The State of New Hampshire

Department of Environmental Services

Michael P. Nolin
Commissioner

January 18, 2005

Mr. Martin Doughty
Servpro of Lebanon
P.O. Box 1133
Lebanon, New Hampshire 03766

CERTIFIED MAIL (7099 3400 0018 1290 2995)
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

RE: Improper Asbestos Removal at 77 East Wheelock St., Hanover, NH

Dear Mr. Doughty:

On August 19, 2004 the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), responded to a complaint that proper work practices were not being followed during the removal of asbestos containing material ("ACM") from a dwelling undergoing renovations located at 77 East Wheelock Street, Hanover, NH (the "Property").

During the inspection at the Property, the DES inspector found that Servpro of Lebanon employees ("Servpro") had removed water damaged plaster from the interior walls of the living room and kitchen, and floor tiles from the kitchen and basement. Servpro had not provided for a proper inspection for the presence of ACM prior to the removal of the plaster and the floor tile. Servpro is not a licensed abatement contractor in the State of New Hampshire and did not follow required work practice standards during the removal of the ACM.

- Env-A 1804.01 requires that before undertaking any renovation, each facility operator shall provide for an inspection, by a competent person, of the affected portion(s) of the facility for the presence of ACM. Env-A 101.80 defines a competent person as someone capable of identifying asbestos hazards and who has completed, at a minimum, a training course for asbestos inspectors.

Green Mountain Environmental Services, Inc. ("Green Mountain"), a licensed asbestos abatement firm from Richmond, VT, was hired as a sub-contractor by Servpro to remove asbestos-containing pipe insulation from the basement, kitchen and living room at the Property, as well as the residual mastic left on the basement floor after Servpro had removed the floor tile. Green Mountain reportedly removed ACM without utilizing proper containment, failed to control access to the work area and failed to post warning signs during the abatement.

- Env-A 1805, *Work Practice Requirements* contains specific provisions pertaining to the proper handling, removal, and disposal of ACM. In particular, Env-A 1805.02 requires personnel involved in any major asbestos abatement projects 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 from uncontaminated areas by air-tight barriers, and posting warning signs at all entrances to the work area.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-1370 • Fax: (603) 271-1381 • TDD Access: Relay NH 1-800-735-2964
DES Web site: **www.des.nh.gov**

Env-A 101.200 defines "Owner or Operator" as any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly results or may result in emissions of any air pollutant for which a national standard is in effect. Servpro, as the contractor in charge of the facility during the renovation work, should be aware that Green Mountain failed to follow proper work practices during the asbestos abatement project.

On August 24, 2004 a DES inspector revisited 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. At the time of the inspection, Green Mountain employees were removing the residual mastic and cleaning the upper floors.

As a result of the information gathered, DES has determined that violations occurred. The purpose of this letter is to notify you of the violations discovered during the inspections conducted on August 19 and August 24, 2004. No further action related to the listed violations is required, however DES believes that Servpro 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.*

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, Air Resources Division, Compliance Bureau, at (603) 271-1373.

Sincerely,

COPY

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enc.: Env-A 1800
List of asbestos abatement contractors

cc: W. Toland, EPA Region 1
G. Hamel, Legal Unit Administrator
Ms. E. Ermenc, Owner's Rep.
B. Walsh, Chairman, Hanover Board of Selectmen
S. Vespa, Green Mt. Environmental Services, Inc.
Source File