

Building Environmental Council of Ohio

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When EPA Samplers go into the field, they do not expect to see good work practices



Many of the buildings are unsafe



Houston, Texas

- An abandoned hospital was purchased to be converted into an assisted living facility.
- Untrained workers were hired to do the indoor demolition.
- No protective gear was provided.
- There was no city water on site.
- Dust settled in every room.



AE00022



Inspector “red-tagged” the building

- The owner joked and laughed when his foreman told of the stop work order.
- Since most inspections happen during normal working hours.....
- **WORK AT NIGHT.**
- Workers were hired to be on site from 6 pm to 6 am, 7 days a week

Removal completed

- The owner told the workers to wash down the inside of the building
- He told the workers that the 5 inch pipe outside the building was a water pipe
- The pipe was a pressured gas line
- Gas exploded, injuring three people
- Two workers hospitalized, one badly burned



AE00031

The next day...

- The owner made rest of the workers sign papers that they were private contractors

October 2000, Criminal Charges filed

- Violations of EPA work practices
- False statements to Federal officials
- Failure to notify authorities about a release of >1 pound of friable asbestos into the environment
- Case went to trial.....

The defense attorney said:

“There was not a shred of evidence that the general public was in any way exposed to the release of asbestos into the environment.”



Defendant found guilty of:

- Failure to provide notice
- Failure to comply with EPA asbestos work standards

New Jersey

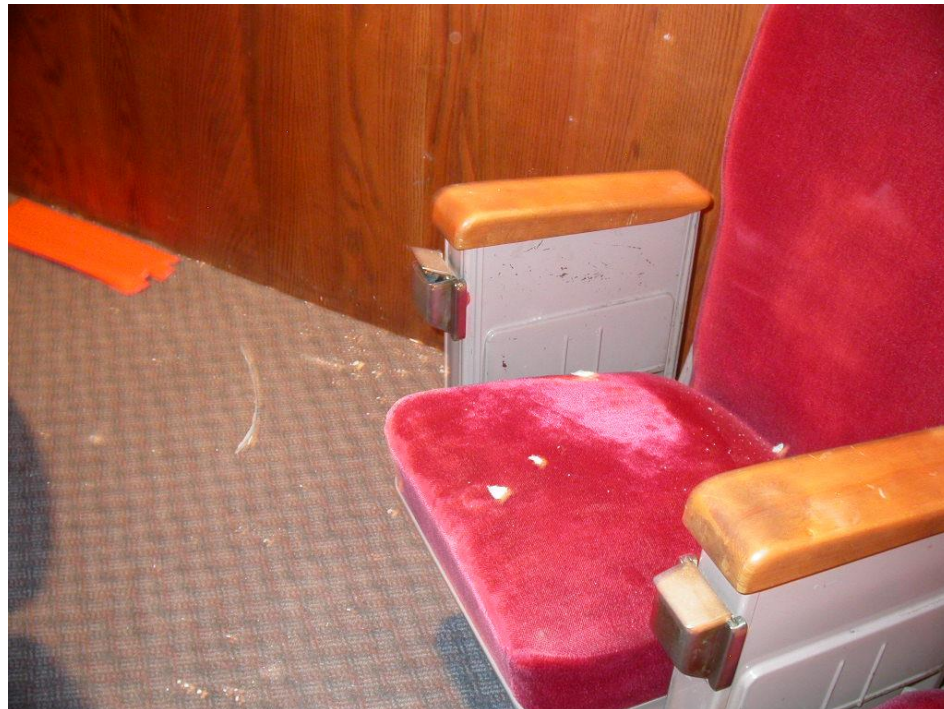
- Debris was dumped by the side of the road.
- I did the analysis, then was asked if there was more than one pound of asbestos in the pile.
- Sampler did not measure pile, I asked for all photos taken on site.
- The only helpful one was the fireman hosing the pile down.
- Calculated the size of the pile and determined there was over one pound of asbestos





Colorado

- An Elks Lodge was undergoing a renovation while still open.
- The bartender reported it.....his tip jar kept filling with debris





Negative air machines do not pick up debris



Pueblo, Colorado

An apartment building was
being demolished under orders
from the city.

It cost too much to do it right,
so the homeless were hired.



This was in an occupied residential area of the city.



Maryland



What was not thrown overboard was “carefully bagged up and disposed of properly”



The defendants were found guilty of seven felonies. The main defendant was sentenced to 2.5 years

- EPA asbestos regulations
- Clean Water Act
- Rivers and Harbors Act

In New York, an abatement company was hired to do an abatement in the home of an elderly women.

