**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION 10**
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

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

## Commercial Building – Former Eagle's Lodge
**318 W Steuben Street**
**Bingen, Washington**

**Inspection Date: March 9, 2022**

Report Author Signature: ALYSON SKEENS Digitally signed by ALYSON SKEENS Date: 2022.05.04 12:54:37 -07'00'

Alyson Skeens, Environmental Engineer, Region 10

Peer Review Signature: JOHN PAVITT Digitally signed by JOHN PAVITT Date: 2022.05.05 10:36:48 -08'00'

John Pavitt, Air Compliance Inspector, Region 10

Section Chief Signature: DERRICK TERADA Digitally signed by DERRICK TERADA Date: 2022.05.05 11:49:36 -07'00'

Derrick Terada, Acting ATES Section Chief, Region 10

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# Attachments

## 1. Facility and Inspection Information

| | |
|---|---|
| Facility Owner: | Francisco Goya<br>318 West Steuben Street<br>Bingen, Washington 98605 |
| AFS/FRS Number: | N/A |
| Abatement Contractor: | Alpine Abatement Associates<br>64435 Strickler Avenue, Suite 105<br>Bend, Oregon 97703<br><br>Nick Segura, Owner/President<br>541-388-2672<br>nick@alpineabatement.com<br><br>Izaac Ross, General Manager<br>izaac@alpineabatement.com<br>service@alpineabatement.com |
| NAICS: | Alpine Asbestos Abatement 562910 – Remediation Services |
| U.S. EPA Inspectors: | Alyson Skeens<br>Enforcement and Compliance Assurance Division (ECAD)<br>Air and Toxics Enforcement Section (ATES)<br>U.S. EPA Region 10 (R10)<br>(206) 553-5139<br>Skeens.alyson@epa.gov<br><br>John Pavitt<br>ECAD/ATES<br>U.S EPA R10<br>(907) 271-5083<br>Pavitt.john@epa.gov<br><br>Kim Farnham<br>ECAD/ATES<br>U.S. EPA R10<br>(206) 553-6697<br>Farnham.kim@epa.gov |
| State/Local Inspectors: | Jennifer Caraway<br>Compliance & Enforcement Officer<br>Lead-Based Paint Program |

Department of Commerce, Washington State
(360) 725-2813
Jennifer.caraway@commerce.wa.gov

Date of Inspection: March 9, 2022

Date of Report: May 5, 2022

Inspection Start Time: 10:13 AM

Inspection End Time: 12:34 PM

Inspection Notice: Unannounced

Scheduled dates asbestos removal[1]: March 7, 2022 – March 18, 2022

Scheduled dates demolition/renovation: March 7, 2022 – March 18, 2022

Were samples collected for this inspection? No

Were any sample results positive for asbestos? N/A

## 2. Introduction

The purpose of this inspection was to determine compliance with the Clean Air Act (CAA), National Emission Standards for Hazardous Air Pollutants for asbestos ("asbestos NESHAP") (40 CFR Part 61, Subpart M), which applies to renovation and demolition activities which may disturb asbestos at a "facility" as defined in the asbestos NESHAP. [2]

The inspection was led by Alyson Skeens, EPA R10 and supervised by John Pavitt, EPA R10. Also participating for on-the-job training was EPA R10 inspector Kim Farnham.

The facility is a former Eagle's Lodge, described as a commercial building on the renovation notice submitted to EPA R10 on February 23, 2022, by Alpine Abatement Associates (AAA). According to the notice no testing was done, and it was assumed that asbestos was present in the vinyl tile floor, insulation, and siding. (Attachment 2). The notice stated that approximately 9,700 square feet of material will be removed.

The inspectors confirmed during the on-site inspection that the facility at 318 West Steuben Street was in the process of being renovated. AAA provided inspectors with a copy of the asbestos sampling report. Testing conducted on October 29, 2021, shows that vermiculite (<1%

[1] Dates provided in notifications to EPA R10.

[2] 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.

tremolite) and vinyl tile (8% chrysotile) tested positive for asbestos. (Attachment 3) The inspectors confirmed that testing was not done on the exterior cement shingle siding and that it was assumed to be positive for asbestos. Upon arrival vermiculite was in the process of being removed and was the only disturbed material.

