



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
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ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

***Clean Air Act
Asbestos NESHAP
Compliance Inspection Report***

**SE Abatement
Waste Storage at
Arctic Storage, 151 Park Lane
Anchorage, AK**

Inspection Date: March 7, 2023

Report Author Signature:

JOHN PAVITT Digitally signed by JOHN PAVITT
Date: 2023.05.03 14:15:33 -08'00'

John Pavitt, Air Compliance Inspector, Region 10

Peer Review Signature:

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Section Chief Signature:

Joseph Wilwerding, Acting ATES Section Chief, Region 10

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Attachments

Attachment 1.....	EPA Region 10 Digital Image Log
Attachment 2.....	Email, Conversation Summary 2/28/23
Attachment 3.....	Asbestos Lab Report
Attachment 4.....	Email, EPA Findings 3/7/23

1. Facility and Inspection Information

Storage Facility Owner: Arctic Storage
151 Park Lane
Anchorage, AK 99508
(907) 334-9292
Charden Kepaa, Manager

AFS/FRS Number: 110070239128

Abatement Contractor: Southeast Abatement
2402 Ka-See-An Dr
Juneau, AK 99801
Derik Wythe, Owner
Derik.wythe@gmail.com

NAICS: 562910 - Environmental Remediation Services

U.S. EPA Inspectors: John Pavitt, Air Compliance Inspector
U.S. EPA Region 10
Enforcement and Compliance Assurance Division
Air and Toxics Enforcement Section
Alaska Operations Office
(907) 271-5083
pavitt.john@epa.gov

Date of Inspection: March 7, 2023

Date of Report: May 3, 2023

Inspection Start Time: 1:00 PM

Inspection End Time: 1:45 PM

Inspection Notice: Advance notice of this inspection was given to both Arctic Storage and to the person renting a storage container there, to arrange for access to a locked storage container.

Scheduled dates asbestos removal: Unknown

Were samples collected for this inspection? Samples collected by person renting storage unit.

Were any sample results positive for asbestos? Yes, Green Tiles and Mastic (2-4% Chrysotile Asbestos)

2. Introduction

The purpose of this inspection was to determine compliance with the asbestos National Emission Standards for Hazardous Air Pollutants (asbestos NESHAP) found at 40 CFR Part 61, Subpart M, under the Clean Air Act (CAA). The asbestos NESHAP applies to renovation and demolition activities which may disturb asbestos at a “facility” as defined in the asbestos NESHAP.¹ Requirements include the safe handling, storage and disposal of asbestos containing waste material generated at such projects. (40 CFR 61.150)

On February 28, 2023, I received a phone call from Cody Olson, who is active-duty military at Joint Base Elmendorf-Richardson (JBER) in Anchorage, AK. Mr. Olson said he had recently bid at auction for the contents of a storage container at Arctic Storage on Park Lane in Anchorage. He won the bid, opened the container and found it to have old carpet and floor tiles. He thought this material was just trash, and brought some of the waste to the Anchorage Regional Landfill for disposal. The landfill advised him the floor tile might contain asbestos and that he should have it tested, he said. He said the testing was underway but he was calling EPA for direction on what to do next. (Attachment 2, email summary of conversation.)

Mr. Olson later that day sent me photos of the floor tiles and also his lab test results which showed that green floor tile and mastic were positive for asbestos (2-4% Chrysotile asbestos). (See Attachment 1, Photo Log and 3, Lab Report.)

This inspection involved examining the floor tiles in the rental storage unit to see if they were friable or not. Under the asbestos NESHAP, friable asbestos is considered to be Regulated Asbestos Containing Material (RACM) and is subject to requirements under the rule.

Asbestos NESHAP Definitions (40 CFR 61.141)

Friable asbestos material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR 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.

A check of Arctic Storage records in advance of the on-site inspection showed that in December 2021, **the storage unit, measuring 9 ft x 28 ft, was rented to contractor Derik Wythe, Southeast Abatement** from Juneau, Alaska. Rental payments had stopped in October 2022 and Arctic Storage considered the unit *abandoned*. Arctic Storage issued an Auction Notice to Derik Wythe, Southeast Abatement, for the unit in January 2023. As noted above, an auction took place and Mr. Olson acquired the contents of the unit approximately in February, 2023.

¹ See 40 CFR § 61.141. *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.

A check of State of Alaska Division of Corporations, Business and Professional Licensing in advance of the inspection showed that business license # CONS39700 issued to Derik Wythe, Southeast Abatement had *expired* on 12/31/2020.²

The landfill closest to the Arctic Storage facility is the Anchorage Regional Landfill. A check of landfill records in advance of the inspection showed the landfill approved a request for disposal from Southeast Abatement in December 2020 which was valid for one year, however, no asbestos waste was brought there by Southeast Abatement.

Disclaimer

This report is a summary of observations and information gathered from the facility at the time of the inspection, in follow-up phone calls with the building owner and from records review. The information provided does not constitute a final decision on compliance with CAA regulations or applicable permits, nor is it meant to be a comprehensive summary of all activities and processes conducted at the facility.

