

December 22, 2016

#### NOTICE OF VIOLATION

#### CERTIFIED MAIL NO. 7014 0510 0002 2503 8103

Mr. Robert Haley Birdsboro Power, LLC PO Box 314 Birdsboro, PA 19508

Re: Non-Notification of Demolition

1 Armorcast Boulevard, Birdsboro, Berks County

Dear Mr. Haley:

On December 8, 2016, DEP learned from Environmental and Infrastructure Group (EIG) that one or more of the 4 brick chimneys located at the former Armorcast facility, located at 1 Armorcast Boulevard in Birdsboro, had been undermined on or before December 8, 2016 in order to place explosive charges for imminent demolition activities. At that time, no Asbestos Abatement and Demolition/Renovation Notification Form (Notification Form) had been filed with DEP or EPA for the demolition activity. Therefore, at that time, DEP Air Quality staff advised EIG that proceeding with the demolition before filing the Notification Form, and waiting the required 10-working-day notice period, would constitute a violation of the Federal Subpart M asbestos regulations. The DEP has determined that Birdsboro Power, LLC owns the property and contracted Kiewit Power Constructors as the general contractor. Kiewit then subcontracted the demolition of the chimneys to EIG.

On December 9, 2016, DEP received a Notification Form for the chimney demolitions. The Notification Form was postmarked December 8, 2016 and stated in Box 14 that the demolition was scheduled to begin on December 23, 2016. Nevertheless, based on further communications between site personnel and DEP Mining staff, it was determined that the already-placed explosive charges could neither be safely removed, nor safely left in place for an extended time period. Therefore, on instruction of DEP, the site personnel proceeded to complete the demolition on December 9, 2016. Although it was necessary to remove the stacks promptly for safety reasons once the explosive charges were set, DEP considers the irreversible action of setting the charges to be the beginning of the demolition of the chimney structures. This was not preceded by a timely asbestos Notification Form.

DEP has determined that the 4 chimneys at 1 Armorcast Boulevard constituted industrial structures and were subject facilities as defined under 40 CFR Part 61 Subpart M: National Emissions Standards for Asbestos ("Subpart M"). According to Subpart M, demolition of a facility must be preceded by a notification. According to 40 CFR Part 61 Section 61.145(b)(3)(i) the notification must be submitted at least ten working days before the demolition begins.

By commencing demolition operations without submitting a Notification Form at least ten working days before the demolition commenced you caused violations of 40 CFR Part 61 Section 61.145(b)(3)(i).

The violation identified above also constitutes a violation of 25 Pa Code Section 124.3 which fully incorporates Subpart M of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) found in 40 CFR Part 61.

Violations of 40 CFR Part 61 Section 61.145 (b)(3)(i) and 25 Pa Code Section 124.3 constitute unlawful conduct and a public nuisance as defined by Sections 8 and 13 of the Air Pollution Control Act ("APCA"), 35 P.S. 4008 and 4013 for each day of violation. Violations of the Department's Rules and Regulations are subject to the penalties of Sections 9 and 9.1 of the APCA.

With regard to the above mentioned violations, please submit within 15 days of receipt of this letter, an abatement plan detailing corrective measures that will be implemented to assure future compliance with the regulations. Any abatement plan submitted should include a revised Notification Form, indicating the actual date demolition began and was completed.

This Notice of Violation is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

Electronic versions of the regulations listed above can be found at the following website addresses:

25 PA Code citations: http://www.pacode.com/secure/data/025/articleICIII\_toc.html

Air Pollution Control Act:

http://files.dep.state.pa.us/Air/AirQuality/AQPortalFiles/Pollutants/regs/apca.pdf

Code of federal regulations: http://www.ecfr.gov/cgi-bin/ECFR?page=browse

If you have any questions or concerns, please call me at 610.916.0100.

Sincerely,

William R. Borst

Air Quality District Supervisor

cc: Southcentral Regional Office

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December 22, 2016



#### NOTICE OF VIOLATION

#### CERTIFIED MAIL NO. 7014 0510 0002 2503 8097

Edmund C. Vernier, Jr. Environmental and Infrastructure Group 204 Mill Street, Suite 102 Bristol, PA 19007

Re: Non-Notification of Demolition

1 Armorcast Boulevard, Birdsboro, Berks County

Dear Mr. Vernier:

On December 8, 2016, DEP learned from Environmental and Infrastructure Group (EIG) that one or more of the 4 brick chimneys located at the former Armorcast facility, located at 1 Armorcast Boulevard in Birdsboro, had been undermined on or before December 8, 2016 in order to place explosive charges for imminent demolition activities. At that time, no Asbestos Abatement and Demolition/Renovation Notification Form (Notification Form) had been filed with DEP or EPA for the demolition activity. Therefore, at that time, DEP Air Quality staff advised EIG that proceeding with the demolition before filing the Notification Form, and waiting the required 10-working-day notice period, would constitute a violation of the Federal Subpart M asbestos regulations. The DEP has determined that Birdsboro Power, LLC owns the property and contracted Kiewit Power Constructors as the general contractor. Kiewit then subcontracted the demolition of the chimneys to EIG.

On December 9, 2016, DEP received a Notification Form for the chimney demolitions. The Notification Form was postmarked December 8, 2016 and stated in Box 14 that the demolition was scheduled to begin on December 23, 2016. Nevertheless, based on further communications between site personnel and DEP Mining staff, it was determined that the already-placed explosive charges could neither be safely removed, nor safely left in place for an extended time period. Therefore, on instruction of DEP, the site personnel proceeded to complete the demolition on December 9, 2016. Although it was necessary to remove the stacks promptly for safety reasons once the explosive charges were set, DEP considers the irreversible action of setting the charges to be the beginning of the demolition of the chimney structures. This was not preceded by a timely asbestos Notification Form.

DEP has determined that the 4 chimneys at 1 Armorcast Boulevard constituted industrial structures and were subject facilities as defined under 40 CFR Part 61 Subpart M: National Emissions Standards for Asbestos ("Subpart M"). According to Subpart M, demolition of a facility must be preceded by a notification. According to 40 CFR Part 61 Section 61.145(b)(3)(i) the notification must be submitted at least ten working days before the demolition begins.

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Code of federal regulations: http://www.ecfr.gov/cgi-bin/ECFR?page=browse

If you have any questions or concerns, please call me at 610.916.0100.

Sincerely,

William R. Borst

Air Quality District Supervisor

cc: Southcentral Regional Office



December 22, 2016

#### **NOTICE OF VIOLATION**

#### CERTIFIED MAIL NO. 7014 0510 0002 2503 8080

Mr. Greg Young Kiewit Power Constructors 1 Armorcast Boulevard Birdsboro, PA 19508

Re: Non-Notification of Demolition

1 Armorcast Boulevard, Birdsboro, Berks County

Dear Mr. Young:

On December 8, 2016, DEP learned from Environmental and Infrastructure Group (EIG) that one or more of the 4 brick chimneys located at the former Armorcast facility, located at 1 Armorcast Boulevard in Birdsboro, had been undermined on or before December 8, 2016 in order to place explosive charges for imminent demolition activities. At that time, no Asbestos Abatement and Demolition/Renovation Notification Form (Notification Form) had been filed with DEP or EPA for the demolition activity. Therefore, at that time, DEP Air Quality staff advised EIG that proceeding with the demolition before filing the Notification Form, and waiting the required 10-working-day notice period, would constitute a violation of the Federal Subpart M asbestos regulations. The DEP has determined that Birdsboro Power, LLC owns the property and contracted Kiewit Power Constructors as the general contractor. Kiewit then subcontracted the demolition of the chimneys to EIG.

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DEP has determined that the 4 chimneys at 1 Armorcast Blvd constituted industrial structures and were subject facilities as defined under 40 CFR Part 61 Subpart M: National Emissions Standards for Asbestos ("Subpart M"). According to Subpart M, demolition of a facility must be preceded by a notification. According to 40 CFR Part 61 Section 61.145(b)(3)(i) the notification must be submitted at least ten working days before the demolition begins.

By commencing demolition operations without submitting a Notification Form at least ten working days before the demolition commenced you caused violations of 40 CFR Part 61 Section 61.145(b)(3)(i).

