



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

AUG 12 2009

CITY OF MARCO ISLAND

4APT-CPAS

AUG 13 2009

RECEIVED

Federal Express – Overnight Delivery

Mr. Steven T. Thompson  
City Manager  
City of Marco Island  
50 Bald Eagle Drive  
Marco Island, Florida 34145

SUBJ: Second Request for Information Pursuant to Section 114(a) of the Clean Air Act

Dear Mr. Thompson:

The United States Environmental Protection Agency, Region 4, (EPA) has completed its review of the information jointly submitted by Quality Enterprises and the City of Marco Island on April 21, 2009, in response to EPA's March 17, 2009, information request letter, and has determined that we need additional information to determine the City of Marco Island's (the City) compliance with Section 112 of the Clean Air Act (the Act), 42 U.S.C. § 7412, and the regulations promulgated at 40 Code of Federal Regulations (C.F.R.) Part 61, Subpart M, the *National Emission Standard for Asbestos*. Pursuant to Section 114(a) of the Act, 42 U.S.C. § 7414(a), the EPA Administrator is authorized to require any person who owns or operates any emission source, or who is subject to any requirement of the Act, to establish and maintain such records, make such reports, and provide such other information as may be reasonably required, for the purposes of determining whether such person is in violation of any provision of the Act. This authority has been duly delegated to the Director of the Air, Pesticides and Toxics Management Division of EPA, Region 4.

City bid and technical documents indicate that pipe bursting may have been used during the project. For example, the City's *Contract Bidding Documents For: South Collier Boulevard*, Contract No. 05-006, Nov. 14, 2004, prepared for the City by Kimley-Horn and Associates, Exhibit M, *Technical Provisions, Descriptions of Work*, states: "This process involves the use of a pneumatic hammer or hydraulic head device sized to break out the old pipe and insert a new pipe. The insertion of the pipe into the existing pipe is accomplished either from an existing manhole using a segmented pipe section or from a launching pit using standard butt fused pipe to a reception manhole or a receiving pit." Page 3 of the *Technical Provisions* refers to a "trenchless pipe replacement process" and "pipe to be burst." Page 4, "Method of Measurement" states that "fees paid to the contractor shall be based on the length of the existing pipe replaced

using pipe bursting, measured in place along the surface of the ground.” Page 5 refers to payment based on installation of 8” and 10” HDPE sanitary sewer pipes by pipe bursting.

Additionally, Document TP-555, *Directional Boring*, refers to “horizontal directional drilling (HDD),” a trenchless method for installing a product that serves as a direction conduit for pipe. Bid Proposal Form F2, *Bid Schedule Summary*, pages 16-18, shows “utility pay items” for “directional drill” and “HDPE Sanitary Sewer Pipe – by Pipe Bursting” and linear feet for each item.

EPA is seeking information about the techniques and processes used by the City and its contractors or subcontractors for excavating, bursting, replacing, and grouting in place asbestos-containing cement piping during the project, and the amount of piping involved. Therefore, pursuant to its authority under Section 114 of the Act, EPA hereby requests that the City provide the additional information requested below.

1. Explain in detail the techniques and processes that were used to remove from service asbestos-containing sewer and drinking water pipes (AC piping) and to install new pipes, including, but not limited to, pipe bursting, directional drilling, open cuts, and grouting as specified in bid and contract documents.
2. Identify the names, addresses, and contact information for all contractors and/or subcontractors who conducted the activities described in your response to the preceding question.
3. Was the new piping placed in the same trench where old AC piping was taken out of service or removed, or was it placed in a new trench alongside the out-of-service pipe?
4. Provide copies of all as-built plans, blueprints, diagrams, sketches, reports, and any other documents showing piping runs, interfering structures, new structures, and all areas where AC piping was burst, grouted, or removed and all areas where new piping was installed. Describe each location where such techniques/processes occurred along the entire length of utility piping that was removed from service, or otherwise modified or replaced.
5. Provide the total linear feet of AC piping along the entire length of the project corridor.
  - (a) What percentage of AC piping was removed from service by pipe bursting techniques?
  - (b) Provide the exact linear feet of AC piping burst using this technique.
  - (c) What percentage of AC piping was left in place?
  - (d) What percentage of AC piping was grouted in place?
6. Provide all engineering plans, designs, correspondence, memos, or other documentation showing the basis on which calculations of linear feet of AC piping to be burst, left in place, grouted or removed were made.

