UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 26 2019

UNITED PARCEL SERVICE

Mr. Grant Schmeelk
Chief Executive Officer
Bagwell and Spears, Inc.
3260 Aldrich Drive
Cumming, Georgia 30040

Re: Request for Information Pursuant to Section 114(a) of the Clean Air Act

Dear Mr. Schmeelk:

The U.S. Environmental Protection Agency Region 4 is requesting information associated with demolition activity conducted at the former Shell gasoline station located at 2000 Riverstone Parkway in Canton, Georgia (the Facility). The EPA has received a tip indicating that asbestos-containing materials may have been mishandled during the demolition activity. The EPA has information indicating that Bagwell and Spears, Inc. is the owner of the Facility at which demolition activity occurred. The EPA is requesting this information to determine compliance with 40 C.F.R. Part 61, Subpart M, "National Emission Standard for Asbestos," promulgated pursuant to Section 112 of the Clean Air Act (the Act), 42 U.S.C. § 7412.

Pursuant to Section 114(a) of the Act, 42 U.S.C. § 7414(a), the Administrator of the EPA is authorized to require any person who owns or operates any emission source, or who is subject to any requirement of the Act, to establish and maintain such records, make such reports, and provide such other information as the Administrator may reasonably require, for the purposes of determining whether such person is in violation of any provision of the Act. This authority has been duly delegated to the Director of the Enforcement and Compliance Assurance Division Region 4.

The EPA requires you to provide the information requested **within seven (7) calendar days from the date of receipt of this letter**, unless the EPA, for good cause shown, extends in writing the deadline for responding to this request. Please complete the enclosed Information Request Form following the enclosed instructions, and submit it with any requested documents to the following:

Ms. Pamela Storm
EPA Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

Failure to provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein or the initiation of a civil action pursuant to Section 113 of the Act, 42 U.S.C. § 7413. This may include assessment of civil and/or administrative penalties of up to

$99,681 per day of noncompliance, pursuant to Section 113(b) and (d) of the Act, 42 U.S.C. § 7413(b) and (d). In addition, Section 113(c) (2) of the Act provides that any person who knowingly makes any false material statement, representation, or certification in, or omits material information from any document required pursuant to Title 1 of the Act shall upon conviction be punished by a fine pursuant to Title 18 of the United States Code, or by imprisonment for not more than two years, or both.

This required submission of information pursuant to Section 114(a) of the Act is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501, et seq.

You are entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires. Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, the EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by the EPA in administrative, civil, and criminal proceedings.

If you have any questions regarding this request, please contact Ms. Pamela Storm of the EPA Region 4 staff at (404) 562-9197.

Sincerely,

Carol L. Kemker

Carol L. Kemker
Director
Enforcement and Compliance Assurance Division

Enclosures

cc: Jennifer Vogel, Program Manager
Lead-Based Paint and Asbestos Program

INSTRUCTIONS FOR COMPLETING THE INFORMATION REQUEST FORM

Instructions

1. Please type or clearly print your responses to the information requested on the attached Information Request Form. If you would like a Microsoft Word version of the Information Request Form to complete electronically, please call the EPA contact identified in the cover letter to this information request.

2. Where documents or information necessary for a response are not in your possession, you must make every effort to obtain such information. If through your best efforts to obtain such information you are not successful, describe in Section 12 of the Information Request Form or on a separate page your efforts to obtain such information. In addition, if you are unable to obtain the information, identify any source that either possesses or is likely to possess such information.

3. Please submit the original of the Information Request Form.

4. For any documents provided in response to this information request, please do not send the original but an exact duplicate. Any such original documents submitted will not be returned.

Definitions

The definitions below are, in part, the definitions found in 40 C.F.R. § 61.141 and are applicable to the standard for demolition and renovation (40 C.F.R. § 61.145) and the standard for waste disposal for manufacturing, fabricating, demolition, renovation and spraying operations (40 C.F.R. § 61.150).

1. *Asbestos-containing waste materials* means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

2. *Category I nonfriable asbestos-containing material (ACM)* means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 C.F.R part 763, section 1, Polarized Light Microscopy.

3. *Category II nonfriable ACM* means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 C.F.R. part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

4. *Demolition* means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

5. *Emergency renovation operation* means a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing

an unreasonable financial burden. This term includes operations necessitated by nonroutine failures of equipment.

6. *Facility* means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

7. *Friable asbestos material* means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 C.F.R. part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

8. *Installation* means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).

