



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

CITY OF MARCO ISLAND

MAR 17 2009

MAR 19 2009

4APT-CPAS

Federal Express – Overnight Delivery

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

RECEIVED  
TO Rony 3/19/09  
for response  
RZC.

Dear Mr. Thompson:

The United States Environmental Protection Agency (EPA) hereby requests that you provide information as part of an EPA investigation to determine the City of Marco Island's (the City's) compliance status 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*, during the disturbance and the removal of asbestos-containing cement water pipes as a part of the Collier Boulevard road-widening project and the installation of a new sewer system on Marco Island, Florida. The City of Marco Island awarded a contract to Quality Enterprises USA, Inc. for this project on or about January 18, 2005.

Pursuant to Section 114(a) of the Act, 42 U.S.C. § 7414(a), the Administrator of EPA 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 he may reasonably require, 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, Region 4.

EPA is hereby requesting the information listed below pursuant to its Section 114 authority:

1. Provide copies of all waste manifests and waste shipment records for all asbestos-containing piping materials removed from any of the construction areas during the Collier Boulevard project, and asbestos-containing waste materials from the areas known as Site A, Site B, and Site C, and disposed of as asbestos-containing waste material.
2. Provide copies of all calculations and documentation showing the amount of asbestos-containing cement piping excavated from any areas of the Collier Boulevard project and disposed off-site.
3. Provide the dates that any crusher or grinder was located on the site. Describe the

materials fed into the crusher or grinder, and specify the end-use of the resulting crushed or ground material. Provide copies of all correspondence, e-mails, memos, site construction plans, equipment leases, and other documents pertaining to the purpose of having the crusher or grinder on the site. List the names, titles, and contact information for all operators of the crusher / grinder.

Please provide the information requested **within fourteen (14) 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,



Carol Kemker  
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

April 21, 2009

BY FEDEX

US EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8960  
ATTN: Pamela McIlvaine (PTSB)

RE: City of Marco Island – Debris Pile Disposal  
Our client: Quality Enterprises – USA, Inc.  
File No. 03384-0021

Dear Ms. McIlvaine:

This letter responds on behalf of Quality Enterprises USA Inc., and the City of Marco Island to EPA's requests for information dated March 17, 2009. As we discussed earlier, we are making a joint response since the requests to Quality Enterprises and the City were virtually identical. This response is timely submitted in response to your request based on the verbal authorization provided by Bob Caplan, of the Regional Counsel's office, yesterday.

We respond to your questions as follows:

1. Copies of waste manifests and truck weigh tickets for disposal of asbestos-containing materials from Sites A, B and C are on the attached CD in PDF format and, as requested in my conversation with Bob Caplan yesterday, hard copies are also attached.
2. We have attached and included on the CD a PDF document entitled "Item 2 - Calculation of Length of AC Pipe Removal.pdf." This document contains the calculations documenting that only 184.59 linear feet of asbestos-cement pipe was removed. This pipe was only removed at locations in which the existing pipe interfered with a new structure being constructed. Therefore the length of the pipe removed corresponds to the width of the interfering structure.
3. With regard to Question 3, we provide the following information on crusher operations on the project:
  - a. Dates crusher was located on site: March 8, 2005 thru April 25, 2006
  - b. Materials fed into the crusher and specify the end-use of the resulting crushed or ground material:
    - i. Asphalt, Dirt, and Concrete were fed into the crusher.

Pamela McIlvaine  
US EPA Region 4  
April 21, 2009  
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- ii. Asphalt and Dirt coming out of the crusher was used for fill material. The processed material from the concrete was used for underground pipe bedding.
- c. Documents related to purpose of the crusher being on-site: There are no separate documents responsive to this request. The crusher was on-site to process the material listed above. The crusher was owned by Quality Enterprises and was not leased.
- d. List the names, titles, and contact information for all of the operators of the crusher:

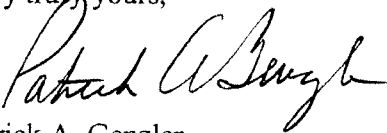
Joe McClure  
Equipment Operator  
239-249-0768

Martin Ramirez  
Equipment Operator  
239-390-6136

Jesus Aguilar  
Equipment Operator  
239-435-7200

Please contact me if you have any questions concerning these responses.

Very truly yours,



Patrick A. Genzler

Cc: Robert Caplan, EPA Region 4 Counsel (EMAIL: [caplan.robert@epa.gov](mailto:caplan.robert@epa.gov))  
Kevin Hennessy, Counsel to City of Marco Island (EMAIL: [khennessy@llw-law.com](mailto:khennessy@llw-law.com))  
Lou Gaudio, Quality Enterprises – USA, Inc. (EMAIL: [lgaudio@qe-usa.com](mailto:lgaudio@qe-usa.com))  
Rony Joel, City of Marco Island (EMAIL: [RJoel@cityofmarcoisland.com](mailto:RJoel@cityofmarcoisland.com))