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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202 - 2733

17 MAY 2016

CERTIFIED MAIL – RETURN RCEIPT REQUESTED: 7014 0150 0000 2453 3672

Ms. Sheila Sharp
Director
Arkansas Community Correction
Two Union National Plaza
105 West Capitol Street
Little Rock, Arkansas 72202

Re: Notice of Noncompliance

Dear Ms. Sharp:

The United States Environmental Protection Agency (EPA) hereby serves Arkansas Community Corrections (ACC) with this Notice of Noncompliance for violations of the Asbestos Worker Protection Rule for demolition work conducted by ACC in Pine Bluff, Arkansas. Based upon EPA's investigation, ACC employs workers engaged in demolition activities being conducted under the August 26, 2015, Memorandum of Understanding between the Arkansas Department of Environmental Quality and the city of Pine Bluff. As the employer, ACC is subject to the Asbestos Worker Protection Rule (WPR) codified at 40 C.F.R. Part 763, Subpart G and needs to ensure that workers potentially exposed to asbestos receive protection under the WPR including immediate access to the proper training, personal protective equipment and health monitoring called for under the WPR. In Arkansas, EPA administers the WPR.

The WPR, promulgated pursuant to Title 1, Section 6(a) of the Toxics Substances Control Act (TSCA), extends the Asbestos Standards of the Occupational Safety and Health Administration (OSHA) to employees of state and local governments not covered by an OSHA-approved state asbestos standard. The OSHA Standards are codified at 29 C.F.R. 1910.1001 and 29 C.F.R. 1926.1101. Failure to comply with the WPR requirements is a violation of Section 15 of TSCA, 15 U.S.C. § 2614, and subjects violators to potential civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

On May 9 – 12, 2016, the Environmental Protection Agency Region 6 (EPA) conducted an asbestos compliance inspection of the demolition work conducted by ACC under the August 26, 2015, Memorandum of Understanding between the Arkansas Department of Environmental Quality and the city of Pine Bluff (MOU). As part of the inspection, the EPA inspector observed the demolition activity conducted at the residential building located on 217 Laurel Street in Pine Bluff, Arkansas. EPA's observations at that location indicates violations of the WPR. The specific regulatory requirements and attendant violations include but are not limited to the following:

1. 29 C.F.R. 1926.1101(h) – Adequate respiratory protection was not provided to the supervisor or workers.
2. 29 C.F.R. 1926.1101(f) - Exposure monitoring was not provided for workers, and personal air monitoring was not conducted to assess asbestos exposure.
3. 29 C.F.R. 1926.1101(o) – The workers' supervisor did not receive training to qualify as a "competent person".
4. 29 C.F.R. 1926.1101(k) – Asbestos warning signs were not displayed nor was demarcation tape used or site barriers in place to restrict entry into the asbestos demolition site. A written hazardous communication plan was not in place for the work site.
5. 29 C.F.R. 1926.1101(g)(1)(ii) – Wetting was not conducted during the demolition, nor was wetting equipment present to contain emissions and control employee exposures.
6. 29 C.F.R. 1926.1101(m) – Baseline medical was not conducted for workers or supervisor performing the asbestos work.
7. 29 C.F.R 1926.1101(i) – Appropriate protective clothing was not provided to the workers.
8. 29 C.F.R. 1926.1101(j) – Hygiene facilities were not provided at the worksite for worker decontamination and clean up. Asbestos labeled bags for the collection of asbestos contaminated materials were not provided nor used.

This Notice of Noncompliance is issued to inform you that based upon EPA's investigation, the WPR applies to ACC and the projects conducted by ACC under the MOU, and that ACC failed to meet the requirements of the WPR at the 217 Laurel location. As mentioned above, violation of the WRP is subject to EPA penalty action. Therefore, ACC should stop any work under the MOU that does not comply with the WPR and conduct all future work under the MOU in full compliance with the WPR.

EPA invites ACC to provide any information it has related to the above violations to demonstrate compliance. In addition EPA offers ACC the opportunity to meet and discuss this matter. To provide information or arrange a meeting, please contact Elvia Evering at the above address, (214) 665-7575 or at evering.elvia@epa.gov within 10 days of the receipt of this letter. project.

We have enclosed a copy of the Asbestos Worker Protection Rule and the OSHA's 29 CFR 1926.1101 for your convenience. If you should have any questions, please contact Elvia Evering.

Sincerely,

Mark Potts
Chief
Waste Enforcement Branch

Enclosure

cc: Debe Hollingsworth
Mayor of the City of Pine Bluff
200 East Eighth Avenue, Ste. 201
Pine Bluff, AR 71601

Becky Keogh, Secretary
ADEQ

Stuart Spencer, ADEQ