The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

October 24, 2005

Mr. Jerry Berque
108 Alsace Street
Manchester, New Hampshire 03101

CERTIFIED MAIL (7099 3400 0018 1290 0915)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION

RE: Improper Asbestos Removal at 108 Alsace Street, Manchester, NH

Dear Mr. Berque:

On September 26, 2005 and September 27, 2005, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") personnel conducted a routine inspection at 108 Alsace St., Manchester, NH (the "Property") to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control,* regulating asbestos abatement activities. The property is a multi-family apartment house that you own. Accolade Environmental had notified DES that it would be removing a quantity of asbestos containing heating system insulation from the building between September 26 and 28, 2005.

On the afternoon of September 26, 2005, the inspector found that abatement work had not started, and that deteriorating pipe insulation was present in the basement, still on the pipes. On the morning of September 27, 2005, the DES inspector observed several bags of unsealed, unlabeled, dry, pipe insulation, and small pieces of white asbestos debris on the floor. Accolade Environmental personnel on site said the bagged asbestos was there when they arrived to begin abatement. After further investigation, and conversations with Accolade managers and yourself, it was determined that you had removed the pipe insulation.

The purpose of this letter is to notify you of the violations discovered during the inspection conducted on September 27, 2005. The specific violations are as follows:

- Env-A 1805, *Work Practice Requirements,* contains specific provisions pertaining to the proper handling, removal and disposal of asbestos-containing material ("ACM"). In particular, Env-A 1805.02 requires personnel involved in any major asbestos abatement project to be licensed and certified. In addition, Env-A 1805 requires that the operator of a facility at which major asbestos abatement activity will occur take steps to prevent exposure to asbestos fibers during removal, including isolating the work area and using wet removal methods. A licensed asbestos abatement worker in the State of New Hampshire did not do the removal work, and required work practice standards were not followed during the removal of the ACM.

No further action related to the listed violations is required. However, please be advised that an inspection for ACM should be conducted prior to initiating any renovation or demolition activities. DES believes that you can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*, a copy of which is enclosed.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Compliance Bureau, Air Resources Division, at (603) 271-1373.

Sincerely,

COPY

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/asb

Enc.: Env-A 1800

cc: Wayne Toland, EPA Region 1
G. Hamel, Legal Unit Administrator
City of Manchester Health Dept.
Source File