9. *Owner or operator of a demolition or renovation activity* means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

10. *Regulated asbestos-containing material* (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

11. *Renovation* means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

12. *Waste shipment record* means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

1. **Individual Completing this Form**

Name (Printed): _____

Title: _____ Phone: _____

Company: _____

Address: _____

City: _____ State: _____ Zip code: _____

Signature: _____ Date: _____

2. **Facility Information**

Facility Type: ___ Structure ___ Installation ___ Building ___ Ship ___ Disposal Site

Facility Use: ___ Institutional ___ Commercial ___ Public ___ Industrial ___ Residential

If Residential, Identify: ____ One Single Family Home or One Multi-Family Building (four or less units)

____ More than One Single Family Home and/or Multi-Family Building

____ Multi-Family Building (more than four units)

Facility Name at Last Use: _____

Address (physical not mailing): _____

City: _____ State: _____ Zip code: _____

3. **Property Owner Information** (At the time of Demolition/Renovation/Asbestos Abatement)

Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Contact: _____ Phone No. _____

Contact Title: _____

Date Property Purchased: _____ Date Property Sold (if applicable): _____

4. **General Contractor** Was a general contractor involved? ____ Yes (if so, complete below) ____ No

Company Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Contact: _____ Phone No. _____

Contact Title: _____

5. **Asbestos Inspection** Was an inspection conducted? ____ Yes (if so, complete below) ____ No

Company Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Contact: _____ Phone No. _____

Contact Title: _____

Start Date: _____ End Date: _____ Report Date: _____

(Submit a copy of the asbestos inspection report (if more than 20 pages only submit a summary)

6. **Asbestos Abatement** Was asbestos stripped or removed? ____ Yes (if so, complete below) ____ No

Company Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Contact: _____ Phone No. _____

Contact Title: _____

Actual Start Date: _____ Actual Completion Date: _____

Amount of RACM Removed: _____ Linear Ft. _____ Square Ft. _____ Cubic Ft.

Was an abatement notice submitted? ____ Yes ____ No **(If yes, submit a copy with this request)**

Were any revised abatement notices submitted? ____ Yes ____ No **(If yes, submit copies of each)**

Was this an emergency? ____ Yes ____ No **(If yes, submit a written description of the emergency)**

7. **Asbestos-Containing Waste Transportation** ____ Yes (if so, complete below) ____ No

Company Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Contact: _____ Phone No. _____

Contact Title: _____

Number of times asbestos-containing waste transported off-site: _____

Were shipment records completed for the disposal of asbestos-containing waste? ____ Yes ____ No

(Submit a copy of each asbestos-containing waste shipment record)

8. **Asbestos-Containing Waste Disposal Site** ____ NA

Site Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Contact: _____ Phone No. _____

Contact Title: _____

9. Renovation _____ NA

Company Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Contact: _____ Phone No. _____

Contact Title: _____

Actual Start Date: _____ Actual Completion Date: _____

Was a renovation notice submitted? _____ Yes _____ No **(If yes, submit a copy of the notice)**

Were any revised renovation notices submitted? _____ Yes _____ No **(If yes, submit copies of each)**

Was this an emergency? _____ Yes _____ No **(If yes, submit a written description of the emergency)**

Was a permit issued? _____ Yes _____ No **(If yes, submit a copy of the permit)**

10. Demolition _____ NA

Company Name: _____

Address: _____

City: _____ State: _____ Zip code: _____

Contact: _____ Phone No. _____

Contact Title: _____

Actual Start Date: _____ Actual Completion Date: _____

Was a demolition notice submitted? _____ Yes _____ No **(If yes, submit a copy of the notice)**

Were any revised demolition notices submitted? _____ Yes _____ No **(If yes, submit copies of each)**

Was this an emergency? _____ Yes _____ No **(If yes, submit a written description of the emergency)**

Was a permit issued? _____ Yes _____ No **(If yes, submit a copy of the permit)**

Was the demolition ordered by a State or local agency? _____ Yes _____ No
(If yes, submit a copy of the order)

11. Identify the Documents You Are Providing In Response To This Request (check as applicable)

Complete Asbestos Survey/Inspection Report or Summary _____ Yes _____ No _____ NA

Notice(s) _____ Yes _____ No _____ NA

Check all applicable: _____ Abatement _____ Renovation _____ Demolition

Revised Notice(s) _____ Yes _____ No _____ NA

Check all applicable: _____ Abatement _____ Renovation _____ Demolition

Written Description of the Emergency (if an attachment) _____ Yes _____ No _____ NA

Asbestos-Containing Waste Shipment Records(s) _____ Yes _____ No _____ NA

Permit _____ Yes _____ No

Check all applicable: _____ Abatement _____ Renovation _____ Demolition

Demolition Order _____ Yes _____ No _____ NA

Other Attachments (Identify below) _____ Yes _____ No

_____

_____

_____

12. **Additional Information – Written Response To Questions Above Or Other Relevant Information or Comments You Wish to Provide** (additional pages may be attached if necessary)