

September 26, 2019

Alan A. Annicella, Section Chief  
United States Environmental Protection Agency  
Region 4, Atlanta Federal Center  
61 Forsyth Street  
Atlanta, Georgia 30303-8960

RE: AHERA Inspection for Santa Rosa District Schools

Dear Mr. Annicella,

On July 18, 2019, Ms. Yvonne Lawson inspected our district records for compliance with Asbestos Hazardous Emergency Response Act (AHERA) Regulations promulgated at 40 C.F.R. Part 763. On August 29, 2019 we received a Notice of Noncompliance (NON) from your office citing violation of the Toxic Substance Control Act (TSCA) Subchapter II, Asbestos Hazard Emergency Response Act (AHERA).

After Ms. Lawson's visit and feedback, we immediately began the assessment of our processes and documentation. Our risk management department, maintenance supervisory team, custodial services manager, and contract agency personnel for our 3-year inspections (John Harris with Intertek-PSI) have all met to discuss the identified violations and taken steps to correct any non-compliant areas. See violations below and our follow up actions.

1. Failed to inspect a building(s) leased or otherwise acquired on or after October 12, 1988, prior to its use as a school building or within 30 days after commencement of its use as a school building if such use was the result of an emergency, pursuant to 40 C.F.R. § 763.85(a)(2). The management plan inspected at the LEA administrative office, Bagdad Elementary School, and Milton High School was incomplete because neither contained a copy of an initial asbestos inspection for each school building leased, owned or otherwise used as a school building to identify all locations of friable and nonfriable asbestos containing building materials.
  - **DISTRICT RESPONSE:** Our district has located the Management Plans for Bagdad Elementary School and for Milton High School. We have included in this response the first few pages of each plan for verification. If you need to review a complete copy of the plan, please let us know.
2. Failed to maintain in its administrative office a complete, updated copy of a management plan for each school under its administrative control or direction,

pursuant to 40 C.F.R. § 763.93(g)(2).

- DISTRICT RESPONSE: Our district has located the Management Plans for all schools built prior to October 12<sup>th</sup> of 1988. We had these at our Berryhill Administrative Facility. We acknowledge these management plans for 23 of our facilities were incomplete and we have an action plan to organize current documents.
  - We are in the process of locating Asbestos Free Facility certification letters for schools built after October 12<sup>th</sup> of 1988. We have 12 facilities that fall into this category at this time. We have located many of these certification letters at individual school sites. Any certifications not located will be recertified by Intertek-PSI as soon as possible.
  - Intertek-PSI is working with us to verify that all needed documents comply with the statute requirements. Intertek-PSI is also assisting in the organization of inspections, facility addition certifications, and training documents moving forward.
3. Failed to maintain in each school, in its administrative office, a complete, updated copy of a management plan for that school, pursuant to 40 C.F.R. § 763.93(g)(3).
- DISTRICT RESPONSE: Our district will be working to assure management plans at the district office and at the school/facility locations contain the management plans or Asbestos Free certification letters. We will further assure these plans contain a complete set of the same required documents.
4. Failed to include all items required to be in its management plan, pursuant to 40 C.F.R. § 763.93(e).
- DISTRICT RESPONSE: As stated in #3 above, our district will be working to assure management plans at the district office and at the school/facility locations contain the management plans or Asbestos Free certification letters. We will further assure these plans contain a complete set of the same required documents.
5. Failed to use an accredited management planner to develop the management plan, pursuant to 40 C.F.R. § 763.93(e). The management plan inspected at the LEA's administrative office, Bagdad Elementary School, and Milton High School did not include documentation of the initial accredited management planner.
- DISTRICT RESPONSE: As stated in #1, our district has located the Management Plans for Bagdad Elementary School and for Milton High School. For verification, we have included in this response the first few pages of each initial certified management plan completed by an accredited management planner. If you need to review a complete copy of the plan, please let us know.

6. Failed to use an accredited inspector to conduct inspections, pursuant to 40 C.F.R. § 763.85(a)(3). The management plan inspected at the LEA's administrative office and Bagdad Elementary School did not include documentation of the initial accredited inspector.

- **DISTRICT RESPONSE:** As stated in #1 and #5, our district has located the Management Plans for Bagdad Elementary School. For verification, we have included in this response the first few pages of the initial certified management plan completed by an accredited management planner. If you need to review a complete copy of the plan, please let us know.

It is our district's desire and intent to come into full compliance with AHERA requirements. If additional action is needed on our part, contact us and we will address further concerns immediately.

Sincerely,

Joey Harrell, LEA Designee

Pam Smith, Risk Manager

Tobin Faciane, Safety Specialist