Disclaimer

This report is a summary of observations and information gathered from the facility at the time of the inspection 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) database[3] showed the abatement contractor AAA has not had informal or formal enforcement actions in the last five years. ECHO shows that an Offsite Records Review was conducted under the Toxic Substance and Control Act (TSCA) on January 12, 2021. ECHO shows no findings reported for this compliance monitoring activity.

## 4. Environmental Justice Information

EPA's Environmental Justice Screening and Mapping Tool (EJScreen)[4] showed the former Eagle's Lodge in Bingen, Washington is in an area with an index over the 80$^{th}$ percentile for one or more EJ indices. The EJScreen indices were compared to state values.

## 5. Records Review

### Asbestos Notifications

The asbestos NESHAP requires the owner or operator to provide the EPA with written notice of intention to demolish or renovate a facility. The notice is to be mailed in at least 10 working days before asbestos materials are disturbed. The notice is to be updated as necessary. (40 C.F.R. § 61.145(b))

The original notice of renovation was emailed on February 23, 2022, to Inspectors Pavitt and Skeens. The notice shows abatement work was scheduled to begin on March 7, 2022. It stated that asbestos waste material from the project would be delivered to Hillsborough Landfill in Hillsboro, Oregon. (Attachment 2)

Following the on-site inspection, on March 16, 2022, Inspector Skeens asked for the original notice to be revised with the name of the correct landfill. Two revisions were emailed to EPA the following day. Revision 1 listed Columbia ridge Landfill in Arlington, Oregon as the landfill where the vermiculite waste was taken to. Revision 2 listed Wasco County Landfill in The Dalles, Oregon as the landfill where the remaining asbestos containing waste material would be

[3] See https://echo.epa.gov/. For more information on EPA's EJ Screen Indexes, see EJSCREEN home page.
[4] See EJSCREEN: Environmental Justice Screening and Mapping Tool | US EPA

taken to. Both revisions updated the testing method used to detect the presence of asbestos material, from assumed asbestos to bulk analysis using polarized light microscopy[5] (PLM). Both revisions lack a signature certifying the information provided is correct. (Attachment 4 and 5) Additional notices were emailed to EPA R10 after the inspection took place. (Attachment 7 and 8) Both of these notices include a signature certifying the information provided is correct.

| Notice Type | Submittal Date | Asbestos Start and End Dates | Testing Methods | Waste Disposal Site |
|---|---|---|---|---|
| **Original 1** | February 23, 2022 | Start: March 7, 2022<br>End: March 18, 2022 | Assumed, no testing | Hillsboro Landfill |
| **Revision 1.1** | March 16, 2022 | Start: March 7, 2022<br>End: March 18, 2022 | Bulk analysis with PLM | Columbia Ridge Landfill |
| **Revision 1.2** | March 16, 2022 | Start: March 7, 2022<br>End: March 18, 2022 | Bulk analysis with PLM | Wasco County Landfill |
| **Original 2** | April 5, 2022 | Start: April 13, 2022<br>End: April 14, 2022 | PLM | Hillsboro Landfill |
| **Revision 2.1** | April 18, 2022 | Start: April 18, 2022<br>End: April 20, 2022 | PLM | Hillsboro Landfill |

**Asbestos Survey**

The asbestos NESHAP requires the owner or operator of a demolition or renovation activity to conduct a thorough survey for the presence of asbestos prior to commencing the activity (40 C.F.R. § 61.145(a)).

Records provided from the facility contractor show an asbestos survey was performed in October 2021 with the lab analysis performed by JSE Labs, Milwaukie, Oregon. (Attachment 3) The survey identified the following asbestos-containing materials:

| Sample | Description | Asbestos Type | Percentage |
|---|---|---|---|
| **Vermiculite** | Brown puffed up mica flakes with dust and debris | Tremolite | <1% |
| **Tile** | Black vinyl tile with brown mastic | Chrysotile | 8% |

The friability of the sampled materials was not included in the report. The transite tile was not sampled but is being assumed to contain asbestos by the abatement contractor. The transite tile was observed during the inspection to be crumbling and cracked. There were pieces of the tile alongside the building. The inspectors assessed the material visually and found it to be friable based on the crumbled pieces found alongside the building. Depending on how it is removed from the exterior walls, the material has potential to be broken into small pieces during abatement. If it is crumbed and broken into pieces, Category II asbestos containing material such as cement tile meets the definition of Regulated Asbestos Containing Material (RACM) (40 CFR §61.141).