This ACM was later dumped in the woods.





DANGER

CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD
ASBESTOS, 9, NA 2212, PG-III, RD



Unique
GLOVEDAYS, INC.

- There were two piles, samples were taken from each to determine if there was more than one pound of asbestos dumped.

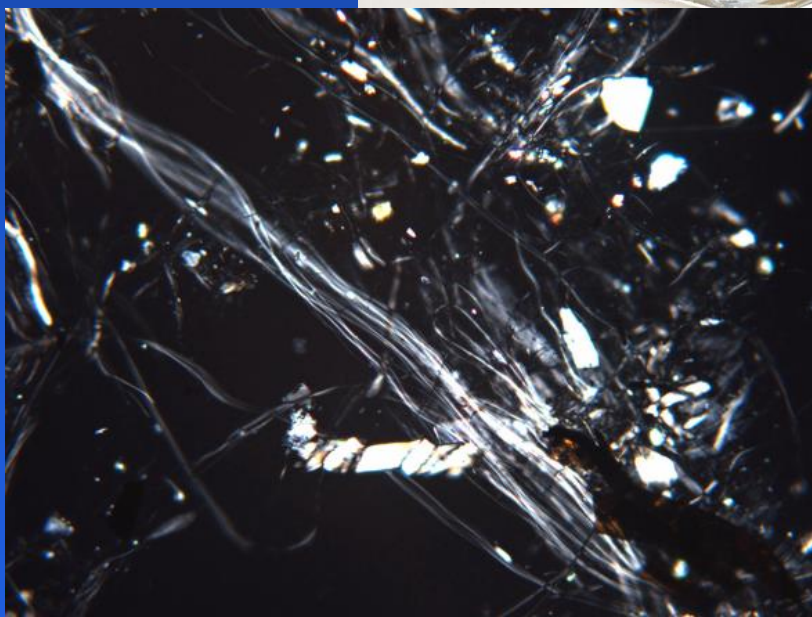
- Samples had to be dried and analyzed in the Denver lab.
- Samples brought back resulted in over 20 pounds of asbestos in the sample bags.
- Amount of asbestos in the two piles was calculated to be over 300 pounds.
- Three people went to jail.

Investigation had traced the dumped asbestos back to Paul Mancuso, who had been previously convicted of asbestos violations, illegal removal and disposal in 2003 and insurance fraud in 2004.

Paul was expressly forbidden to affiliate himself with the asbestos removal industry.

Paul Mancuso stayed in the asbestos removal business by setting up illegal asbestos removal companies in the names of relatives.

The asbestos removed was then dumped on the land of unsuspecting property owners



8C	11/8/05	1150
FILE-MAG BLOCK	SAMPLE NO. SIGNATURE: Stephen Hale	
REMARKS: TRIPPLICATE (3)	ANALYSES: Asbestos	Other: <input type="checkbox"/> Barium <input type="checkbox"/> Lead <input type="checkbox"/> Hydrochloric Acid <input type="checkbox"/> Sodium Hydroxide <input type="checkbox"/>



- Ronald (the rat) had been caught dumping. He pled guilty early for his involvement.
- Since he cooperated with the government, he was sentenced to three years probation.
- Ronald also testified in court against the rest of the family.

Paul (the brains), Lester (the father), and Steven (the attorney) were indicted in October, 2008 on charges related to illegal asbestos removal activities, illegal dumping and mail fraud.

Steven (the attorney) was charged with aiding his family by preparing false and fraudulent documents.

Since Ronald (the rat) agreed to testify against the family, the family turned on him. They told prosecutors that in 2002, Ronald had been involved in a scam to steal \$700,000 in parking meter change.

The 5 year statute of limitations had expired on the theft. Ronald turned over \$325,000 in cash to FBI. He can still face prosecution for possession of stolen property.

Lester (the father) pled guilty of mail fraud and three violations of environmental law the day before the trial.

He was later sentenced to three years in prison.

Paul and Steven went to trial in 2010

Air monitor techs testified that they had been told not to agitate the air or use proper time to sample.

Steven's former law partner testified that he was asked to notarize documents that he later found to be back-dated.

The trial lasted 9
days

Jury deliberation took 3 hours.

Paul and Steven were both found guilty of all
counts.

Lessons Learned

If you dump asbestos in the woods, don't drop your cell phone.

Keep your temper during a search warrant. Do not throw down your keys and storm out, especially if there is a thumb drive on the key ring.