3. Compliance History

A review of EPA's Enforcement and Compliance History Online (ECHO) database³ showed that in the last five years, contractor Southeast Abatement has had one EPA compliance inspection (for Toxic Substances Control Act (TSCA) lead paint), on 4/30/2018. Southeast Abatement has had no formal or informal enforcement actions in the last five years.

4. Environmental Justice Information

EPA's Environmental Justice Screening and Mapping Tool (EJScreen)⁴ showed the Arctic Storage facility is in an EJ area with a value over the 80th percentile for multiple EJ indices covered in the screening tool.

5. Records Review

Asbestos Notifications

The asbestos NESHAP requires each owner or operator of a demolition or renovation activity to which this section applies to provide the Administrator with written notice of intention to demolish or renovate when the amount of RACM involved is at least 160 square feet, 260 linear feet or 35 cubic feet. (40 C.F.R. § 61.145(a)) The owner or operator must postmark or deliver the notice 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). (§ 61.145 (b)(3)(i))

A review of EPA records showed no notices submitted by Southeast Abatement to EPA R10 in the last five years.

² See <https://www.commerce.alaska.gov/cbp/businesslicense/search/License>

³ See <https://echo.epa.gov/>.

⁴ See [EJSCREEN: Environmental Justice Screening and Mapping Tool | US EPA](#)

6. Inspection Elements/Order

Pre-Inspection Observations

No pre-inspection observations were made at this site. I went directly to the office of Arctic Storage upon arrival. The weather was sunny and cold, below freezing.

Entry and Opening Conference with Facility Representatives

I arrived at the storage facility a few minutes before 1:00 pm and met Cody Olsen and Arctic Storage Manager Charden Kepaa as scheduled. Also present was US EPA Criminal Investigator Michael Charland. Mr. Charland was there to observe my inspection.

I introduced myself and presented my credentials to Mr. Olsen and Mr. Kepaa. I said I was there to check on compliance with EPA's asbestos regulations regarding the old flooring material in a storage unit at the facility. I said I wanted to check the condition of the flooring material and see if it was "friable" or not. I explained that friable asbestos material means that it can be broken apart, crumbled and pulverized using hand pressure. If it was friable, I said, then the material would be regulated under EPA's asbestos rules and additional precautions would be needed to prevent the release of asbestos fibers and protect the public.

Facility Walk-Through and Examination for Friability

Mr. Kepaa said the location of the storage locker, which was in Row H, Unit 6 and he escorted me there. The unit was locked and yellow and black tape had been placed across the doors. A "Caution – Hazardous" sign was also posted on the doors. Mr. Kepaa said it had been locked until the time of the auction, and then locked after the contents had been identified. Mr. Kepaa unlocked the container for me.

I put on my personal protective equipment (Tyvek suit, full face respirator and nitrile gloves) and began to examine the contents from the open doors. Mr. Charland assisted me by taking photos from a distance while I began my examination to determine if the flooring material was friable.

Looking inside the storage unit from the doorway, I saw it was approximately 75% full, with dozens of plastic-wrapped sections of carpet. The sections of carpet were sealed with duct tape. (See Attachment 1, Photos P3070008 and 0009.) I picked up several of the sections close to the doors and they were heavy and had visible droplets of water inside them. I climbed into the storage container and made my way to the back of the container. I picked up sections of the wrapped carpet, turned them over and looked at the contents. The contents were similar in appearance throughout the container, with pieces of green and gray tile with mastic on them, sticking to the old carpet.

I selected several of the wrapped sections from the front, middle and back of the storage unit and set them on the ground outside the container. Starting with the first section of rolled up carpet, I rolled it over to find floor tiles and used a box knife to slice it open, revealing floor tile with

mastic inside. I pulled a piece of floor tile out and placed it into a quart-sized zip lock baggie. Using hand pressure, I attempted to break the tile. The tile was strong and durable and with difficulty I could break it but the tile did not crumble into pieces. I also tried breaking the tile against the framing of the steel storage container and could get it to break but not crumble. I repeated this process with two more pieces of gray and green floor tile pulled from other sections of rolled up carpet. The other floor tile pieces were equally strong and would break with hand pressure, but did not become crumbled, pulverized or reduced to powder. (Photos P3070013-0017.)

I determined the floor tile was not friable, as defined in the asbestos NESHAP (40 C.F.R. § 61.141).

Closing Conference

I told Mr. Kepaa and Mr. Olsen that I determined the material was not friable and that means it is not “Regulated Asbestos Containing Material” under EPA’s regulations. I said that means they could dispose of it without notifying EPA and that I did not consider it to be hazardous. I placed the sections of rolled up carpet back into the container and closed the doors.

I said I would send them a follow-up email re-stating my determination so they could begin disposing of the waste at the Anchorage landfill. (See Attachment 4.) I gave Mr. Kepaa a copy of EPA’s Small Business Assistance sheet before leaving the site.

I left the facility at 1:45 pm.