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Violations of 40 CFR Part 61 Section 61.145 (b)(3)(i) and 25 Pa Code Section 124.3 constitute unlawful conduct and a public nuisance as defined by Sections 8 and 13 of the Air Pollution Control Act ("APCA"), 35 P.S. 4008 and 4013 for each day of violation. Violations of the Department's Rules and Regulations are subject to the penalties of Sections 9 and 9.1 of the APCA.

With regard to the above mentioned violations, please submit within 15 days of receipt of this letter, an abatement plan detailing corrective measures that will be implemented to assure future compliance with the regulations. Any abatement plan submitted should include a revised Notification Form, indicating the actual date demolition began and was completed.

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Code of federal regulations: http://www.ecfr.gov/cgi-bin/ECFR?page=browse

If you have any questions or concerns, please call me at 610.916.0100.

Sincerely,

William R. Borst

Air Quality District Supervisor

cc: Southcentral Regional Office

Birdsboro Power, LLC PO Box 314 Birdsboro, PA 19508

January 12, 2017

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Sent via: Overnight

JAN 1 3 2017

DEP - READING OFFICE

Mr. William R. Borst Air Quality District Supervisor Pennsylvania Department of Environmental Protection Reading District Office 1005 Crossroads Boulevard Reading, PA 19605

RE:

Non-Notification of Demolition

1 Armorcast Boulevard, Birdsboro, Berks County

Letter No.:

BPP-DEP-001

Dear Mr. Borst:

We are in receipt of your Notice of Violation dated December 22, 2016. This notification was received in our office on Tuesday, January 3, 2017.

We recognize and respect your agency's interpretation of the regulation, 40 CFR Part 61 Section 61.145(b)(3)(i), which requires notification for demolition of facilities.

The decision not to notify the department regarding the demolition of stacks was due to our contractor's misinterpretation relating to the NESHAP definition of *Facilities* referenced in 40 CFR 61.141. EIG did not believe the regulation applied to the stacks in part because stacks alone would not constitute a *facility* and was in receipt of sampling results which indicated no asbestos containing materials were present in the stacks.

Once alerted to the PA DEP's request for a notification on December 8, 2016, the project's contractor immediately suspended demolition activity and submitted the appropriate paperwork to the EPA and PA DEP. It was only after direction from the PA DEP Bureau of Mining Programs to proceed with demolition "as soon as possible", due to the agency perceiving an unsafe condition, that demolition was completed. There is nothing more important to us as a company than the safety of our contractors, all site personnel, and the surrounding community. Please see attached copy of the PA DEP Bureau of Mining Programs Explosives Inspection Report dated December 9, 2016.

To assure future compliance with the regulations, Birdsboro Power, LLC's contractor, EIG, will implement the following corrective measures.

### Birdsboro Power, LLC PO Box 314 Birdsboro, PA 19508

- 1. Submit a revised Notification Form that indicates the actual date that demolition of the stacks was began and completed. The revised Notification Form is attached.
- 2. Submit a Notification Form for the remaining structures at the Birdsboro Power facility at least 10 working days in advance of demolition activities. The facility encompasses multiple structures that will be abated and demolished. PADEP will be notified and updated as to the actual demolition dates of individual structures.
- 3. Update the notification procedures in EIG's Health and Safety Plan (HASP). The Demolition Safety Requirements in the HASP have been revised, and require that ALL demolition projects shall submit notification at least 10 days prior to commencing demolition activities.
- 4. Provide training to all project staff personnel on the demolition notification requirements. Training will be provided the week of January 16<sup>th</sup> to staff currently assigned to the project.

To assure regulatory compliance in the future, the project has instructed our contractor(s) to submit timely notifications prior to any demolition and/or asbestos remediation work the project anticipates moving forward. If there are any questions that may arise pertaining to regulatory interpretation, project personnel will contact the PA DEP for clarification.

If you would like to discuss this Notice of Violation and the project's corrective measures, we would be happy to meet with you at your convenience.

Sincerely,

Jim Palumbo, P.E. Project Manager

Birdsboro Power, LLC

## Birdsboro Power, LLC PO Box 314 Birdsboro, PA 19508

cc: Kiewit Power Constructors Co. – Birdsboro Project Manager 9401 Renner Blvd.
Lenexa, KS 66219

Power Plant Management Services, LLC - Jim Berra 1155 Dairy Ashford, Suite 500 Houston, TX 77079

Raj Suri, EmberClear File: 15.40.02



## COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF AIR QUALITY

## ASBESTOS ABATEMENT AND DEMOLITION/RENOVATION NOTIFICATION FORM

For	Official Use Only	Date Red	elved 1	Date Received 2
	mark Date:			
	act ID#;			
	nit #:	1		
	or #:	1		
1			ļ	
	ector:			
1990	CE: This is not a valid asbestos abatement notificatio duals and contractors have met the certification require, P.L. 805, No. 194 (63 P.S. Sections 2101-2112).	ements as set forth in th	e Asbestos Occupations /	ocreditation and Certification Act unless Accreditation and Certification Act, Act of
REF	ER TO THE ATTACHED INSTRUCTIONS FOR	INFORMATION AND	REQUIREMENTS.	
1.	TYPE OF NOTIFICATION (check one):	☐ Initial		☐ Annual Notification
•	Revision (highlight here, and changes)	☐ Phas	e of Annual Notification	
	☐ Postponement	☐ Cano	ellation	
	Date of Initial Notification or, if previously revis	ed, date of last revision	on: <u>12/8/2016</u>	
2.	PROJECT LOCATION (check one):			
	☐ Allegheny County ☐ City of Philad	elphia 🛭 🖾 Other	Location In PA (speci	fy county): <u>Berks</u>
3,	A. Does this project require a permit? You notification and approved prior to the start.  B. For City of Philadelphia projects requiring	es No (If Yes is c t of the project.) a permit:		
	Asbestos project inspector:		Certificat	ion #:
	Company name: Address:			
	City:	State:	Zip:	Phone:
4.	WILL ALTERNATIVE METHODS TO ANY OF (If Yes is checked, approval must be obtain office or local government agency (see reverse	THE APPLICABLE R	EGULATIONS BE US	ED? Yes No
5.	TYPE OF OPERATION (check one):		Abatement prior to De	emolition
•	☑ Demolition ☐ Ordered Demoli		Renovation	☐ Emergency Renovation
6.	FACILITY DESCRIPTION: Facility Name: <u>Birdsboro Energy Center</u>	,	Job No.: <u>E0-02</u>	(see Instructions)
	Chealiffered Address of America D			
	City: Birdsboro			PA Zip Code: 19058
	Present use: Abandoned			
	Will the facility be occupied during the abateme	ent activity? 🔲 Yes	⊠ No	
	Facility size in square feet: 12' x 165'	# of floors	S:	Age in years: 75
7.	ABATEMENT CONTRACTOR:			
	Allegheny County or City of Philadelphia Licens			
	Street/Rural/POB Address:			
	City:			
Conta	nct:		Telephone No. (betw	een 8:00 & 4:30);