Alaska

A paper mill was being demolished

- Warnings for a manager directing work:
 - Do not order workers to tamper with air monitoring equipment
 - Do not threaten the workers if they complain
 - Do not videotape a large diameter pipe dropping forty feet to the ground

Alaska



Only one small sample was received

The manager was sentenced to 57 months in prison, the company and manager together were fined a total of \$1,120,000

- Obstruction of justice
- Illegal removal
- Clean Air Act
- Clean Water Act

New Mexico





Laboratory Findings

- Samples of surfacing material on wallboard (landfill) contained
 - 6.8 to 9.7% chrysotile asbestos (weight %)
- Calculations - at least 7.5 pounds of chrysotile asbestos associated with the wallboard at the landfill.
 - CERCLA threshold is 1 pound

Colorado Air Force Academy

- A private lab (AC) was subcontracted to sample and identify asbestos in buildings at the Air Force Academy, Patterson Air Force Base, and several schools around Colorado Springs, Colorado.

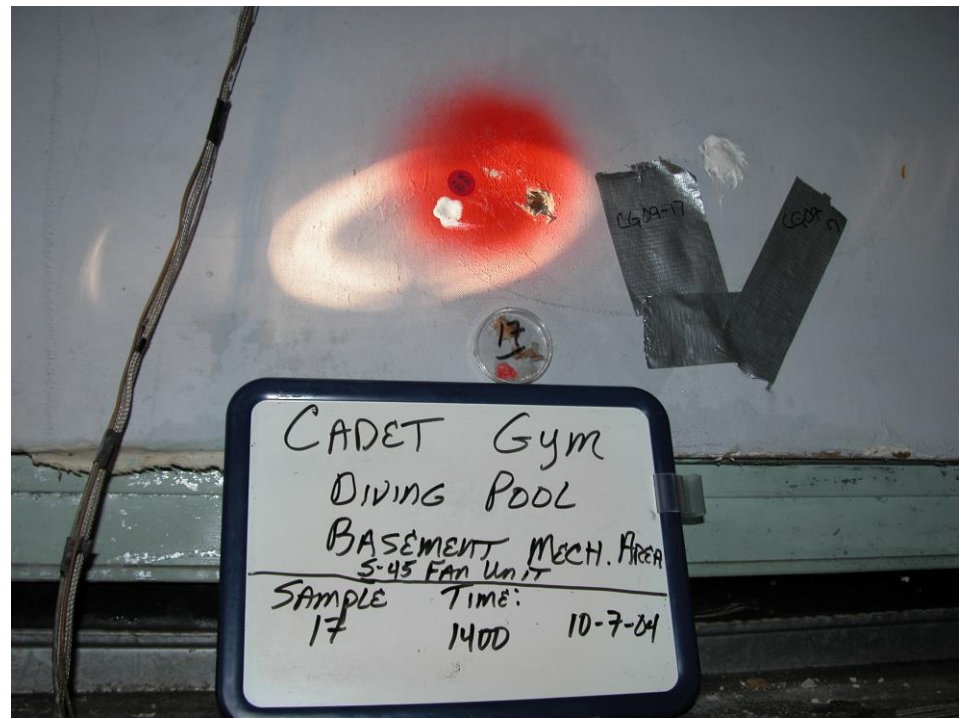
Allegations

- A former employee stated that the much of the sample analysis data reported was fabricated
- She stated that numerous samples had never been taken, but were reported and billed to the clients

EPA was requested to assist

- Determine if locations billed by AC were sampled and analyzed
- We were to also compare of analytical data from AC, the two private labs and NEIC lab
- EPA CID and several of us from NEIC went to the Air Force Academy





Guilty plea

- Attempting to influence a public official
 - F4 felony
- Guilty plea of forgery will be dismissed if he does not cause problems during probation
- Statue of limitations had expired for theft charges

- This laboratory is no longer listed in the NVLAP directory
- If the lab was still in business, it would be banned from government contracts

Colorado



Asbestos containing paint
was sand blasted off window
frames outside of the building

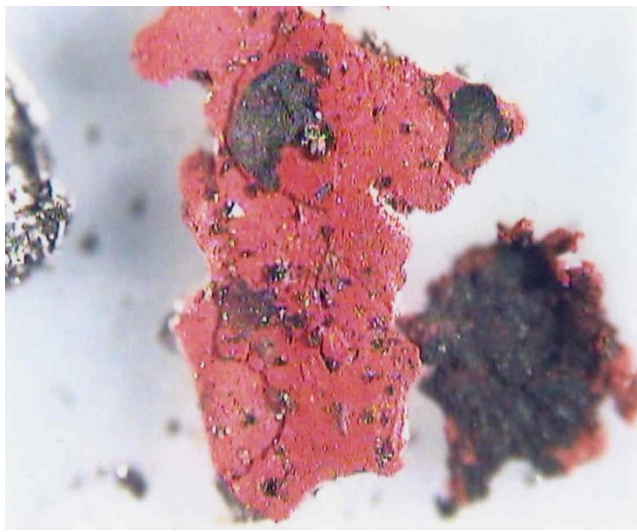


A tyvex suit was abandoned in the basement. Asbestos and rodent hairs were found on the suit.

