

DEQ Fines Deschutes County & Bend Contractor for Asbestos Violations

by Bend Weekly News Sources

DEQ Issues Penalties to Deschutes County and Bend General Contractor for Related Asbestos Management Violations.

The Oregon Department of Environmental Quality (DEQ) has issued a \$1,000 penalty to Deschutes County for allowing unlicensed persons to perform an asbestos abatement project at the Deschutes County Courthouse, a facility it owns at 1100 NW Bond St. in Bend. Correspondingly, DEQ has issued a \$1,200 penalty to Kirby Nagelhout Construction Co. (Naghelout) of Bend, the general contractor for the project, for allowing unlicensed persons with whom it subcontracted to perform the asbestos abatement project.

The Oregon Department of Environmental Quality (DEQ) has issued a \$1,000 penalty to Deschutes County for allowing unlicensed persons to perform an asbestos abatement project at the Deschutes County Courthouse, a facility it owns at 1100 NW Bond St. in Bend. Correspondingly, DEQ has issued a \$1,200 penalty to Kirby Nagelhout Construction Co. (Naghelout) of Bend, the general contractor for the project, for allowing unlicensed persons with whom it subcontracted to perform the asbestos abatement project. Nagelhout has appealed the penalty and requested a hearing. Deschutes County did not appeal the penalty.

On March 1, 2005, while inspecting a remodeling project at the Deschutes County Courthouse, DEQ staff observed approximately 25 square feet of asbestos-containing sheet vinyl flooring that had been ripped up from an old bathroom on the third floor. DEQ later learned that Deschutes County employed Nagelhout as the general contractor for the project and that Nagelhout directed a flooring contractor (subcontractor) to remove the flooring from the old bathroom.

The sheet vinyl flooring was covered by a carpet and was removed when the carpeting was removed. DEQ learned that the County had not conducted the required asbestos survey on the building, and as a result the asbestos-containing flooring was removed and managed in violation of state laws governing the removal, packaging and disposal of asbestos-containing materials. After the sheet vinyl flooring was discovered, a licensed asbestos abatement contractor cleaned up the site.

Removing asbestos-containing flooring can render it friable, or capable of releasing asbestos fibers. During the course of removal and improper storage, asbestos fibers may be released to the air, potentially exposing the public and the environment to asbestos. Asbestos fibers are a respiratory hazard proven to cause lung cancer, mesothelioma, asbestosis and other respiratory diseases and a hazardous air contaminant for which there is no known safe level of exposure.

To protect human health and the environment, state and federal laws set strict requirements on the removal, handling and disposal of material containing more than 1 percent asbestos. A DEQ laboratory analysis of a sample of the flooring revealed that it contained 15 percent chrysotile asbestos.

Removal of the asbestos-containing vinyl flooring constituted an asbestos abatement project. However, under Oregon environmental law, only licensed asbestos abatement contractors may perform asbestos abatement projects. The flooring contractor was not licensed by the state of Oregon to perform asbestos abatement projects.

Asbestos-containing materials which can easily release asbestos fibers, such as torn or broken sheet vinyl flooring, must be handled by an Oregon-licensed asbestos abatement contractor. A licensed asbestos abatement contractor would have wet the flooring during removal, placed the asbestos-containing waste material in leak-tight containers, clearly labeled the containers as asbestos-containing and disposed of it in a timely manner at an authorized disposal site to prevent emissions of asbestos fibers into the air.