[5] EPA-600/M4-82-020 and EPA-600/R-93/1116 methods

The vermiculite in the building was being removed at the time of the inspection and was dry and friable, however, the test results showed it to contain less than one percent asbestos. The floor tile was still intact at the time of the inspection. It was showing signs of wear and tear but was not friable. The methods to be used to remove it may cause it to become friable.

**Waste Shipment Record**

The asbestos NESHAP requires the owner or operator of a project subject to the NESHAP to maintain Waste Shipment Records (WSR) for each load of waste transported from the job site. The WSR form must include details including but not limited to the contents of the load, quantity of waste, the job site where it was generated, contact information for the generator and transporter and the landfill destination. (40 C.F.R. § 61.150(d))

The WSR form provided by AAA showed that one load of asbestos containing waste was transported off site. (Attachment 6) This load was removed on March 15, 2022 and delivered to Columbia Ridge Landfill on the same day. The load was one container with a total quantity of 10 cubic yards. There were no discrepancies identified by the landfill when they received the waste. The notification submitted to EPA at the time of this waste shipment stated that asbestos waste would be transported to a different landfill – the Hillsborough Landfill. The asbestos NESHAP requires that the notification submitted to EPA include the name and location of the waste disposal site where the asbestos waste will be deposited. (61.145(b)(4)(xii).

**6. Inspection Elements/Order**

**Pre-Inspection Observations**

The inspectors parked in the lot east of the facility around 10:13 am. The inspectors observed an AAA box truck, waste truck, and a 3-stage decontamination entrance. The 3-stage decontamination had two (2) entrances: a worker entrance on the ramp to the building and a larger entrance where the waste truck was backed up to. The plastic door flaps for the larger entrance were open and moving in the wind. To the right of the 3-stage decontamination was a double wooden door where a worker was seen entering.

**Entry and Opening Conference with Facility Representatives**

The inspectors walked onto the site at approximately 10:24 am and showed their credentials to Henry Valenzuela, AAA site supervisor.

The inspectors observed that the building had four exterior siding layers: green painted vertical wood panels, green painted horizontal wood panels, brown wood panel, and green cement tiles (transite). When asked about this Mr. Valenzuela said that when AAA showed up to the site the green vertical wood paneling was removed in sections already. The contractor that removed the wood paneling stopped work once the green transite cement board was uncovered. The inspectors asked Mr. Valenzuela who removed the wood paneling. Mr. Valenzuela responded that AAA was hired directly by the owner and was unsure who removed the wood paneling sections.

The inspectors asked about the notice stating no testing was done and that it was assumed asbestos was present. Mr. Valenzuela then showed the inspectors that testing had been done on the vermiculite and tile. The inspectors asked for Mr. Valenzuela to clarify if the floor sample was tested as a composite. Mr. Valenzuela responded that the sample was tested as a composite as the mastic was not separable from the tile.

The inspectors asked which areas in the facility was AAA contracted to remove asbestos from. Mr. Valenzuela responded that they will be working everywhere except the kitchen area. Mr. Valenzuela explained how the rooms AAA will be working related to the kitchen entrance (double wooden doors). Mr. Valenzuela clarified that the brown wood paneled area is the former kitchen area and is the first room though the double doors. After entering the kitchen there is a hall to the left that leads to a room and forward is door that leads to a larger room. The two negative air machines are at the entrance between the larger room and kitchen, he said.

The inspectors requested if they could enter the kitchen. Mr. Valenzuela said it was not recommended to enter as the whole facility is under contamination control due to work being done in several locations. Mr. Valenzuela clarified the kitchen was not being worked on though.

