UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

FEB 2 6 2019

CERTIFIED MAIL -
RETURN RECIEPT REQUESTED

Oscar R. Ardon, Owner
Oscar's Abatement LLC
29 ½ Meadow Street
Hartford, CT 06114

Re: Clean Air Act Reporting Requirement, Docket No. CAA/ASB-114-2019-001
URGENT LEGAL REQUIREMENT – RESPONSE REQUIRED

Dear Mr. Ardon:

The U.S. Environmental Protection Agency ("EPA") is evaluating whether Oscar's Abatement LLC ("Oscar's" or "you") has been in compliance with EPA asbestos regulations promulgated under the federal Clean Air Act ("CAA" or "Act"), 42 U.S.C. §§ 7401 *et seq.* The CAA regulations in question are the National Emissions Standard for Hazardous Air Pollutants for asbestos, at 40 C.F.R. Part 61, Subpart M ("Asbestos NESHAP").

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require any person subject to the Act (or with information about a facility's compliance status) to submit such information as EPA may reasonably require to evaluate CAA compliance.

By this letter, EPA is requiring you to submit information concerning past renovation activities at the Wolfpit Elementary School, 1 Starlight Drive in Norwalk, CT ("Wolfpit ES") and at the Rowayton Elementary School, 1 Roton Avenue in Norwalk, CT ("Rowayton ES"). Collectively, the Wolfpit ES and Rowayton ES are referred to herein as the "Facilities."

For the period beginning August 1, 2018, up to and including the date of this Reporting Requirement and for any other period of time relevant to renovation or abatement activities conducted by Oscar's anywhere within the Facilities, EPA hereby requires you to provide all the information requested in ATTACHMENT NO. 1 and ATTACHMENT NO. 2 **within thirty (30) calendar days** of receiving this letter.

Please be aware that if Oscar's does not provide the requested information, EPA may order you to comply and may assess monetary penalties under Section 113 of the Act, 42 U.S.C. § 7413. Federal law also establishes criminal penalties for providing false information to EPA.

You may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Oscar's should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. If no confidentiality claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to Oscar's.

This Reporting Requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act.

As part of your response, please be sure to complete the enclosed declaration (ATTACHMENT NO. 2) and provide a cover letter specifying what documentation has been included in the response to each numbered item. Information submitted pursuant to this letter shall be sent by certified mail and addressed as follows:

Jordan Alves, Asbestos NESHAP Coordinator
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100 (Mail Code OES 05-4)
Boston, MA 02109-3912

Consistent with the Small Business Regulatory Enforcement and Fairness Act, the enclosed EPA Small Business Resources Information Sheet addresses issues relating to small businesses, including compliance information, that may be of some assistance to you. Please be aware that availing yourself of these resources does not relieve Oscar's Abatement of its responsibility to comply with federal law and this Reporting Requirement.

If you have any questions regarding this letter, please do not hesitate to contact Jordan Alves, Asbestos NESHAP Coordinator, at 617-918-1739, or have your attorney call Hugh W. Martinez, Senior Enforcement Counsel, at 617-918-1867.

Sincerely,

James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1

Enclosures
1. Reporting Requirement
2. Declaration
3. Small Business Information Sheet

cc: Krista Veneziano, CT Department of Public Health
Stephen P. Dahlem, CT Department of Public Health
Jordan Alves, U.S. Environmental Protection Agency, Region 1
Hugh W. Martinez, U.S. Environmental Protection Agency, Region 1

Attachment 1

Reporting Requirement

I. Instructions

1. The information requested below concerns the renovation operations conducted in or around August 2018 in the boiler room at the Wolfpit ES and in Classroom #197 at the Rowayton ES. Please answer each numbered item separately for the Wolfpit ES and the Rowayton ES, respectively.

2. For each response, include all information responsive to the item for the period August 1, 2018 through to the present and for any other time period relevant to the matters about which an item seeks information.

3. Please provide a separate narrative response to each and every numbered item and subpart of an item set forth in this Reporting Requirement and Subpoena. Precede each answer with the number of the item and subpart to which the answer corresponds. All documents submitted must contain a notation indicating the numbered item and subpart to which they are responsive.

4. If any item cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, please explain.

5. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide a corrected response.

6. Your response must include copies of all records and information available to and relied upon by Oscar's to answer any of the items in this Reporting Requirement and Subpoena. If the documentation that supports a response to one item duplicates the documentation that supports another item, you need only submit one copy *provided* you note all items and subparts to which it responds. The submission must be a complete response that is dated and signed by an authorized official of Oscar's.

II. Definitions

1. Unless otherwise indicated, terms used in this Reporting Requirement and Subpoena that are defined under the Asbestos NESHAP, at 40 C.F.R. § 61.141, or the AHERA rules, at 40 C.F.R. § 763.83, shall have the same meaning herein. Such terms may include, but are not necessarily limited to, the following terms listed below, for convenience:

   (a) The term "owner or operator of a demolition or renovation activity" is defined in Section 61.141 as 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.