8.	DEMOLITION CONTRAC Company name: <u>Enviro</u>	- •	ructure Group					
	Street/Rural/POB Addres							
	City: Bristol		State:	PA		Zip: <u>1900</u>	)7	
	Contact: Edmund C Ve	rnier Jr.		Teleph	one No. (between 8:00	& 4:30):	<u>215-458-</u>	7602
9.	FACILITY OWNER:	to the state of th						
	Owner name: Birdsboro		-				· · ·	
	Street/Rural/POB Addres					· · · · · · · · · · · · · · · · · · ·		
	•		State:			Zip: <u>1950</u>		
40	Contact: Robert Haley				one No. (between 8:00	& 4:30): 	860-301-2	2620
10.	FACILITY INSPECTION			- "	•	"		
	Building inspector: <u>Brian</u> Date of inspection: <u>05/2</u>		le ar		Certification assumed to be asbesto		-	<u>11</u> ☑ No
	Procedure, including ana			-			168 K	Z) 140
	PLM bulk			Maria di San Paris .		· · · · · · · · · · · · · · · · · · ·		
	☐ Building is ID and in d	langer of collapse.	An asbestos investiga	itor will be	on sile durina demolitio	ı (Philade	elnhia only	۸
	IS ANY TYPE OF ASBES	• • • • • • • • • • • • • • • • • • • •	☐ Yes	⊠ No	If Yes, please list in #			
	TYPE OF ACM, DESCR	IPTION & LOCATIO					F ABATEN	MENT AND
	FINAL AIR CLEARANCE		SELOM THEM OF		te a transfer arrange			
	PROVIDE INFORMATIO	N IN THE SPACES	BELOW, IMEN CO	NIINUE U	N ANOTHER SHEET,	IF NECE:	SSARY, U	SING THE
Code	t Denoviation of mate		Location of mate		Amount of	Code	Code	Code
-			(room/floor/are	a)	ACM		****	***
n/a	n/a	n/a			n/a	n/a	n/a	n/a
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Code 7		Code **	Code ***	1	Code ****		<b>4.</b>	1
	riable ACM	<u>Units</u>	Type of abatemen	<u>t</u>	Final Clearance			
NF1 - (	Cat I nonfriable ACM	LF - Linear ft. SF - Square ft.	REM - Removal CAP - Encapsulati	on	PCM - Phase contrast TEM - Transmission e			
	Cat II nonfriable ACM Allegheny County	CF - Cubic ft.	CLO - Enclosure NON - None					
treats a	all ACM as friable)			· · · · · · · · · · · · · · · · · · ·				
	Is this project regulated b A project that includes the		Yes No Ined "facility" is reculated	led by NESI	AAP A renovation project	ot le alea r	equiated b	, NECUAD
	when the amounts of fright	e ACM or ACM that r	may he rendered fright	e ere se foli	lows: 260 LF or 160 SF	or is alst li	eficiaten D	HUSHAP

14.	OPE	ERATION SCHEDULE(S) (as app	olicable)						
	Α.	Asbestos abatement: Daily hours of operation: Days of week (check)	☐ Mo	Start Date:		am pm	Cor to	npietion Dat	te; ☐ am ☐ pm
	В,	Demolition: Daily hours of operation: Days of week (check)	⊠ Mo	Start Date: <u>6:00</u> ⊠ Tu		3 I am □ pm ☑ Th	Cor to ⊠ Fr	mpletion Dat 4:30  ☐ Sa	le: <u>12/09/2016</u> 
	C.	Renovation: Daily hours of operation: Days of week (check)	□Мо	Start Date:		lam □ pm □ Th	Cor to	mpletion Dat	re; ☐ am ☐ pm
	COM	MMENTS:	,						
15.		CRIPTION OF PLANNED DEMO (4) abandoned brick chimneys (s							
16.	DES EMIS N/A	CRIPTION OF WORK PRACTIC SSIONS OF ASBESTOS AT THE	ES AND E DEMOLIT	NGINEERING ION AND RE	G CONTRO NOVATION	LS TO BE U	JSED TO	REMOVE A	CM AND TO PREVENT
17.	WAS A.	Transporter #1 name: n/a  Street/Rural Address:  City:			State:			Zip: _	
	В.	Contact:  Transporter #2 name:  Street/Rural Address:							
		City:							

18.	WAS	TE DISPOSAL SITE(S): (any asbestos containin	g material)			
	A.	Landfill name: <u>n/a</u>		DEF	permit#:	······································
		Street/Rural Address:	·			
		City:				
		Contact:		Telephone:		
	В.	Landfill name:		DEF	permit #:	
		Street/Rural Address:				
		City:				
		Contact:			•	
19.	AIR I	MONITORING FIRM(S)				
	A.	Company name/individual: n/a				
		Street/Rural Address:				-
		City:				
		Contact:			-	
	В.	Final clearance firm: (if different than 19A) Street/Rural Address:				
		City:				
		Contact:				
		Final clearance firm was hired by (check one)		•		
		Other Explain				na praminina a managaman a
20.	AIR 8	SAMPLE FIRM(S) (City of Philadelphia projects o	only)		· · · · · · · · · · · · · · · · · · ·	
	A.	PCM company name/individual:				
PRODUCES AND APPEAL	Wasterveinide's actes	Street/Rural Address:				
		Osty.	State:		Z(p:	
		Contact:		Telephone:		
	В.	TEM company name:		Cert	ification #:	
		Street/Rural Address:				
_		City:				
		Contact:				
21.	FOR	EMERGENCY RENOVATIONS:				
۷۱.		of emergency (mm/dd/yy):	Hour of e	mergency:		□am □pm
		aription of the sudden, unexpected event:		morgonoy.		Engin Elbin
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		anation of how the event caused unsafe conditions assequence of complying with the 10 working day no			unreasonable	financial burden as
	G 901	to day to	•			
		,			<u> </u>	
						· · · · · · · · · · · · · · · · · · ·

22.	FOR ORDERED DEMOLITIONS (attach copy of order):	Victorial behaviorial and the second of the
	Government agency that ordered:	
	Name of individual who ordered:	
	Date of order (mm/dd/yy): Date	
23.	DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE E PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRU Stop work immediately & have suspect material sampled.	EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR UMBLED, PULVERIZED, OR REDUCED TO POWDER:
24.	PENNSYLVANIA CERTIFICATIONS/LICENSES:	•
	Project designer: <u>N/A</u>	Certification #:
:	Contractor (Individual):	Certification #:
	Supervisor:	
	Contractor (Firm)	
25.	I HEREBY CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROV WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION A BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE F I CERTIFY THAT ALL WORK WILL BE DONE IN ACCORDANCE W AGENCY RULES AND REGULATIONS.	AND EVIDENCE THAT THE REQUIRED TRAINING HAS FOR INSPECTION DURING ALL WORKING HOURS, AND NITH ALL APPLICABLE FEDERAL, STATE AND LOCAL
	(Original Signature of Owner/Operator)	<u>1/10/17</u> (Date)
	(authority of a minute beautiful	(Date)
	Printed Name of Owner/Operator: Michael Duffy	Title: Vice President
26,	I HEREBY CERTIFY THAT THE FOREGOING STATEMENTS AND T FORM ARE TRUE. THIS CERTIFICATION IS MADE SUBJECT T RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.	O THE PENALTIES SET FORTH IN 18 PA C.S. §4904
	(Original Signature of Owner/Operator)	
	Printed Name of Owner/Operator: Michael Duffy	Title: <u>Vice President</u>
	EOD OFFICIAL LIGH	ONLY
	FOR OFFICIAL USE	ONLY
		•
		•



# COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF MINING PROGRAMS

OFFICIAL USE	ONLY

Date 12/9/16

## **EXPLOSIVES INSPECTION REPORT**

Name: Controlled Demolition Inc.	Municipality/Township: Birdsboro Borough	License/Permit	Program	Inspecte Entity	d	EN! Typ		1F	
Address: 13401 Still Haven Ct.	County: Berks	BAP#06165004	MEX	SITE				NOV	
Phoenix, MD 31131	Blaster's Name; Tom Doud	SMP			_				
Telephone: 410-667-6610	Blasters License: BL-7094	BL			+				
	Weather:	SP							
Contract Blaster;	Wind Direction:	PP							
Address:	Site Name: Felling of 4 Brick Chimn	eys	Longitude:	Permit Si	atus	ac	tive		
	Complaint ID:		Latitude:	Inspection Inspection	n Re	sult:	: NC	OVIO	
aprox_165' chimney stacks wi DEP Air Quality for failure to fi	ere loaded at the old "Armorc ile an asbestos analysis that v	ast" plant under permit #06 varrants a ten day notice ur	165004. He sta nder Article III A	m Tom Dou led that the dr Resource	ud (C y hac es. W	DI) t	hat 2 in ce	2 of the	ng ne -
aprox 165' chimney slacks wo DEP Air Quality for failure to fi December 9, 2016 a determin potentially unsafe condition; a an unsafe condition in that the the shots be initiated/fired as s	ere loaded at the old "Armorci ile an ashestos analysis that v ation has been made by DEP s they have proceeded to load shot could be initiated in an u	ast" plant under permit #06 varrants a ten day notice un District Mining Operations d a shot and not initiate/fire uncontrolled or accidental n	165004. He stander Article III A that the operato the shot. This is namer. Therfor	l Tom Dou ted that the dr Resource or has creat caded shot e, the Depa	ud (C y hac es. W ed a crea	DI) I Lhee Ihite on uns tes o	hat 2 en ce on si safe r cor	2 of the eased lite or or	hy by
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### **Enforcement Codes**