The inspectors asked what work was currently being done and how many workers were present. Mr. Valenzuela stated they were currently working on removing vermiculite from the attic and that the flooring was next. This work was being conducted by three workers, he said. The inspectors asked if all of the vermiculite from the attic was being removed. Mr. Valenzuela stated that they were removing the vermiculite just in the front room of the building.

The inspectors requested to see Mr. Valenzuela's asbestos supervisor credential around 10:52 AM. Mr. Mr. Valenzuela showed us his credential from Washington Labor & Industries (L & I) and it had expired on 10/17/2020. Mr. Valenzuela explained that he applied to renew it, but L & I were behind several months in delivering new credentials. The State inspector agreed to this statement, based on her experience.

The inspectors asked which landfill AAA was using and if any loads have left the facility. Mr. Valenzuela said he thought the waste was going to the landfill in Dalles, which is Wasco County Landfill. The inspectors said that the notice shows Hillsboro Landfill as the waste disposal site. Mr. Valenzuela said that he would speak with the office about having the notice revised. Mr. Valenzuela said that he is the waste transporter and had taken one load to the Waste Connection Landfill in Hood River. Inspectors asked Mr. Valenzuela how many loads he expected to make. Mr. Valenzuela said he was unsure but expected several as they would be removing approximately 3,800 square feet of tile, 3,800 square feet of transite, and 2,000 square feet of vermiculite.

The inspectors asked how AAA removed the vermiculite. Mr. Valenzuela said that the workers hand scooped the vermiculite with a shovel directly into a bag. Once the workers were done shoveling the cracks would be vacuumed, he said. Workers were using an airless sprayer and hand pump water sprayers to keep the vermiculite adequately wet, he said.

The inspectors asked how the floor tile with mastic was going to be removed and if it was friable. Mr. Valenzuela explained that the tile will be removed in large pieces with the wood floor attached. The floor will be wetted down then they will cut between wooden slats. The cuts will be made in a grid pattern then pulled up and placed directly into the waste transport truck. The work would be done under negative air pressure. The inspectors asked Mr. Valenzuela if they would be using a solvent to loosen the mastic. Mr. Valenzuela said that he prefers to use just water, and hand scrappers. Mr. Valenzuela said they do not plan on using scrappers for this project since the subfloor is not concrete like they were told. Mr. Valenzuela said they planned wheel burrow out the tile floor sections directly into the truck. In order to minimize exposure, they would make a tent around the truck and double layer the truck with 6 mil plastic liner, he said.

The inspectors also asked how AAA planned to remove the transite siding. Mr. Valenzuela said that they planned to use hand tools and pop off the panels. To minimize exposure to the environment they planned to a lay 6 mil plastic tarp on the ground and wrap up the side of trees facing the building with large black trash bags. Workers were still expected to wear a Tyvek suit and respirator, he said. While removing the tiles workers would spray water on the walls. Mr. Valenzuela said that AAA planned to work with the city to block off the sidewalk when removing siding on Steuben or Walnut streets but would only be working on one side at a time. Additionally, Mr. Valenzuela said the area will be taped off with asbestos warning tape. Mr. Valenzuela said that the transite removal work will occur on one side of the building at a time. He said the transite removal will be last phase of the project since AAA is going to strip the building to the stud from the outside.

**Facility Walk-Through**

Walking around the building the inspectors observed that the transite was weathered with pieces falling off. Pieces of transite were seen on the ground on the three sides of the building that have transite (the back side is a wood wall). The transite was originally covered in the same wood paneling that covered the shed on the East side. The inspectors observed that there were other siding layers in addition to the transite. The layers on the East side of the building were different than the side on Walnut and Steuben streets. The layers were more exposed on the East side of the building. There were seven layers on the East side, and the inspectors observed that three of these had potential asbestos containing materials (ACM): the green transite, grey cement board, and black tarpaper. The inspectors asked Mr. Valenzuela if the black tar paper layer was tested for asbestos. Mr. Valenzuela responded that he was unsure, but they were hired to remove only the transite and foil paper layer, and they will not be removing the rest of the sublayers.

The inspectors asked about the three-stage decontamination zone and the doors being open. Mr. Valenzuela said he was unsure why the decontamination zone was open. The doors are opened when the truck is loaded, but the truck is covered with plastic up to the decontamination zone entrance. He said they post asbestos warning signs in this area when dealing with regulated waste. No warning signs were posted at the time of the inspection.