   (b) The term "Local Education Agency" is defined in Section 763.83 as, *inter alia*, any local education agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381).

   (c) The term "facility" is defined, in pertinent part, in Section 61.141 as 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.

   (d) The term "School" is defined in Section 763.83 as any elementary or secondary school as defined in section 198 of the Elementary and Secondary Education Act of 1965.

   (e) The term "school building" is defined in Section 763.83 as the following: any structure suitable for use as a classroom, including a facility such as a laboratory, library, or eating facility; any gymnasium or other athletic or recreational facility; any facility used for the instruction or housing of students or for the administration of educational or research programs; any maintenance, storage or utility facility (including hallways); any exterior covered hallway or walkway; and, any exterior portion of a mechanical system used to condition interior space.

   (f) The term "demolition" is defined in Section 61.141 as 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.

   (g) The term "structural member" is defined in Section 61.141 as any load-supporting member of a facility, such as beams and any load-supporting walls; or any nonload-

supporting member, such as ceilings and nonload-supporting walls.

(h) The term "renovation" is defined, in pertinent part, in Section 61.141 as altering a facility or one or more facility components in any way, including the stripping or removal of RACM [regulated asbestos-containing material] from a facility component.

(i) The term "facility component" is defined in Section 61.141 as any part of a facility including equipment.

(j) The term "response action" is defined in Section 763.83 as a method, including removal, encapsulation, enclosure, repair, operations and maintenance, that protects human health and the environment from friable asbestos-containing building material.

(k) The term "asbestos-containing material" ("ACM") is defined in Section 763.83 as, when referring to school buildings, any material or product which contains more than 1 percent asbestos.

(l) The term "asbestos-containing building material" ("ACBM") is defined in Section 763.83 as surfacing ACM, thermal system insulation ACM, or miscellaneous ACM that is found in or on interior structural members or other parts of a school building.

(m) The term "regulated asbestos-containing material (RACM)" is defined in Section 61.141 as (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 [the Asbestos NESHAP].

(n) The term "friable asbestos material" is defined, in pertinent part, in Section 61.141 as any material containing more than 1 percent asbestos [by area], that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

(o) The term "Category I nonfriable asbestos-containing material (ACM)" is defined, in pertinent part, in Section 61.141 as asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos [by area].

(p) The term "Category II nonfriable asbestos-containing material (ACM)" is defined, in pertinent part, in Section 61.141 as any material, excluding Category I nonfriable

ACM, containing more than 1 percent asbestos [by area] that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

(q) The term "Asbestos-containing waste material" or "ACWM" is defined, in pertinent part, in Section 61.141 as mill tailings or any waste that contains commercial asbestos and is generated by a source [subject to the provisions of 40 C.F.R. Part 61, Subpart M]. 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 renovations operation, this term also includes regulated asbestos containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

III. Reporting Requirement and Subpoena

1. For each of the Facilities, provide the date(s) and a detailed description of the steps taken to thoroughly inspect for the presence of asbestos, including Category I and Category II nonfriable ACM, prior to commencing with any activity that would disturb the asbestos. At a minimum, include the following information in your response:

   (a) Provide the name and address of all persons or entities that inspected each of the Facilities and specifically describe any training each person/entity had at the time of the inspection, along with the dates and sources of such training as well as any documentation (e.g., certificates, licenses) thereof.

   (b) State whether sampling was conducted during the inspection and, if not, provide the reason(s) why sampling was not conducted.

   (c) Provide the amount of regulated asbestos-containing material ("RACM") found in each of the Facilities during the inspection of each and express any amount in units of linear feet on pipes, square feet (ft^2), or cubic feet (ft^3) off facility components where the length or area could not be measured previously.

   (d) Describe in detail the techniques used to estimate the quantity of all suspect RACM present in each of the Facilities locations where the RACM or suspect RACM was removed.

   (e) Submit copies of any/all written reports which describe the results of each inspection identified in response to this item, including analytical results of any samples collected.

2. Describe whether written notice of intent to renovate each of the Facilities was provided to the EPA under 40 C.F.R. § 61.145(b) and whether such notice of intent to renovate

was submitted to EPA at least ten (10) working days before any asbestos stripping or any other activity began that would break up, dislodge, or similarly disturb RACM or suspect asbestos-containing material.

(a) If notification was not provided to EPA for either or both of the Facilities, provide the reason(s) why notification was not submitted.

(b) Provide a copy of all written notices regarding renovations at each of the Facilities provided to EPA and/or to any other federal, state, or local agency or instrumentality.

3. Provide the exact dates on which any renovation at each of the Facilities occurred. If any such renovation occurred in different phases, provide the dates that renovation commenced and ended for each phase.

(a) Provide the names, addresses and telephone numbers of any and all persons or entities who supervised, directed, performed, authorized, or allowed the renovation of each of the Facilities (Wolfpit ES and Rowayton ES), including Norwalk Public Schools, Hygenix, Inc., Oscar's, and any other outside contractors or subcontractors.

i. For each such person or entity, specifically describe the nature of their involvement and provide the dates during which that involvement continued.

ii. Indicate whether each such person or entity received any training in the proper procedures for handling RACM. If so, specifically describe the source(s), dates, nature and results of such training, and provide copies of any state licenses and/or certifications obtained.