CESSATION ORDER	CESOR
COMPLIANCE ORDER	CMPOR
CESSATION ORDER-FAILURE TO ABATE	COFTA
NOTICE OF VIOLATION	NOV
SUMMARY CITATION	SUMM
MISDEMEANOR	MIS
ORDER-TIME EXTENTION	TIMEX
PERMIT SUSPENSION	SUSPM
PERMIT REVOCATION	REVPM
THIRD PARTY RESOLUTION	3PRTY

## Inspection Result Codes

IN COMPLIANCE WITH SCHEDULE	ICS
NO VIOLATIONS NOTED	NOVIO
NO VIOLATIONS-FAC INACTIVE FOR INSPECTION	NVFIA
NO VIOLATIONS-PERMANENTLY SHUT DOWN	NVPSD
OUTSTANDING VIOLATIONS-NO VIOLS REQ	OUTNO
OUTSTANDING VIOLATIONS-VIOLS REQ'D	OUTST
PENDING	PEND
RECURRING VIOLATIONS	RECUR
VIOL(S) NOTED & IMMEDIATELY CORRECTED	VIOIC
VIOLATION(S) NOTED	VIOLS
-VIOLATION(S)-&-REGURRING-VIOLATIONS	VRV

## Inspected Entity Codes

PRIMARY FACILITY (MINING PERMITS)	PF
SITE (BAP'S)	SITE
CLIENT (BL'S, PP'S, SP'S)	CLNT

## **Program Codes**

COAL MINING	MCM
NON-COAL MINING	MIM
NON-MINING	MEX



#### **Environmental and Infrastructure Group, LLC**

204 Mill Street, Suite 102 Bristol, PA 19007

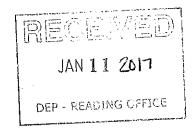
> Phone: 215-458-7602 Fax: 215-458-7921

www.eig3.com

January 10, 2017

Mr. William R. Borst
Air Quality District Supervisor
Pennsylvania Department of Environmental Protection
Reading District Office
1005 Crossroads Boulevard
Reading, PA 19605

RE: Non-Notification of Demolition 1 Armorcast Road, Birdsboro, Berks County Certified Mail No. 7014 0510 0002 2503 8097



Dear Mr. Borst,

Environmental and Infrastructure Group is in receipt of the PA DEP Notice of Violation dated December 22, 2016.

The NOV was received in our office on Tuesday December 27, 2016.

We recognize and respect your agency's interpretation of the regulation, 40 CFR Part 61 Section 61.145(b)(3)(i), which requires notification for demolition of facilities.

As an environmental contracting company, EIG views the responsibility of protecting the environment as a core principle of our business and acts accordingly when developing standard operating procedures and work plans for specific projects. EIG was in receipt of sampling results which indicated that no asbestos containing materials were present in the stacks and enacted a plan to safely demolish the stacks in accordance with industry best practices.

The decision not to notify your department regarding the demolition of stacks was due to our company's interpretation relating to the NESHAP definition of "Facilities" referenced in 40 CFR 61.141. EIG did not believe the regulation applied to stacks due to the fact that stacks alone would not constitute a "facility" and were proven to not contain asbestos containing materials.

Once alerted to the PA DEP's request for a notification on December 8th, 2016, EIG immediately suspended demolition activity and submitted the appropriate paperwork to the EPA and PA DEP. It was only after direction from the PA DEP Bureau of Mining Programs to proceed with demolition "as soon as possible", due to the agency perceiving an unsafe condition, that EIG proceeded with the demolition activity. Please see attached copy of the PA DEP Bureau of Mining Programs Explosives Inspection Report dated December 9, 2016.



#### **Environmental and Infrastructure Group, LLC**

204 Mill Street, Suite 102 Bristol, PA 19007

> Phone: 215-458-7602 Fax: 215-458-7921 www.eig3.com

To assure future compliance with the regulations, EIG will implement the following corrective measures.

- 1. Submit a revised Notification Form that indicates the actual date that demolition of the stacks was began and completed. The revised Notification Form is attached.
- 2. Submit a Notification Form for the remaining structures at the Birdsboro Power facility at least 10 working days in advance of demolition activities. The facility encompasses multiple structures that will be abated and demolished. PADEP will be notified and updated as to the actual demolition dates of individual structures.
- 3. Update the notification procedures in EIG's Health and Safety Plan (HASP). The Demolition Safety Requirements in the HASP have been revised, and require that ALL demolition projects shall submit notification at least 10 days prior to commencing demolition activities. The updated requirement has been added to EIG's HASP section 15.3.
- 4. Provide training to all project staff personnel on the demolition notification requirements.

  Training will be provided the week of January 16<sup>th</sup> to staff currently assigned to the project.

The revised Demolition Notification Form is attached per your request. If you would like to discuss this Notice of Violation and EIG's corrective measures, we would be happy to meet with you at your convenience.

Respectfully,

Richard McManus

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President



December 22, 2016

#### NOTICE OF VIOLATION

#### CERTIFIED MAIL NO. 7014 0510 0002 2503 8097

Edmund C. Vernier, Jr. Environmental and Infrastructure Group 204 Mill Street, Suite 102 Bristol, PA 19007

Re: Non-Notification of Demolition

1 Armorcast Boulevard, Birdsboro, Berks County

Dear Mr. Vernier:

On December 8, 2016, DEP learned from Environmental and Infrastructure Group (EIG) that one or more of the 4 brick chimneys located at the former Armoreast facility, located at 1 Armoreast Boulevard in Birdsboro, had been undermined on or before December 8, 2016 in order to place explosive charges for imminent demolition activities. At that time, no Asbestos Abatement and Demolition/Renovation Notification Form (Notification Form) had been filled with DEP or EPA for the demolition activity. Therefore, at that time, DEP Air Quality staff advised EIG that proceeding with the demolition before filing the Notification Form, and waiting the required 10-working-day notice period, would constitute a violation of the Federal Subpart M asbestos regulations. The DEP has determined that Birdsboro Power, LLC owns the property and contracted Kiewit Power Constructors as the general contractor. Kiewit then subcontracted the demolition of the chimneys to EIG.

: :

On December 9, 2016, DEP received a Notification Form for the chimney demolitions. The Notification Form was postmarked December 8, 2016 and stated in Box 14 that the demolition was scheduled to begin on December 23, 2016. Nevertheless, based on further communications between site personnel and DEP Mining staff, it was determined that the already-placed explosive charges could neither be safely removed, nor safely left in place for an extended time period. Therefore, on instruction of DEP, the site personnel proceeded to complete the demolition on December 9, 2016. Although it was necessary to remove the stacks promptly for safety reasons once the explosive charges were set, DEP considers the irreversible action of setting the charges to be the beginning of the demolition of the chimney structures. This was not preceded by a timely asbestos Notification Form.

DEP has determined that the 4 chimneys at 1 Armorcast Boulevard constituted industrial structures and were subject facilities as defined under 40 CFR Part 61 Subpart M: National Emissions Standards for Asbestos ("Subpart M"). According to Subpart M, demolition of a facility must be preceded by a notification. According to 40 CFR Part 61 Section 61.145(b)(3)(i) the notification must be submitted at least ten working days before the demolition begins.

By commencing demolition operations without submitting a Notification Form at least ten working days before the demolition commenced you caused violations of 40 CFR Part 61 Section 61.145(b)(3)(i).

The violation identified above also constitutes a violation of 25 Pa Code Section 124.3 which fully incorporates Subpart M of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) found in 40 CFR Part 61.

Violations of 40 CFR Part 61 Section 61.145 (b)(3)(i) and 25 Pa Code Section 124.3 constitute unlawful conduct and a public nuisance as defined by Sections 8 and 13 of the Air Pollution Control Act ("APCA"), 35 P.S. 4008 and 4013 for each day of violation. Violations of the Department's Rules and Regulations are subject to the penalties of Sections 9 and 9.1 of the APCA.

With regard to the above mentioned violations, please submit within 15 days of receipt of this letter, an abatement plan detailing corrective measures that will be implemented to assure future compliance with the regulations. Any abatement plan submitted should include a revised Notification Form, indicating the actual date demolition began and was completed.