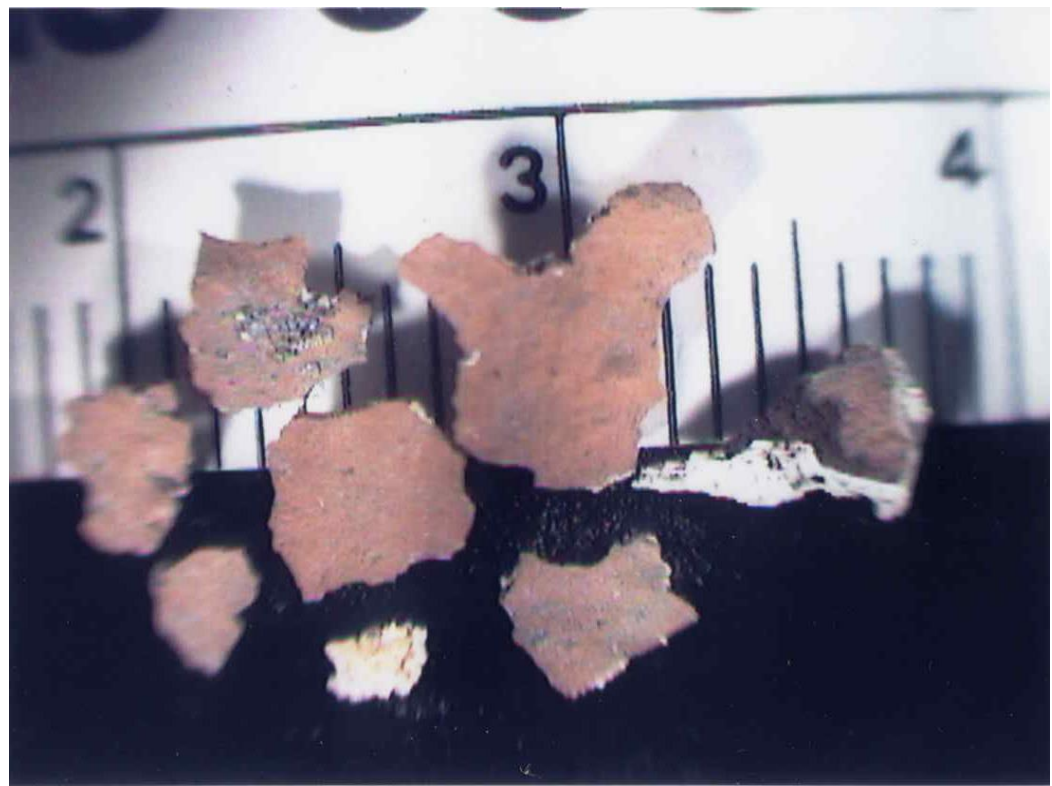




A daycare center was across the street, three gallon bags of pea gravel were brought into the lab



The gravel was searched
for paint chips



- The parents with children in the daycare center were quite upset
- Charges were filed against the abatement removal company
- The commander of the base was forced to take early retirement.

Las Vegas, building to be imploded,
therefore, no visible emissions



Utah, Debris abandoned in the desert.





