was completed (lacks methodology, sample number etc),
- photo of the Notice of Asbestos Project, and
- emails exchanged with MDE (in chronological order)

As you can see from the email exchanges between my sister and MDE, the Condo Board and OCREM essentially duped MDE. As we discussed, they apparently knew exactly how to cut corners in just the right way so they could state abatement and containment was being done even though they had only contracted to have such done on two sets of windows for each of 136 units but *not* on the third set of windows, *not* on the front doors and *not* on any of the two sets of 3-paneled glass slider doors. All of this work was permitted by the City under one permit, and although the work was broken up over time, possibly in an attempt to be under the 260 linear feet threshold, it indeed meets the threshold.

I know you said you wanted to speak to Mr. Ponak from Region 3 in Philadelphia this morning and I hope you will get back to me after you have made that connection. I look forward to hearing from Mr. Bishop today regarding a game plan moving forward, specifically regarding doing disturbed air and carpet testing and determining from those results combined with a site visit any necessary decontamination protocols. Time is of the essence as we can not afford to stay in a hotel more than a couple more days and otherwise we would be homeless. If there is an independent person you trust and know performs the disturbed air and carpet tests with the correct methodology, please send me their contact info. We really need to have this testing done today or tomorrow. As we discussed safety is our top priority.

Please confirm you received this as I know there are several attachments.

I appreciate your time and assistance with this matter.

Regards,

(b) (6) [redacted]

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I appreciate your time and assistance with this matter.

Regards,

(b) (6) [redacted]

Ponak, Rich

From: Ponak, Rich
Sent: Wednesday, February 03, 2016 9:05 AM
To: El-Abdaoui, Fatima
Subject: Wight Bay Condominiums

Fatima,

I inspected the Wight Bay Condominiums in Ocean City , Maryland on January 28, 2016. I met with Eugene Jubber Community Association Manager for the property owner O.C. Real Estate Management Inc. and Mike McCarraher maintence person at Wight Bay. I informed the parties that there was a complaint regarding asbestos being disturbed during a renovation project. Jubber stated there was no renovations going and that they had window and door renovations during the spring of 2015. During that project exterior stucco containing asbestos was removed by a Maryland licensed asbestos abatement company. Jubber stated that no work was done inside of or on the exterior of unit (b) [redacted] Jubber stated they have an ongoing court case with that unit and some work will be conducted in that unit in March.

Thanks, Rich

NESHAP Inspection Report

Date(s): January 28, 2016

Site: Wight Bay Condominiums
(b) Costal Highway
Ocean City, MD 21842

Inspector: Richard Ponak

On January 28, 2016, an asbestos NESHAP inspection was conducted at the Wight Bay Condominiums located in Ocean City, Maryland by Richard Ponak an EPA Enforcement Officer. The inspection was conducted due to a tip/complaint from a citizen. The complaint stated that there was an ongoing renovation project that was disturbing asbestos.

Upon arrival, inspector Ponak met with Mike McCarraher, maintenance supervisor for the Wight Bay Condominiums. Credentials were shown to Mr. McCarrher and Mr. McCarrher was informed of the complaint and the scope of the inspection. Mr. McCarrher contacted Eugene Jubber, of O.C. Real Estate Management. Once Mr. Jubber arrived, inspector Ponak asked him if there are or were any renovation projects going on that may have disturbed asbestos. Mr. Jubber stated there are currently no renovation projects going on except some elevator work. Mr. Jubber said some exterior asbestos containing stucco was removed by a certified asbestos abatement contractor last spring as part of a window and door replacement project. Mr. Jubber then stated that the property owner had an ongoing law suite with the tenant's unit number 548. Jubber said that no asbestos containing materials were removed from the interior or exterior of unit 548. Jubber said the tenants in unit (b) would not allow any asbestos abatement. Jubber stated the court has ordered the owners to relocate the residents of unit (b) while a leaking door was replaced. The project would involve a small amount of low percentage asbestos containing joint compound to be removed by an asbestos contractor. Jubber said this work would be done in March 2016.

The inspector then inspected areas where the asbestos containing stucco had been removed. Mr. Jubber informed the inspector that he would send him copies of the building inspection and air sampling results.

Richard Ponak
Enforcement Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Project Name Wight Bay Condominiums
Project Location Ocean City, Md
Contractor
On-Site Supervisor

Asbestos File #
Project Start Date
Inspection Date 1/28/16
Inspector(s) Rich Pouch

Type of Project: Removal ____ Demolition ____
Phase of Project: Pre-Job __ Set-Up __ Removal __ Post __
Inspection Number 1st X 2nd __ 3rd __ 4th __
On-Site Representative Mike McCarraher
Company Name O.C. Real Estate Management Inc.
On-Site Supervisor Eugene Jubber - Maintenance Supervisor
Type of Removal Gross ____ Glove-Bag ____ Other Community Association Manager

NESHAP'S REQUIREMENTS

Is Removal: Planned __ Emergency __

If Planned, was Notification Postmarked 10 Working Days Prior to the Start of the Project? Yes __ No __ N/A __

Category of ACM to be Removed:

Regulated ACM __ CAT. I __ CAT. II __

COMMENTS AND RECOMMENDATIONS:

- Spring 2015 outside removal of ACM stucco during window/door removal - by Envirotech - was a notified job
Air samples taken inside units

- Currently could regarding [redacted] - leaking sliding doors and plumbing
- renovations to occur in March - removal - by janitorial removal in apartment
built mid 1970's
No work occurred in [redacted] last spring

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