This Notice of Violation is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

Electronic versions of the regulations listed above can be found at the following website addresses:

25 PA Code citations: http://www.pacode.com/secure/data/025/articleICIII\_toc.html

Air Pollution Control Act:

http://files.dep.state.pa.us/Air/AirQuality/AQPortalFiles/Pollutants/regs/apca.pdf

Code of federal regulations: http://www.ecfr.gov/cgi-bin/ECFR?page=browse

If you have any questions or concerns, please call me at 610.916.0100.

Sincerely

William R. Borst

Air Quality District Supervisor

cc: Southcentral Regional Office



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EDMUND C VERNİER JR ENVIRONMENTAL & INFRASTRUCTURE GROUP 204 MILL ST STE 102 BRISTOL PA 19007

E WAILED FROM ZIP CODE 19605

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## COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF MINING PROGRAMS

OFFICIAL USE ONLY

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## EXPLOSIVES INSPECTION REPORT

		(TIPE, EXPLO)						
Name: Controlled Demotition Inc.	Municipality/Township: Birdsboro Borough	License/Permit	Program	Inspecte Entity	d	ENF Type		RC
Address: 13401 Still Haven Ct.	County: Berks	BAP#06165004	MEX	SITE			NO'	VIO
Phoenix, MD 31131	Blaster's Name: Tom Doud	SMP						
Telephone: 410-667-6610	Blasters License: BL-7094	BL						
	Weather:	SP						
Contract Blaster:	Wind Direction:	PP						
Address:	Site Name: Felling of 4 Brick Chimne	pys	Longitude:	Permit St	atus	: active	l	
	Complaint ID:		Latitude:	Inspection inspection				
the shots be initiated/fired as s will be loaded and fired; consis	stent with the original plan. No	violations.	i maue (nat (ne	omer 2 Chin	neys	s not ye	Lload	<u></u>
Person contacted (please pri	nt)	Title	Times	s-On-Site	Pag	ge 1 of		
Blasting Inspector		blaster		to			1	Γ
Michael Duke Accompanied By			ID:	# 6	4	4 1	3	6
			IDi	1				
e responsible party signature ack cuss it with the investigator. The s	nowledges that he/she has read algnature does not necessarily me	the report, including the revean he/she agrees with the re	erse side, and th	at he/she wa	s give	en the o	pportu	nity f
White - District File	☐ Yellow - Operator	☐ Pink - Blas	tina Inon	По	. ) . )	nrod - S		

### **Enforcement Codes**

CESSATION ORDER	CESOR
COMPLIANCE ORDER	CMPOR
CESSATION ORDER-FAILURE TO ABATE	COFTA
NOTICE OF VIOLATION	VOV
SUMMARY CITATION	SUMM
MISDEMEANOR	MIS
ORDER-TIME EXTENTION	TIMEX
PERMIT SUSPENSION	SUSPM
PERMIT REVOCATION	REVPM
THIRD PARTY RESOLUTION	3PRTY

## Inspection Result Codes

IN COMPLIANCE WITH SCHEDULE	ICS
NO VIOLATIONS NOTED	NOVIO
NO VIOLATIONS-FAC INACTIVE FOR INSPECTION	NVFIA
NO VIOLATIONS-PERMANENTLY SHUT DOWN	NVPSD
OUTSTANDING VIOLATIONS-NO VIOLS REQ	OUTNO
OUTSTANDING VIOLATIONS-VIOLS REQ'D	OUTST
PENDING	PEND
RECURRING VIOLATIONS	RECUR
VIOL(S) NOTED & IMMEDIATELY CORRECTED	VIOIC
VIOLATION(S) NOTED	VIOLS
-VIOLATION(S)-&-REGURRING-VIOLATIONS	VRV

## Inspected Entity Codes

PRIMARY FACILITY (MINING PERMITS)	PF
SITE (BAP'S)	SITE
CLIENT (BL'S, PP'S, SP'S)	CLNT

## **Program Codes**

COAL MINING	MCM
NON-COAL MINING	MIM
NON-MINING	MEX



## COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF AIR QUALITY

#### ASBESTOS ABATEMENT AND DEMOLITION/RENOVATION NOTIFICATION FORM

For	Official Use Only	Date R	eceived 1	Date Received 2
Postn	nark Date:	***************************************		
	ct ID#:			00000
-				***
	it#:			
	#:		•	
Inspe	ctor:			
individ	CE: This is not a valid asbestos abatement notification uals and contractors have met the certification require P.L. 805, No. 194 (63 P.S. Sections 2101-2112).	for the purposes of tements as set forth in	he Asbestos Occupation the Asbestos Occupation	ns Accreditation and Certification Act unless ns Accreditation and Certification Act, Act of
REFE	R TO THE ATTACHED INSTRUCTIONS FOR	INFORMATION A	ID REQUIREMENTS	•
1.	TYPE OF NOTIFICATION (check one):	☐ Initi	al	☐ Annual Notification
	□ Revision (highlight here, and changes)	☐ Pha	ase of Annual Notifica	tion
	☐ Postponement	☐ Cai	ncellation	
	Date of Initial Notification or, if previously revise		•	
2.	PROJECT LOCATION (check one):			
	☐ Allegheny County ☐ City of Philade	elphia 🛛 Oth	er Location in PA (sp	ecify county): Berks
3.	For Allegheny County and City of Philadelp	hia projects only:		
		es	checked, a permit a	pplication must be submitted along with this
				ication #:
	Company name:			
	Address:City:	Stato	7in:	Phone:
4.	WILL ALTERNATIVE METHODS TO ANY OF			
4.	(If Yes is checked, approval must be obtain office or local government agency (see reverse	ned prior to the st	art of the project. F	
5.	TYPE OF OPERATION (check one):		☐ Abatement prior to	Demolition
	☑ Demolition ☐ Ordered Demoli	tion	☐ Renovation	☐ Emergency Renovation
6.	FACILITY DESCRIPTION:		Job No.: <u>E0-02</u>	(see instructions)
	Facility Name: Birdsboro Energy Center			
	Street/Rural Address: 1 Armorcast Road			
	City: Birdsboro		Sta	te: PA Zip Code: 19058
	Present use: Abandoned		Prior use: Chimne	e <b>y</b>
	Will the facility be occupied during the abateme	ent activity? 🔲 Ye	s 🛛 No	
	Facility size in square feet: 12' x 165'	# of flo	ors:	Age in years: <u>75</u>
7.	ABATEMENT CONTRACTOR: Company name: N/a		We want o	
	Allegheny County or City of Philadelphia Licen-	se # (if applicable):		r van
	Street/Rural/POB Address:			
	City:			
Conta	ct:			petween 8:00 & 4:30):

8.	DEMOLITION CONTRACTO Company name: Environm		cture Group					
	Street/Rural/POB Address:							
	City: Bristol		State:	<u>PA</u>		Zip: <u>1900</u>	7	
	Contact: Edmund C Vernie	er Jr.	with the control of t	Teleph	one No. (between 8:0	0 & 4:30):	<u>215-458-7</u>	602
9.	FACILITY OWNER: Owner name: <u>Birdsboro Particular</u> Street/Rural/POB Address:					WARE		
	City: <u>Birdsboro</u>		State:	<u>PA</u>	<del> </del>	Zip: <u>1950</u>	18	
	Contact: Robert Haley			Teleph	one No. (between 8:0	0 & 4:30):	860-301-2	620
10.	FACILITY INSPECTION (respectively)  Building inspector: Brian R  Date of inspection: 05/26/2  Procedure, including analyte  PLM bulk	tosini 2016	Is ar	ny material a	Certification Ce			11 3 No
	☐ Building is ID and in dan	ger of collapse. A	n asbestos investig	ator will be	on site during demoliti	on. (Philade	elphia only)	)
11.	IS ANY TYPE OF ASBEST		☐Yes	⊠ No	If Yes, please list in			
12.	TYPE OF ACM, DESCRIPTINAL AIR CLEARANCE NO PROVIDE INFORMATION SAME FORMAT.	IETHOD.						
Code	* Description of materia	al	Location of mate (room/floor/are		Amount of ACM	Code **	Code ***	Code ****
n/a	n/a	n/a			n/a	n/a	n/a	n/a
Code	*	Code **	Code ***		Code ****			
Code Type	* of ACM	Code *** <u>Units</u>	Type of abateme	<u>nt</u>	Final Clearance			
NF1 - NF2 - (Note: treats	Friable ACM Cat I nonfriable ACM Cat II nonfriable ACM : Allegheny County all ACM as friable)	LF - Linear ft. SF - Square ft. CF - Cubic ft.	REM - Removal CAP - Encapsula CLO - Enclosure NON - None	tion	PCM - Phase contra TEM - Transmission			
13.	Is this project regulated by A project that includes the de when the amounts of friable A	molition of any defi	Yes ☐ No ined "facility" is regul nay be rendered friat	ated by NES ble, are as fo	SHAP. A renovation pro ollows: 260 LF or 160 S	oject is also F or 35 CF.	regulated b	y NESHAP