7. Provide copies of all requests for bids, construction sketches, and draft and final construction plans pertaining to piping to be burst, removed or grouted.
8. Regarding the table submitted in your April 21, 2009, response to EPA's information request:
  - (a) Are these amounts based on the bid/technical documents and/or the plans/blueprints of the amount of piping to be removed, or do these figures represent the actual results of measurements made of the linear feet of piping excavated?
  - (b) Explain when and how the amounts in the table were derived;
  - (c) Provide all documents, calculations, estimates, drawings, etc., that support the figures in the table.
9. Describe the overall condition and the age of the AC piping taken out of service and/or excavated. Provide copies of inspection reports or tests conducted by or on behalf of the City or by Quality Enterprises or by local utilities or any other entity to determine the condition of the pipes (e.g., test trenching, sample excavations) prior to, or during the project.
10. Provide any and all construction pictures of the project showing pipe bursting, pipe grouting, new pipe installation, and removal of piping.
11. Provide construction log books and any other documents showing daily work for pipe bursting, grouting, and pipe installation activities
12. Provide work orders, invoices, and other pricing/payment documents and financial records showing the amount of AC piping burst and/or grouted and new piping purchased and installed.

Additionally, please provide the following information:

13. Provide the diameter and total linear feet of piping that was disposed at the Collier County landfill and the total weight of the piping that was shipped to the landfill. Provide all corresponding waste shipment and landfill records for this piping, to the extent that it wasn't provided as part of your response to EPA's March 17, 2009, information request. If such documents were provided, please identify which documents pertain to this question.
14. Did the City or Quality Enterprises ever analyze the concrete that was processed through the grinder for the presence of asbestos? If so, please provide copies of all analytical data and reports for such sampling.
15. Please explain the basis and purpose of Mr. Joel's comments made at the City Council meeting and captured on video that a grinder was being used to crush up asbestos piping

and that the City had no concerns regarding potential threats from this practice since the piping was not friable and hence not regulated material.

16. Did City Manager Bill Moss or any members of the City Council or any other city official retract, withdraw, or clarify Mr. Joel's comments during the meeting?
17. Subsequent to Mr. Joel's comments at the City Council meeting, Bill Moss issued a memo and/or email stating that Mr. Joel's statement was not correct. Has any other city government employee or Quality Enterprises' employee ever issued a statement addressing Mr. Joel's comments? If so, please provide a copy of such statement.
18. Has Mr. Joel ever issued a statement that explains, clarifies, withdraws, or retracts his comments? If so, please provide a copy of such statement. If not, please provide a sworn statement from Mr. Joel explaining why he made the comments and why his comments were not correct.

Please provide the information requested **within twenty-one (21) calendar days from the date of receipt of this letter**. Please submit your response to the following address:

US EPA, Region 4  
61 Forsyth St., SW  
Atlanta, Georgia 30303  
ATTN: Pamela McIlvaine (PTSB).

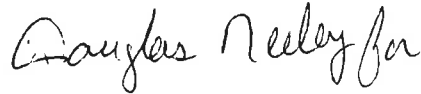
Failure to provide the information required may result in the issuance of an Order requiring compliance with the requirements contained herein, or the initiation of a civil action pursuant to Section 113 of the Act, 42 U.S.C. § 7413. This may include civil and/or administrative penalties of up to \$37,500 per day of noncompliance, pursuant to Section 113(b) and (d) of the Act, 42 U.S.C. § 7413(b) and (d). In addition, Section 113(c) (2) of the Act provides that "[a]ny person who knowingly makes any false material statement, representation, or certification in, or omits material information from...any...document required pursuant to [Title 1]" shall upon conviction be punished by a fine pursuant to Title 18 of the United States Code, or by imprisonment for not more than two years, or both.

You are entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires. Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to you. Notwithstanding the above, the information you provide may be used by EPA in administrative, civil, and criminal proceedings.

This required submission of information pursuant to Section 114 is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501, et seq.

If you have any questions regarding this request, please contact Pamela McIlvaine at (404) 562-9197.

Sincerely,



Kenneth R. Lapierre  
Acting Director  
Air, Pesticides and Toxics  
Management Division

cc: Mr. Joseph Kahn, Director  
Division of Air Resources Management  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

cc: Mr. Jon Iglehart  
Director of District Management  
Florida Department of Environmental Protection  
South District  
2295 Victoria Ave., Suite 364  
Ft. Myers, Florida 33901

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 61 Forsyth Street  
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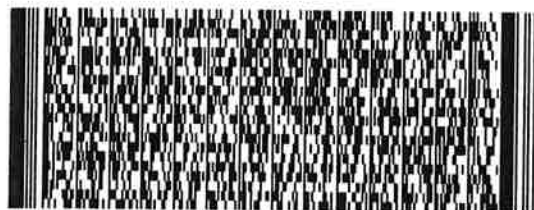
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**Mr. Steven T. Thompson, City Mgr.**  
**City of Marco Island**  
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**MARCO ISLAND, FL 34145**



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