The inspectors walked around the building and checked if the public would be able to gain access to the facility. The only open entrance was the one utilized by the workers. The facility

side on Steuben Street had one white door and was locked. The facility side on Walnut Street had a single door, double door, and cellar door. All doors were all locked. There were no entrances on the back side of the facility. After the external walkaround EPA inspector John Pavitt entered the active asbestos abatement area with Mr. Valenzuela around 12:03 pm and exited about 15 minutes later. Upon exiting EPA inspector Pavitt briefed the other inspectors and Mr. Valenzuela on what he observed.

EPA inspector Pavitt saw a stockpile of bags containing vermiculite on the dance floor. It was observed that the bags were dry, but the material was not considered regulated since it tested less than 1% asbestos. It was observed that the flooring material looked in good condition with a couple of spots where the tiles were removed but the mastic was intact. Inspector Pavitt added that the flooring was mostly undisturbed. The exits were covered with critical barriers and there were two negative air machines operating. The negative air machines had four or five prefilters with an additional HEPA filter. The outer most filter had dust on it, but inner filters were clean. The negative air machines did not have a monometer. Mr. Valenzuela said the machines have an orange illuminated light to show that there was air flow. Inspector Pavitt did not check the light while inside and could not see it from the outside window looking inside. Mr. Valenzuela said that he saw the light on and that the machines were on the high which flows at 2000 cubic feet per minute. The inspectors confirmed that air was flowing from the air filters when they saw air ductwork coming from the interior of the building and blowing outside through several windows.

**Sampling**

The inspectors did not collect samples for this inspection. Asbestos sampling results were provided by the facility representatives and are included as Attachments 3 of this report.

**Closing Conference**

The closing conference started after Inspector Pavitt's work zone brief. Inspector Pavitt said that the workers were being neat. He did not see dust on the first floor below the attic where they had been removing vermiculite. The bags of vermiculite were loaded, sealed, and then set down on the floor below. The work was found to be consistent with what the inspectors were told. Other than the floor tile and mastic which had been tested, no other suspect ACM was identified inside the facility.

The inspectors ask if AAA used water additives when removing flooring. Mr. Valenzuela said they usually do not, however, they do spray the area with lockdown after the abatement is over and before tearing down the barriers. Lockdown is an encapsulation spray; fibers stick to the plastic to prevent any fibers from escaping.

Inspector Skeens talked about CBI claims and provided AAA with EPA's small business resource sheet. Mr. Valenzuela said nothing from this inspection on site was CBI.

Inspector Skeens made one recommendation based on their observations:

1. Update the notice to show the correct landfill.

Inspector Skeens asked for the following additional records:

1. Revised notice of renovation.
2. Waste Shipment Record for any loads removed so far.

The inspectors asked if the facility representatives had any questions and they said they did not. The inspectors left the facility at about 12:34 pm.

## 7. Post Inspection

As noted above, contractor AAA submitted two additional notices following the on-site inspection of the facility. The notices of renovation were dated April 5, 2022 (original) and April 18, 2022 (revised). Both notices listed the Hillsboro Landfill as the Waste Disposal Site for this project. Attachment 6 to this report shows that the Columbia Ridge Landfill was used for the disposal of asbestos waste from this project on March 15, 2022. At the time of this inspection report it is not clear which landfill(s) were being used by AAA for this project. The asbestos NESHAP requires that the notification submitted to EPA include the name and location of the waste disposal site where the asbestos waste will be deposited. (61.145(b)(4)(xii)).

The notice dated April 5, 2022, stated that work would start on April 13 and end on April 14, 2022. It was submitted less than 10 days in advance as required by the asbestos NESHAP. (61.145(b)(3)(i))

The notice dated April 18, 2022, is a revision to the April 5$^{th}$ notice and was submitted after the April 5$^{th}$ notice had expired. Revisions need to be sent in before the project's end date. If a revised notice is sent after this date, then EPA R10 must be notified at least 10 working days in advanced. (40 C.F.R. § 61.145(b)(3)(i))