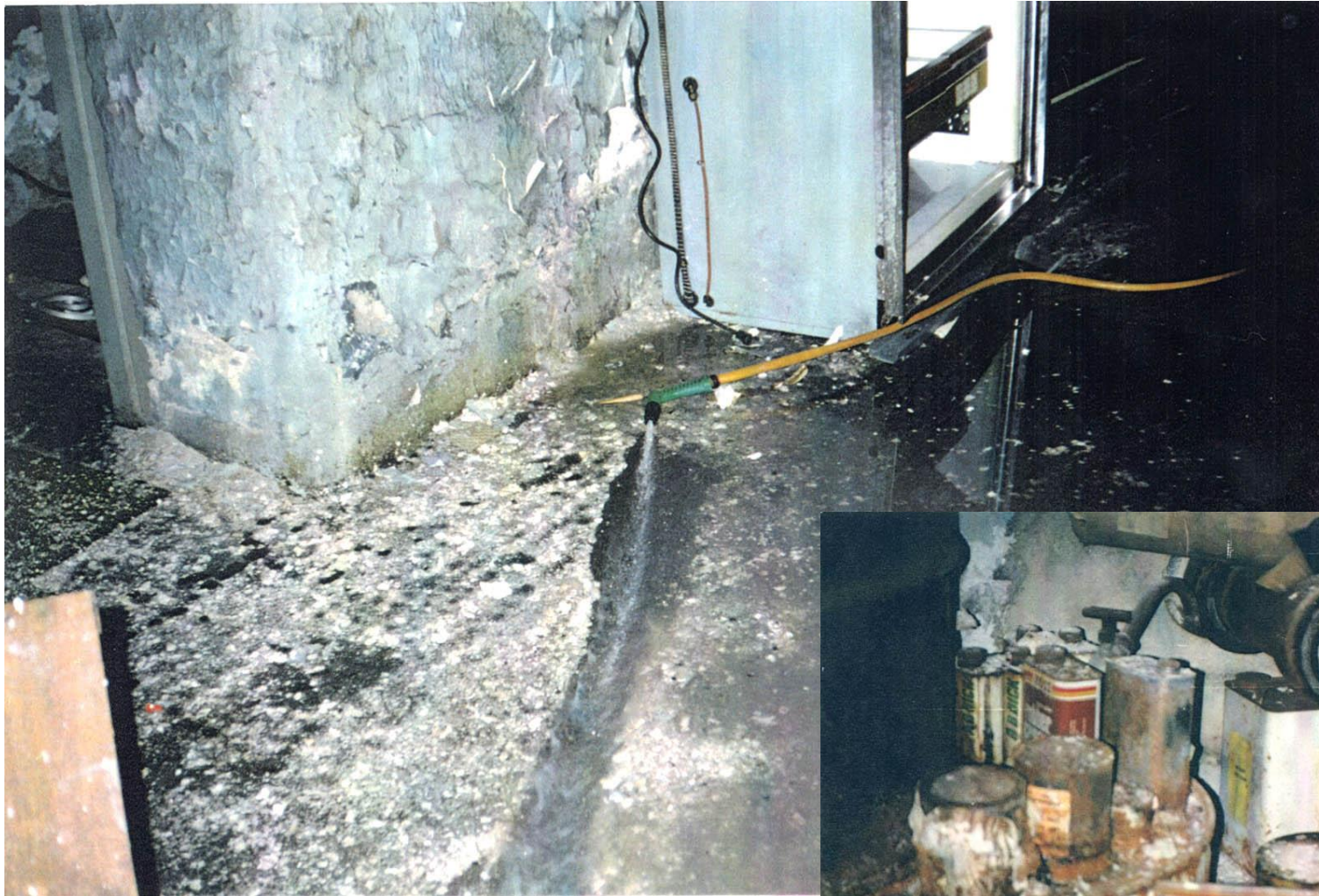
Outside a steel plant



Debris left inside a warehouse



Pennsylvania





Windows were removed.

A lot of the debris was put in trash bags and placed outside by the dumpster.

- The defendant was issued a notice of violation and told to stay out of the building.
- The doors were chained shut.
- No admittance signs were posted.

Who needs tyvex when you can use garbage and grocery bags?



If the doors are locked and you want to continue working at night.....



Pennsylvania



This is one of 7 samples
received six months after
a school abatement

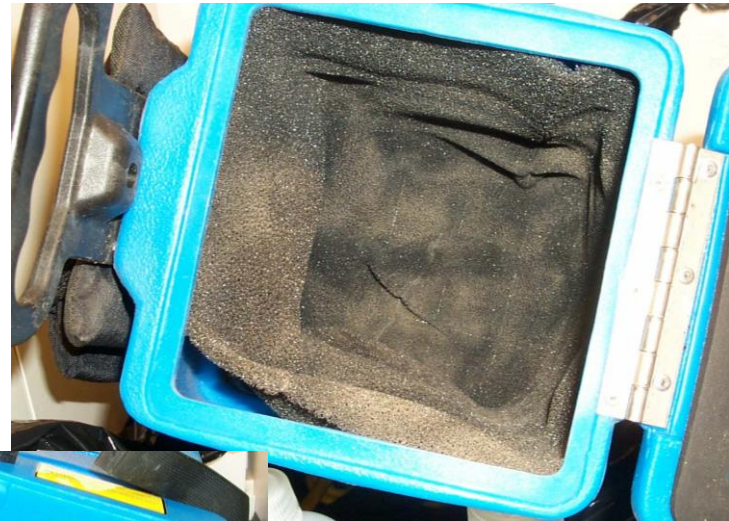




This came from a vacuum cleaner used in the school in the fall after abatement



This is a different vacuum that was used more than a year after the abatement. Asbestos fibers were found beneath the filters.