14.	OPE	RATION SCHEDULE(S) (	(as applicable)						
	A.	Asbestos abatement: Daily hours of operation Days of week (check)		Start Date:		am 🗌 pm	Co to □ Fr	mpletion Date	e:
	В.	Demolition: Daily hours of operation Days of week (check)	on:	Start Date: 6:00  Tu	12/09/201				e: <u>12/09/2016</u> 
	C.	Renovation: Daily hours of operation Days of week (check)		Start Date:		am  pm	Co to □ Fr	mpletion Date	e:
	COM	MENTS:						•	
15.		CRIPTION OF PLANNED							,
	Fell (	(4) abandoned brick chimn	neys (stacks) via u	use of control	led explosiv	/es			
		A							
16.		CRIPTION OF WORK PR SSIONS OF ASBESTOS A					JSED TO	REMOVE A	CM AND TO PREVENT
	2								West of the second seco
			Manufacture (Manufacture Control Contr						
47		TE TRANSPORTER(S)							
17.	A.	TE TRANSPORTER(S) Transporter #1 name: _! Street/Rural Address: _							
		City:					elephon		
	B.	Transporter #2 name: _ Street/Rural Address: _							
		City: Contact:							

18.		TE DISPOSAL SITE(S): (any asbestos containin			4. 44	
	A.	Landfill name: n/a				
		Street/Rural Address:				
		City:				<del></del>
		Contact:				
	В.	Landfill name:		DEF	permit #:	
		Street/Rural Address:				
		City:	State:	HALE TO A STATE OF THE STATE OF	Zip:	
		Contact:		Telephone:		
19.	AIR N	MONITORING FIRM(S)		At a the state of	······································	***************************************
	A.	Company name/individual: n/a	<del></del>			<del></del>
		Street/Rural Address:				· · · · · · · · · · · · · · · · · · ·
		City:	State:	-	Zip:	
		Contact:				
	В.	Final clearance firm: (if different than 19A)				
		Street/Rural Address:				
		City:	State:			
		Contact:		Telephone:		
		Final clearance firm was hired by (check one)  Other Explain	<u> </u>			
20.	AIR S	SAMPLE FIRM(S) (City of Philadelphia projects			#	
	A.	PCM company name/individual:		Cer	tification #:	
		Street/Rural Address:				
		City:	State:		Zip:	
		Contact:		Telephone:		
	B.	TEM company name:		Cer	tification #:	
		Street/Rural Address:				
		City:				
•		Contact:				
21.	FOR	EMERGENCY RENOVATIONS:				
_,,		of emergency (mm/dd/yy):	Hour of e	mergency:		☐am ☐pm
		cription of the sudden, unexpected event:		_		
		anation of how the event caused unsafe conditions nsequence of complying with the 10 working day n			n unreasonable	financial burden as
	a coi	isequence of complying with the 10 working day in	Offication requiremen	н.		

,		
22.	FOR ORDERED DEMOLITIONS (attach copy of order):	:
	Government agency that ordered:	
	Name of individual who ordered:	Title:
	Date of order (mm/dd/yy): Date	ordered to begin (mm/dd/yy):
23.	DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVPREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRU Stop work immediately & have suspect material sampled.	
24.	PENNSYLVANIA CERTIFICATIONS/LICENSES:	
, <b>47</b> ,	Project designer: N/A	Certification #
	Contractor (Individual):	
	Supervisor:	
	Contractor (Firm)	1
	Contractor (Film)	Certification #:
25.	* * * * * SIGN BOTH STATE  I HEREBY CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVI WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION A BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FO I CERTIFY THAT ALL WORK WILL BE DONE IN ACCORDANCE W AGENCY RULES AND REGULATIONS.  (Original Signature of Owner/Operator)  Printed Name of Owner/Operator: Michael Duffy I HEREBY CERTIFY THAT THE FOREGOING STATEMENTS AND THE FORM ARE TRUE. THIS CERTIFICATION IS MADE SUBJECT TO RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.	ISIONS OF 40 CFR PART 61 SUBPART M (if applicable) AND EVIDENCE THAT THE REQUIRED TRAINING HAS DR INSPECTION DURING ALL WORKING HOURS, AND ITH ALL APPLICABLE FEDERAL, STATE AND LOCAL  1/10/17 (Date)  Title: Vice President  HE INFORMATION CONTAINED IN THIS NOTIFICATION
		1/10/17
	(Original Signature of Owner/Operator)	(Date)
	Printed Name of Owner/Operator: Michael Duffy	Title: <u>Vice President</u>
	FOR OFFICIAL USE	ONLY
ĺ		



February 1, 2017

Mr. William R. Borst Air Quality District Supervisor Pennsylvania Department of Environmental Protection Reading District Office 1005 Crossroads Boulevard Reading, PA 19605



RE:

Non-Notification of Demolition

1 Armorcast Boulevard, Birdsboro, Berks County

Letter No.: KPC-DEP-001

Dear Mr. Borst:

We are in receipt of your Notice of Violation dated January 18, 2017. This notification was received in our office on Wednesday, January 25, 2017.

We recognize and respect the agency's interpretation of the regulation, 40 CFR Part 61 Section 61.145(b)(3)(i), which requires notification for demolition of facilities.

The decision not to notify the department regarding the demolition of stacks was due to our contractor's misinterpretation relating to the NESHAP definition of *Facilities* referenced in 40 CFR 61.141. EIG did not believe the regulation applied to the stacks in part because stacks alone would not constitute a *facility* and was in receipt of sampling results which indicated no asbestos containing materials were present in the stacks.

Once alerted to the PA DEP's request for a notification on December 8, 2016, the project's contractor immediately suspended demolition activity and submitted the appropriate paperwork to the EPA and PA DEP. It was only after direction from the PA DEP Bureau of Mining Programs to proceed with demolition "as soon as possible", due to the agency perceiving an unsafe condition, that demolition was completed. There is nothing more important to us as a company than the safety of our contractors, all site personnel, and the surrounding community. Please see attached copy of the PA DEP Bureau of Mining Programs Explosives Inspection Report dated December 9, 2016.

To assure future compliance with the regulations, Kiewit Power Constructors' contractor, EIG, has implemented the following corrective measures.



- 1. Submit a revised Notification Form that indicates the actual date that demolition of the stacks was began and completed. The revised Notification Form is attached.
- 2. Submit a Notification Form for the remaining structures at the Birdsboro Power facility at least 10 working days in advance of demolition activities. The facility encompasses multiple structures that will be abated and demolished. PA DEP will be notified and updated as to the actual demolition dates of individual structures.
- 3. Update Kiewit's Site Specific Environmental Plan to require that notification is made at least 10 working days in advance for ALL demolition activities.
- 4. Provide training to all project staff personnel on the demolition notification requirements. Training was provided the week of January 16<sup>th</sup> to staff currently assigned to the project.

To assure regulatory compliance in the future, Kiewit Power Constructors has instructed our contractor(s) to submit timely notifications prior to any demolition and/or asbestos remediation work the project anticipates moving forward. If there are any questions that may arise pertaining to regulatory interpretation, project personnel will contact the PA DEP for clarification.

If you would like to discuss this Notice of Violation and the project's corrective measures, we would be happy to meet with you at your convenience.