4. Describe in detail each location within the Facilities (e.g., classrooms, utility or boiler rooms, hallways, restrooms, stairwells, etc.) where stripping or removal of asbestos-containing material (including RACM, Category I ACM, and Category II ACM) was conducted. For each location described in response to this item, provide the exact amount of ACM removed, as applicable, in units of linear feet on pipes, square feet, or cubic feet off facility components where length or area could not be measured previously.

5. Where applicable, describe in detail the equipment and procedures used to remove any resilient floor covering (e.g., vinyl asbestos tile) from any location identified in response to the previous item 4. For each location, provide the following:

(a) Specifically state how each piece of mechanical equipment was used to remove the vinyl tile and whether the vinyl tile was removed whole or in a manner which caused breakage.

(b) If the vinyl tile was removed using non-mechanical equipment (e.g., hand scrappers), state whether the vinyl tile was removed whole or in a manner which caused breakage.

(c) If breakage occurred, describe the nature of the breakage which resulted and provide an estimate of the square footage of vinyl tile which was subject to such breakage and the technique used to produce such estimate. If no breakage occurred, describe the specific measures taken to avoid breakage and the basis for implementing such precautions.

6. Submit copies of all laboratory analytical results for each bulk, wipe, dust, and air sample(s) collected and analyzed both before and during each renovation operation at the Facilities and after the debris removal operation was completed including, but not limited to, all air samples collected from each of the Facilities.

7. State whether any dust was created or emitted at any time during the process of renovation and/or RACM removal operation at the Facilities. If so, describe in detail the nature of such emissions, the date each emission occurred, and the activities which caused such emissions.

8. State whether any RACM or suspect RACM involved in any renovation operation at the Facilities was capable of being crumbled, pulverized, or reduced to powder by hand pressure when dry. For each type of RACM or suspect RACM listed in response to the preceding sentence, estimate the amount of RACM or suspect RACM in units of linear feet on pipes, square feet, or cubic feet off facility components where the length or area could not be measured previously, as applicable. Provide the specific facts on which your response to this request is based.

9. Describe any and all methods which were used to keep the RACM or suspect RACM adequately wet at all times throughout any removal operation at the Facilities. If the material was not adequately wetted at all times during the removal activity, state that and provide a copy of the EPA written approval to remove RACM in the dry state.

10. State whether RACM was identified during and/or after the commencement of any renovation of the Facilities.

    (a) Describe how the RACM was identified and the procedures taken by Oscar's to remove the RACM from each of the Facilities. Provide the exact date(s) the additional RACM was identified.

(b) Provide the exact amount of such additional RACM removed from each of the Facilities in units of linear feet on pipes, square feet, or cubic feet off Facility components where the length or area could not be measured previously; and the exact dates that removal of demolition or renovation debris occurred.

(c) Describe in detail the techniques used to estimate the quantity of all additional RACM present at any location within each of the Facilities where the RACM or suspect RACM was removed.

11. Provide the exact date(s) the RACM was collected and contained in preparation for disposal or otherwise. Describe the procedures used to collect and contain all asbestos-containing waste material (ACWM) in accordance with 40 C.F.R. § 61.150(a) of the Asbestos NESHAP.

12. Provide a detailed description of each location where ACWM was stored prior to being transported off-site for disposal. Provide a detailed description of any container(s) used to store ACWM at any such interim storage locations.

13. Provide the name, address, and telephone number of any off-site location(s) where the asbestos-containing waste material was disposed of. Provide copies of all written documentation (e.g., waste shipment records, manifests, etc.) confirming receipt of such materials at the disposal site(s).

14. Provide a copy of all contracts which governed the renovation of, and/or removal of RACM from, each of the Facilities. Also, provide a copy of all bids issued for the removal of RACM, and any responses to such bids.

15. Provide copies of all documents that Oscar's or any individual or entity hired by Oscar's produced or kept in the context of any renovation at the Facilities, including any report, engineering study and/or laboratory sample analyses, as well as, all minutes, notes, logs, and journals concerning asbestos removal and renovation activities at the Facility.

16. Provide copies of all correspondence (i.e., letters, permit applications, permits, waivers, Notices of Violation, etc.) between Oscar's and any Federal, State, or Local Agency (e.g., EPA, Connecticut Department of Health, City of Norwalk) regarding any asbestos removal or renovation activities at each of the Facilities.

17. Provide any other documentation created or otherwise obtained by Oscar's that relates to any renovation conducted at the Facilities that was not already provided in response to one of the items, above.

Attachment 2

Declaration

I declare under penalty of perjury that I am authorized to respond on behalf of Oscar's Abatement LLC to the foregoing Reporting Requirement and Subpoena. I certify that the responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information to EPA, including the possibility of fines and imprisonment.

By_____ Date:_____
(Signature)

_____
(Title)

_____
(Address)

_____

_____