- The Asbestos Consultant committed suicide the day after his interview.
 - He left a long letter stating that he had been cutting corners for several years.
- The Asbestos Supervisor pled guilty of one count of violating the Clean Air Act

Colorado



The abatement company was to remove:

- Friable asbestos-containing ceiling texture from ceilings in first and second floor classroom hallways
- Thermal system insulation and fittings in boiler room and utility tunnels

The abatement workers were to:

- Wet and scrape ceiling material off, then use low pressure power wash to remove any residue.

NSCC workers found that:

- It took too long to scrape the ceilings, so for a time saving measure.....
- Workers power washed the bulk material off the ceilings with high pressure water.

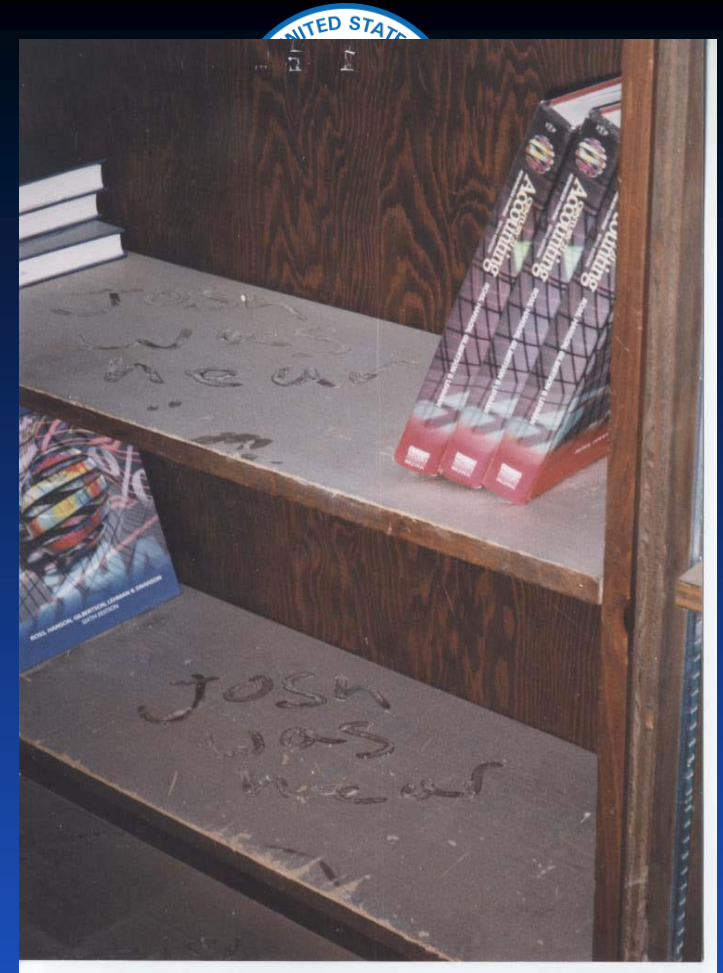
The asbestos content
in the residue dripping
down the wall was
greater than 20%