Sincerely,

**Brian Stenstrom** 

Project Manager

cc:

Jim Berra Power Plant Management Services, LLC 1155 Dairy Ashford, Suite 500 Houston, TX 77079

Norm Decastro Kiewit Power Constructors Via Email

Jim Ryan Power Plant Management Services, LLC Via Email



## COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF AIR QUALITY

	nennsylvania DEPARTMEN	BUREAU OF AIR O	ENTAL PROTECTION QUALITY	OTIFICATION FORM
For	Official Use Only	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	eceived 1	Date Received 2
Postr	nark Date:			
	ct ID#:			
	it#:			
l				
	7#:			
	ector:			
indivic	CE: This is not a valid asbestos abatement notification fo duals and contractors have met the certification requirement P.L. 805, No. 194 (63 P.S. Sections 2101-2112).	r the purposes of ti ents as set forth in I	ne Asbestos Occupations . the Asbestos Occupations	Accreditation and Certification Act unless Accreditation and Certification Act, Act of
REFE	ER TO THE ATTACHED INSTRUCTIONS FOR IN	FORMATION AN	ID REQUIREMENTS.	
1.	TYPE OF NOTIFICATION (check one):	☐ Initia	al	☐ Annual Notification
	🛚 Revision (highlight here, and changes)	☐ Pha	se of Annual Notification	n
	☐ Postponement	☐ Car	cellation	
	Date of Initial Notification or, if previously revised,	date of last revi	sion: <u>12/8/2016</u>	
2.	PROJECT LOCATION (check one):  Allegheny County City of Philadelp	hia 🛭 Oth	er Location in PA (spec	olfy county): <u>Berks</u>
3,	<ul> <li>For Allegheny County and City of Philadelphia</li> <li>A. Does this project require a permit?  Yes notification and approved prior to the start of</li> <li>B. For City of Philadelphia projects requiring a passessos project inspector:</li> </ul>	☐ No (If Yes is the project.) permit:	Certifica	ation #:
	Company name:			
	Address:Cily:	State:	Zio:	Phone
4.	WILL ALTERNATIVE METHODS TO ANY OF THE (If Yes is checked, approval must be obtained office or local government agency (see reverse of the control of the co	E APPLICABLE I prior to the sta	REGULATIONS BE US	SED? Yes No
5.	TYPE OF OPERATION (check one):	1	☐ Abatement prior to □ ☐ Renovation	
6.	FACILITY DESCRIPTION:			(see instructions)
	Facility Name: <u>Birdsboro Energy Center</u>			
	Street/Rural Address: 1 Armorcast Road			
	City: <u>Birdsboro</u>			<u>PA</u> Zip Code: <u>19058</u>
	Present use: Abandoned			
	Will the facility be occupied during the abatement		·	
	Facility size in square feet: 12' x 165'	# of floo	rs:	Age in years: 75
7.	ABATEMENT CONTRACTOR:			
	Company name: N/a Allegheny County or City of Philadelphia License:			
	Street/Rural/POB Address:			
	City:			
Conto			····	
ounta	ct:		reiebuoue Mo. (pet	ween 8:00 & 4:30):

8.	DEMOLITION CONTRACTOR: Company name: Environmental and Infrastructure Group							
	Street/Rural/POB Addres							· · · · · · · · · · · · · · · · · · ·
	City: Bristol		State:	PA		Zip: <u>1900</u>	7	
	Contact: Edmund C Ver	nier Jr.			one No. (between 8:00	•		7602
9,	FACILITY OWNER:							
1	Owner name: <u>Birdsboro</u>				· · · · · · · · · · · · · · · · · · ·			
	Street/Rural/POB Addres	s: 1 Armorcast Ro	ad.					
Ì	City: <u>Birdsboro</u>		State:	PA		Zip: <u>1950</u>	8	
	Contact: Robert Haley				ne No. (between 8:00	& 4:30):	<u>860-301-2</u>	2620
l .	FACILITY INSPECTION (		ation and demolitior	projects):				
+	Building inspector: <u>Brian</u>				Certification		04 16-6-0	
	Date of inspection: <u>05/26</u> Procedure, including anal		· · · · · · · · · · · · · · · · · · ·		ssumed to be asbestos	_	Yes D	₫ No
1	PLM bulk	yticai method, it apį	propriate, used to dete	ct the prese	ence of aspestos mate	rial:		
	Building is ID and in da				n site during demolition	n. (Philade	lphia only	)
	IS ANY TYPE OF ASBES		☐ Yes	⊠ No	If Yes, please list in #			····
12.	TYPE OF ACM, DESCRII FINAL AIR CLEARANCE	PTION & LOCATIO METHOD.	N OF MATERIAL, AP	PROXIMAT	E AMOUNT OF ACM,	, TYPE OI	F ABATEN	IENT AND
	PROVIDE INFORMATION		BELOW, THEN CON	ITINUE ON	ANOTHER SHEET,	IF NECES	SARY, U	SING THE
	SAME FORMAT.							
Code *	Description of mater	rial	Location of mater (room/floor/area		Amount of	Code	Code	Code
		**************************************	Toomnoonatea	}	ACM	PO-STY OF THE STATE OF THE STAT		****
n/a	n/a	n/a		<u> </u>	n/a	n/a	n/a	n/a
								<u> </u>
			A - 1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-	· · · · · · · · · · · · · · · · · · ·				
············ <u>·</u>								
***								
Code *	1,000	Code **	Code ***	(	 Code ****			
Type of	ACM	<u>Units</u>	Type of abatement	1	Final Clearance			
NF1 - C NF2 - C (Note: A	iable ACM at I nonfriable ACM at II nonfriable ACM Allegheny County II ACM as friable)	LF - Linear ft, SF - Square ft, CF - Cubic ft,	REM - Removal CAP - Encapsulation CLO - Enclosure NON - None		PCM - Phase contrast FEM - Transmission el			
	s this project regulated by		Yes No					
,n V	project that includes the di when the amounts of friable	emolition of any defi ACM, or ACM that n	ned "facility" is regulate nay be rendered friable,	d by NESHA are as follo	AP. A renovation project ws: 260 LF or 160 SF c	ot is also re or 35 CF.	gulated by	NESHAP

14.	OPE	ERATION SCHEDULE(S) (as	applicable)						
	A.	Asbestos abatement:		Start Date:				npletion Da	
		Daily hours of operation: Days of week (check)	:	☐ Tu	[	]am □ pm □ Th	to □ Fr	Sa	
	В.	Demolition: Daily hours of operation: Days of week (check)	: ⊠ Mo	Start Date: <u>6:00</u> ⊠ Tu		6 Ĵam ☐ pm ⊠ Th	Con to ⊠ Fr	npletion Da <u>4:30</u> ☐ Sa	te: <u>12/09/2016</u> 
	c.	Renovation: Daily hours of operation:		Start Date:		] am 🔲 pm	lo	npletion Da	🔲 am 🔲 pm
	CON	Days of week (check)	□ Мо	☐ Tu	□We	□Th	☐ Fr	☐ Sa	□ Su
15.		SCRIPTION OF PLANNED DE (4) abandoned brick chimney						THE RESIDENCE OF THE PARTY OF T	
16.		SCRIPTION OF WORK PRAC SSIONS OF ASBESTOS AT					JSED TO	REMOVE A	ACM AND TO PREVENT
				PHYRAGANIAN CONTRACTOR OF CONTRACTOR CONTRAC		the Wild Committee and the second control of			
	***								
İ									
17.	WAS A.	STE TRANSPORTER(S)  Transporter #1 name: n/a  Street/Rural Address:							
		City:						-	
	В.	Transporter #2 name: Street/Rural Address:							
		City:			State:	***************************************		Zip: _	

18.		STE DISPOSAL SITE(S): (any asbestos containin			** **	
	A.	Landfill name: n/a				
		Street/Rural Address:	<b>Ot-1</b>			
		City:				
	_	Contact:				
	В.	Landfill name:			•	
		Street/Rural Address:				
ı		City:				
		Contact:		Telephone:		
19.	AIR	MONITORING FIRM(S)				
	A.	Company name/individual: n/a				
		Street/Rural Address:			****	
		City:	State:		Zip:	
		Contact:		Telephone:		
	₿.	Final clearance firm: (if different than 19A) Street/Rural Address:				- Company of the Comp
		City:	State:		Zip:	***************************************
		Contact:				
		Final clearance firm was hired by (check one)	☐ Contractor	☐ Owner		
20.	AIR	SAMPLE FIRM(S) (City of Philadelphia projects of		<u> </u>		
	A.	PCM company name/individual:		Сеп	ification#: _	·
		Street/Rural Address:	AHI			
	-	City:	State:		Zip;	
		Contact:		Telephone:		
	В.	TEM company name;		Cert <sup>s</sup>	ification #:	
		Street/Rural Address:				
		City:				
•		Contact:		• • •		***************************************
04				in the second se		
21.		EMERGENCY RENOVATIONS: of emergency (mm/dd/yy):	Hour of a	· MATAARAIN		m
		cription of the sudden, unexpected event:	FIVULULE	mergency:		□am □pm
	Desc	aphon of the sudden, anexpected event.				
	<del></del>					The state of the s
				****		·
	Expla	anation of how the event caused unsafe conditions o	or would cause equi-	pment damage or an	unreasonable	financial burden as
		nsequence of complying with the 10 working day no	otification requiremen	nt:		
			,			

