

DEQ Fines Bend Companies for Asbestos Mismanagement

by Bend Weekly News Sources

Companies appeal penalties

The Oregon Department of Environmental Quality (DEQ) has issued a \$7,200 penalty to WHM Enterprises, LLC, of Bend, the owner of a 10-unit apartment complex, for allowing unlicensed persons to perform an asbestos abatement project on property it owns at 502-508 S.W. Evergreen in Redmond. In a related action, DEQ has issued an \$8,400 penalty to Potter Construction Inc., Bend, the company hired by WHM to renovate the apartment complex, for conducting an asbestos abatement project without being licensed as an asbestos abatement contractor.

Oregon requires training and licensing for those who perform friable asbestos abatement projects. Facility owners may allow only Oregon-licensed asbestos abatement contractors to perform asbestos abatement. Potter Construction is not licensed to conduct such projects.

During an inspection of the complex on Nov. 25, 2005, a DEQ air quality specialist identified possible asbestos-containing building materials that Potter Construction employees were removing. Laboratory

analysis of samples taken by DEQ revealed that the popcorn ceiling texture contained 3% chrysotile asbestos, while vermiculite insulation contained 1.2% actinolite/tremolite asbestos.

Asbestos fibers are a respiratory hazard proven to cause lung cancer, mesothelioma, asbestosis and other respiratory diseases; they also are 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.

As the Potter Construction employees removed the friable asbestos-containing popcorn ceiling texture and vermiculite insulation, they disposed of it in the facility's outdoor dumpsters. This activity caused the open accumulation of asbestos- waste material, which occurs when asbestos-containing material is broken or shattered and not properly packaged to prevent it from exposure to the elements. As a result, it is likely that asbestos fibers were released into the air, exposing workers, the public and the environment to asbestos. Additionally, a licensed asbestos abatement contractor would have wet the asbestos during removal to prevent emissions of asbestos fibers into the air.

On Dec. 12, 2005, an asbestos abatement contractor completed cleanup of the site. The cleanup cost can be higher when an abatement contractor must properly abate asbestos-containing materials subsequent to interior demolition.

Both businesses have appealed their penalties.

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