Fire alarm pull boxes and
light fixtures were full of
asbestos



When teachers and staff came to prepare for the new school year

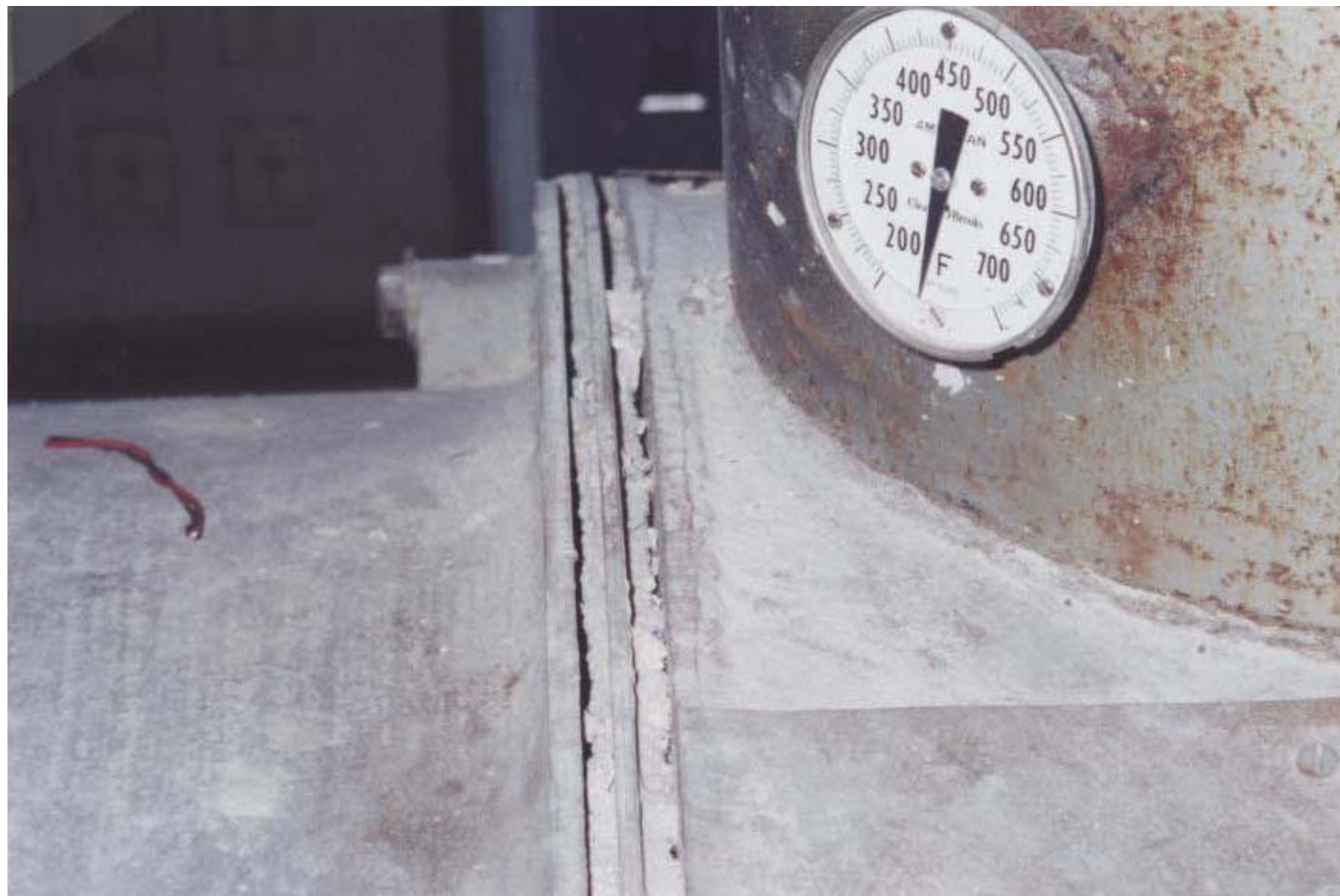
- They expressed concern about the white dust
- They were told that the dust was from the cement and not toxic





The boiler room was certified clean
by a visual inspection

- Students often used the boiler room as an entrance to the school



Due to the high volume of water used, water and white residue flowed from the school into storm drains



A dye test was run to see where the water went





The water with the asbestos went into an irrigation canal

The irrigation canal empties into the lake that is the town's drinking water source



Drains in the boiler room

- Were partly or fully plugged
- These drains empty into sanitary sewer system
- The sewage treatment plant composts and sells the residue to farmers, who spread it on the fields
- Fields are plowed every year