22.	FOR ORDERED DEMOLITIONS (attach copy of order):	
	Government agency that ordered:	
	Name of individual who ordered:	Title:
	Date of order (mm/dd/yy): Date	ordered to begin (mm/dd/yy):
23.	DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVER PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUStop work immediately & have suspect material sampled.	
.24.	PENNSYLVANIA CERTIFICATIONS/LICENSES:	
	Project designer: N/A	Certification #:
	Contractor (Individual):	
	Supervisor:	•
	Contractor (Firm)	
	· · · · · · · · · · · · · · · · · · ·	
25.	and the same of th	AND EVIDENCE THAT THE REQUIRED TRAINING HAS FOR INSPECTION DURING ALL WORKING HOURS, AND WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL
	and the same of th	
	(Original Signature of Owner/Operator)	(Date)
	Printed Name of Owner/Operator: Michael Duffy	Title; Vice President
26.	I HEREBY CERTIFY THAT THE FOREGOING STATEMENTS AND T FORM ARE TRUE. THIS CERTIFICATION IS MADE SUBJECT T RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.	THE INFORMATION CONTAINED IN THIS NOTIFICATION TO THE PENALTIES SET FORTH IN 18 PA C.S. §4904
	(Original Signature of Owner/Operator)	1/10/17 (Date)
	Conginal digitation of the control of	(onto)
	Printed Name of Owner/Operator: Michael Duffy	Title: <u>Vice President</u>
	FOR OFFICIAL USE	ONLY



☐ White - District File

☐ Yellow - Operator

### COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF MINING PROGRAMS

OFFICIA	L USE	ONLY

☐ Goldenrod - SMCI/Other

Date 12/9/16

## **EXPLOSIVES INSPECTION REPORT**

Name: Controlled Demolition Inc.	Municipality/Township: Birdsboro Borough	License/Permit	Program	Inspecte Entity		ENF Type		IRC
Address: 13401 Still Haven Ct.	County: Berks	BAP#06165004	MEX	SITE				VIO
Phoenix, MD 31131	Blaster's Name: Tom Doud	SMP						
Telephone: 410-667-6610	Blasters License: BL-7094	BL						
	Weather:	SP					1	_
Contract Blaster:	Wind Direction:	PP				·		
Address:	Site Name; Felling of 4 Brick Chimn	eys	Longitude:	Permit St	atus:	acti	 ve	
	Complaint ID:		Latitude:	Inspectio	n Res	sult:	NOVIO	<u> </u>
aprox 165' chimney stacks we DEP Air Quality for failure to fi December 9, 2016 a determin potentially unsafe condition; as an unsafe condition in that the the shots be initiated/fired as s	le an asbestos analysis that value at londer the second to lose the second to lose shot could be initiated in an control as possible. Additionally	ast" plant under permit #06 warrants a ten day notice un District Mining Operations d a shot and not initiate/fire uncontrolled or accidental n d a determination has been	165004 He star nder Article III A that the operato the shot, This Io nanner, Therfor	ted that they Ir Resource or has creat baded shot e, the Depa	ud (Ct / had s. Whed an create	DI) the been alle or unsates or tis re	at 2 of cease a site afe or constit	ting. the 4 d by utes
Remarks: On December 8, 2 aprox 165' chimney stacks we DEP Air Quality for failure to find December 9, 2016 a determination that the an unsafe condition; as an unsafe condition in that the the shots be initiated/fired as stall be loaded and fired; consistent	ere loaded at the old "Armorc le an asbestos analysis that v ation has been made by DEP s they have proceeded to load shot could be initiated in an o	ast" plant under permit #06 warrants a ten day notice un District Mining Operations d a shot and not initiate/fire uncontrolled or accidental n d a determination has been	165004 He star nder Article III A that the operato the shot, This Io nanner, Therfor	m Tom Dou ted that they ir Resource or has creat paded shot e, the Depa	ud (Ct / had s. Whed an create	DI) the been alle or unsates or tis re	at 2 of cease a site afe or constit	ting. the 4 d by utes
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aprox 165' chimney slacks we DEP Air Quality for failure to fi December 9, 2016 a determine potentially unsafe condition; as an unsafe condition in that the he shots be initiated/fired as swill be loaded and fired; consistently be loaded and fired; consistently be as a contacted (please priors Doud	ere loaded at the old "Armorc le an asbestos analysis that u ation has been made by DEF is they have proceeded to load shot could be initiated in an o con as possible. Additionally stent with the original plan. No	ast" plant under permit #06 Warrants a ten day notice un District Mining Operations d a shot and not initiate/fire uncontrolled or accidental n d, a determination has been o violations.	165004 He star nder Article III A that the operato the shot. This le nanner. Therfore made that the	m Tom Dou ted that they ir Resource or has creat paded shof e, the Depa other 2 chin  -On-Site to	rd (Ct y had s. Whed an create rtmen nneys	DI) the been ble on the been ble on the ble on the ble on the ble on the ble of the ble	at 2 of cease n site afe or constit equiring vet load	ting.
aprox 165' chimney slacks we DEP Air Quality for failure to fi December 9, 2016 a determine potentially unsafe condition; as an unsafe condition in that the he shots be initiated/fired as swill be loaded and fired; consistency of the condition of the consistency of the condition of the consistency of the condition of the consistency of the condition of the cond	ere loaded at the old "Armorc le an asbestos analysis that u ation has been made by DEF is they have proceeded to load shot could be initiated in an o con as possible. Additionally stent with the original plan. No	ast" plant under permit #06 Warrants a ten day notice un District Mining Operations d a shot and not initiate/fire uncontrolled or accidental no d, a determination has been d violations.	165004 He star nder Article III A that the operato the shot. This lananner, Therford made that the	m Tom Dou ted that they ir Resource or has creat caded shof e, the Depa other 2 chin  -On-Site to	rd (Ct y had s. Whed an create rtmen nneys	DI) the been ble on unsate or tis renot y	at 2 of cease n site afe or constit equiring	ting. the 4 d by utes

☐ Pink - Blasting Insp.

## **Enforcement Codes**

CESSATION ORDER	CESOR
COMPLIANCE ORDER	CMPOR
CESSATION ORDER-FAILURE TO ABATE	COFTA
NOTICE OF VIOLATION	NOV
SUMMARY CITATION	SUMM
MISDEMEANOR	MIS
ORDER-TIME EXTENTION	TIMEX
PERMIT SUSPENSION	SUSPM
PERMIT REVOCATION	REVPM
THIRD PARTY RESOLUTION	3PRTY

## Inspection Result Codes

IN COMPLIANCE WITH SCHEDULE	ICS
NO VIOLATIONS NOTED	NOVIO
NO VIOLATIONS-FAC INACTIVE FOR INSPECTION	NVFIA
NO VIOLATIONS-PERMANENTLY SHUT DOWN	NVPSD
OUTSTANDING VIOLATIONS-NO VIOLS REQ	OUTNO
OUTSTANDING VIOLATIONS-VIOLS REQ'D	OUTST
PENDING	PEND
RECURRING VIOLATIONS	RECUR
VIOL(S) NOTED & IMMEDIATELY CORRECTED	VIOIC
VIOLATION(S) NOTED	VIOLS
-VIOLATION(S)-&-REGURRING-VIOLATIONS	VRV

## Inspected Entity Codes

PRIMARY FACILITY (MINING PERMITS)	PF
SITE (BAP'S)	SITE
CLIENT (BL'S, PP'S, SP'S)	CLNT

## **Program Codes**

COAL MINING	MCM
NON-COAL MINING	MIM
NON-MINING	MEX