

From: Steve Thompson <SThompson@cityofmarcoisland.com>
To: City Council <CC@cityofmarcoisland.com>
Cc: Alan Gabirel <agabriel@wsh-law.com>, Laura Litzan <LLitzan@cityofmarcoisland.com>, Lisa Douglass <LDouglass@cityofmarcoisland.com>, Barbara Lawrence <BLawrence@cityofmarcoisland.com>
Subject: EPA Issue

Chairman Recker and Councilors,

In an active community such as ours, we have engaged residents willing to offer opinions on a variety of issues at any time, but despite the headlines and comments the asbestos issue is not new, public health and safety are not threatened, and this has not been resolved from a regulatory standpoint. The issue under dispute is the amount of asbestos-cement pipe removed with the project. The City has previously defended challenges by residents, including lawsuits and recall petitions, and continues to work through the regulatory fact-finding process with the Environmental Protection Agency (EPA). There are no new developments, and the information shared last week outlines the next step in this process, with the EPA letter containing its preliminary findings and requesting a meeting to review the information provided and to discuss settlement or the next step forward.

The best estimate of the amount of asbestos-cement pipe still in use on the Island is probably in the range of 60-80 miles of pipe, so in Marco Island and throughout Florida disposal of asbestos-concrete pipe is common. Unused pipe is most often filled with cement grout and abandoned in place. Consistent with this type of work, in the construction of the Collier project the contractor (Quality Enterprises) removed piping in conflict with construction and new lines, and based on the amount of grout used to fill the remaining lines Quality estimates that less than 260' of pipe was removed. EPA has been using truck manifests and measures to try to determine if this is correct, and the correspondence over the past few years has been limited to this fact-finding process.

I will summarize my understanding on this issue with a few comments:

* The asbestos cement pipe dug up in the Collier Boulevard pipe

has been removed and disposed of at a hazardous material landfill, and signed off by EPA and the Florida Department of Environmental Protection. There is no continuing health or safety issue.

* Site C - now the grassed site planned for the Veteran's Memorial - was the responsibility of the City. The site was used for storage of plate-sized wood chips created when Quality Enterprises - at the request of and at no cost to the City - removed and chipped the Australian Pines on the site. With the approach of Hurricane Wilma (October, 2005) the City asked the contractor to stack concrete pipe on top of the chips to keep them from blowing away. The contractor used cement pipes and, possibly unknown to the contractor at the time, used some asbestos-concrete pipe for this weight. Some of the asbestos-cement pipe was broken in the process, and the City had the debris properly disposed in a separate Collier County landfill cell. Storage and disposal at Site C is not in dispute.

* Site A - now the grassed area used for the Farmer's Market - was the responsibility of Quality Enterprises. Site A was a storage site with two separate piles for concrete and debris from the Collier Boulevard project. This included soil with broken asbestos-cement pipe from the South Collier section, and the DEP did measure asbestos fibers in this debris pile. Although the finding of asbestos fibers seems to be common on Marco Island and throughout Florida, Quality decided to resolve the issue and to bear the expense of removing the entire debris pile as regulated material, and did so in accordance with EPA standards and with on-site monitoring by DEP.

The attachments with this note include the following correspondence from 2009, and although the file attachments are extensive, all are available in our office:

1. March 17, 2009, letter from EPA to Steven Thompson, with the cover sheet for the response.
2. April 21, 2009, response letter to EPA from Pat Genzler (joint response from Quality and the City) - note, the manifests are extremely large files and were submitted on CD.
3. August 12, 2009, Second Request for Additional Information from EPA to Steven Thompson.

4. September 10, 2009, response letter to EPA from Pat Genzler (joint response from Quality and the City) - again, the attachments were extremely large and submitted on CD.
5. September 10, 2009, supplemental response letter to EPA submitted by the City's attorneys - Lewis, Longman and Walker. This response also included a CD with large files.
6. October 19, 2009, e-mail from EPA attorney requesting clarification of your affidavit submitted as part of the September 10 response.
7. October 28, 2009 - Response to EPA's Request for Clarification submitted by Lewis, Longman and Walker.

For the past two years there has been little or no movement on this issue, and although the expenses on challenges related to the STRP have been much more expensive, the City has spent a total of about \$8,906 in legal fees on this issue.

This may assist you in your consideration on this issue.

Steve

Steven T. Thompson, City Manager

City of Marco Island

(239) 389-5001