Chrysotile asbestos was found in this floor drain
in the boiler room



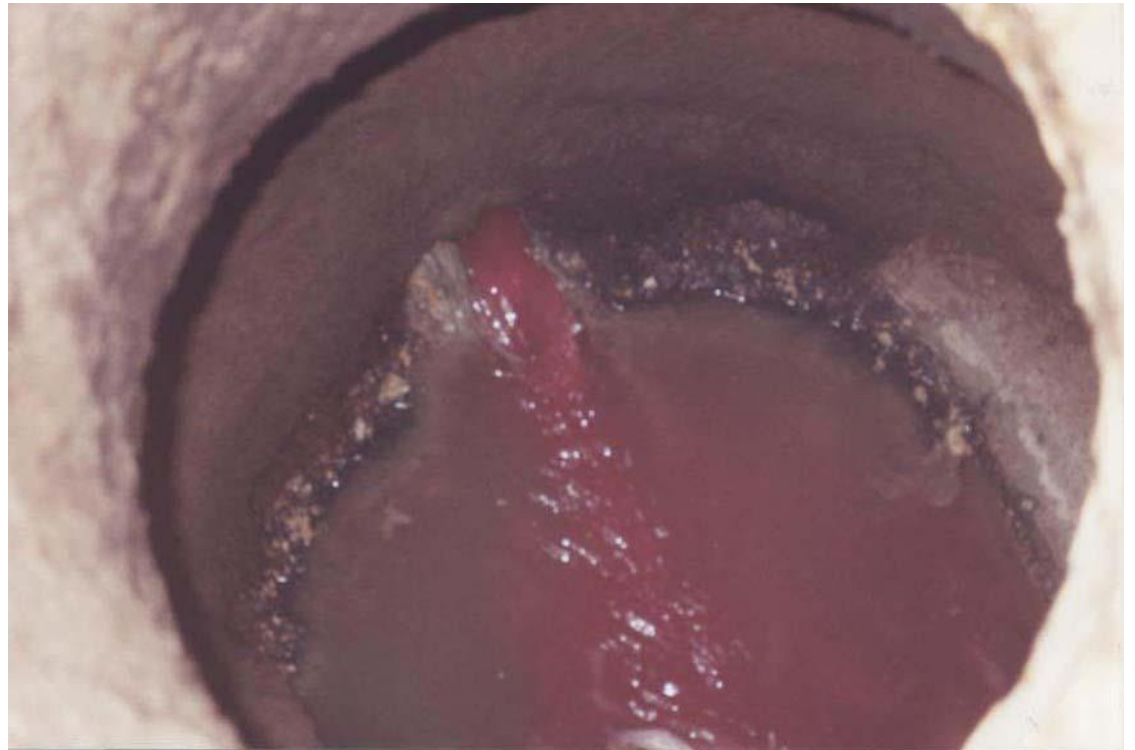
A dye study was performed to prove that this emptied
into the sanitary sewer line





Since several drains had to be tested, different colors of dye had to be used.

Both of these drains emptied into the sanitary sewer line



Final Cost of Cleanup for the School 6/99-12/01

- Initial Bid \$ 249,531
- Paid to initial
abatement contractor \$ 216,252.90
- Legal services \$ 344,466.10
- Total by 1/15/02 \$ 10,667,523.93

Florida



A shopping center was being remodeled. One of the workers was concerned and called the EPA













NEW YORK MAN SENTENCED TO 14 YEARS FOR ASBESTOS CRIMES AND MONEY LAUNDERING

On September 8, the U.S. Attorney for the Northern District of New York announced that Joseph P. Thorn of Rensselaer, NY, former owner of A+ Environmental Services, Inc., was sentenced to fourteen years in prison and was ordered to forfeit \$939,079.00 to the United States by the U.S. District Court for the Northern District of New York in Syracuse for illegal asbestos abatement and money laundering. Thorn was originally sentenced on Oct. 30, 2001, and this sentence came as a result of a sentence appeal action filed by both the defendant and the U.S. Government. Evidence presented at trial established that between 1990 and 1999, the defendant's actions led to the illegal removal of asbestos at more than 1,100 facilities in Central and Upstate New York. The facilities included elementary schools, churches, nursing homes, hospitals, State Police barracks, the New York Legislative Office Building, and numerous other public buildings and private residences. Witnesses, including former employees, testified that Thorn directed "rip and strip" operations that caused "snow storms" of visible airborne asbestos. Some workers were knowingly sent into asbestos "hot zones" without being directed to wear respirators and others were sent in without being given sufficient replacement filters for respirators. Inhaling airborne asbestos is a known cause of lung cancer, a lung disease known as "asbestosis," and mesothelioma which is a cancer of the chest and abdominal cavities. Thorn also conspired with accredited laboratories to falsify air monitoring at buildings where asbestos had been removed. The case was investigated by the New York Area Office of EPA's Criminal Investigation Division, the Internal Revenue Service, the U.S. Postal Inspection Service, the U.S. Army Criminal Investigation Division and the New York State Office of Inspector General. Investigative assistance was provided by EPA's National Enforcement Investigations Center and by the New York State Departments of Labor and Health. The case was prosecuted by the U.S. Attorney's Office for the Northern District of New York.

Prison time for manager who botched asbestos job

News staff

A Houston man has been sentenced to more than five years in federal prison for leaving dangerous asbestos in Fort Morgan High School in 1999.

The Punch Line — From the *Baltimore Sun*: “A city Circuit Court jury has awarded \$3.5 million to a retired Bethlehem Steel Corp. worker who was exposed to asbestos and his wife.”

The key to this whole business is sincerity. Once you can fake that, you've got it made.

SUNDAY NOVEMBER 2000

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Judge: Do you understand that you have sworn to tell the truth?

Judge: Do you understand what will happen if you are not truthful?

MONDAY NOVEMBER 2007

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