



Environmental Health Investigations, Inc.

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November 5, 2008

Mr. Joe Hartnett
Township of Montclair
205 Claremont Avenue
Montclair, NJ 07042

Email: jharnett@mnotclairnjusa.org

Re: Renaissance School/Madonna School
Asbestos Action Review

Dear Mr. Hartnett:

Attached is Environmental Health Investigations, Inc. (EHI) report of findings concerning the review of asbestos actions at the Renaissance School and Madonna Hall.

Please let me know if you have any questions.

An invoice for services provided is included.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William S. Kerbel', is written over the typed name.

William S. Kerbel, CIH
President



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REPORT OF FINDINGS

**Asbestos Action Review
Renaissance School
Madonna Hall**

On Behalf Of:

**Township of Montclair
205 Claremont Avenue
Montclair, NJ 07042**

**Performed: August 28 - October 8, 2008
Report Date: November 5, 2008**

EHI Project #: 0705-2539

1.0 Introduction

Environmental Health Investigations, Inc. (EHI) was retained by the Township of Montclair to provide consulting services pertaining to asbestos issues at the Renaissance School and Madonna Hall. These services included:

1. A review of documents concerning fiber release episodes at the Renaissance School and Madonna Hall.
2. A walkthrough of the Renaissance School on August 28, 2008.
3. An interview with Mr. Leonard Saponana, the Montclair Board of Education designated Asbestos Program Manager.
4. A meeting the representatives of the Renaissance PTA Health and Wellness Committee on September 25, 2008.
5. An interview with Dana Sullivan the Montclair Board of Education Business Administrator on October 1, 2008.
6. A review of the asbestos building inspection report of Immaculate Conception properties conducted by Alternative Ways Inc., dated October 6, 1988.
7. A review of the Asbestos AHERA Management Plan for the Renaissance School building prepared by Detail Associates dated May 20, 2008.

2.0 Background

2.1 Madonna Hall

Madonna Hall was used by the Montclair Board of Education as an eating facility. The facility was also used for the preparation of food.

Sometime before March 2008, the Archdiocese of Newark initiated remodeling work. A portion of the work involved drilling holes into asbestos containing materials.

It is not possible to positively identify the time period in which the asbestos materials were disturbed. However, the construction manager for the project has communicated that the disturbance of asbestos materials did not occur until after March 10, 2008. The use of Madonna Hall as an eating facility was discontinued as of March 4, 2008.

The discontinuance of the use of Madonna Hall resulted, at least in part, from complaints by various parents and parents groups. Some parents have expressed an understandable concern about exposure that may have occurred during construction prior to March 4, 2008. It is not possible at this point in time, to determine what, if anything the students may have been exposed to in this period.

On March 27, 2008, the New Jersey Department of Health and Senior Services in their role as a subcontracting agency to the US EPA conducted an inspection of the premises. An inspection summary of observations listed several deviations from the requirement of the Toxic Substances Control Act (TSCA) and the Asbestos Hazard Emergency Response Act (AHERA). The report also states that a major fiber release episode occurred as a result of renovation activity. A major fiber release episode is defined by the AHERA regulations as the uncontrolled or unintentional disturbance of more than three square feet or three linear feet of asbestos containing building materials (ACBM) resulting in visible emission.

A work plan for the fiber release cleanup was developed by Omega Environmental Services and issued on April 10, 2008.

The cleanup work was conducted by Asbestos and Mold Services Corporation under the supervision of Omega Environmental Services from May 6, 2008 to May 16, 2008. Final air clearance sampling was conducted by Omega on May 15, 2008.

Air samples were collected by Detail Associates on September 15, 2008.

2.2 Renaissance School

Renaissance School is utilized by the Montclair Board of Education as a school facility including classrooms, instruction units and administrative offices.

In October 1988 an inspection of the School was conducted by Alternative Ways, Inc., the inspection did not meet the minimum 1988 requirements for asbestos inspections in schools. No samples of the plasters in the building were collected.

On March 31, 2008, Detail Associates conducted asbestos bulk sampling of plaster materials in the school. It was determined by Detail that the brown coat layer of the plaster system contained asbestos (2%).

Sometime on or about May 10, 2008 a contractor retained by the Archdiocese of Newark disturbed the plaster while replacing fire doors on the ground floor. The affected area was greater than three square feet but less than twenty square feet.

Apparently a company named FGS Environmental was retained to clean the building subsequent to this major fiber release. The cleaning operation was directed by Detail Associates who also conducted air sampling during and subsequent to the process.

A second company Garden State Environmental was retained to conduct quality control monitoring. Garden State Environmental subcontracted the air testing to Envirovision Consultants Inc.

Air samples were collected by Detail Associates on May 15, May 17, May 18, and May 19, 2008.

Air samples were collected by Envirovision on May 17, May 18, and May 19, 2008.

A Management Plan for addressing asbestos materials within the school was developed by Detail Associates and issued on May 20, 2008.

3.0 Document Review

The following documents were reviewed.

3.1 Madonna Hall

1. Work Plan for the Cleanup of Potentially Asbestos Contaminated Debris issued by Omega Environmental Dated April 10, 2008.

This document describes the scope of the cleanup effort required in Madonna Hall. A drawing supplied with the document shows that the scope of cleanup work includes the entire Basement including the Lunch Area, Kitchen, adjoining Common Areas, Bathrooms, Storage Rooms, and Boiler Room.

The document requires that a construction permit be acquired prior to the cleanup effort. The following is stated "it shall be unlawful to undertake cleanup activities which may impact asbestos contaminated debris/dust unless the owner of the facility or an authorized representative on behalf of the owner first files an application in writing with the enforcing agency (Montclair Building Department) and obtains the required permit." There is no evidence that this permit was ever secured.

2. Omega Environmental Report dated April 1, 2008

This document confirms that asbestos exists in the ceiling of Madonna Hall. A total of four samples were collected. Between 45% and 50% Chrysotile Asbestos were detected in the samples.

3. Omega Environmental Bulk Sample Report dated April 4, 2008

This document confirms that asbestos is present in pipe fittings located in the Boiler Room, the Kitchen, and in the Right Foyer Exit. Other samples collected of plasters, pipe insulation and sheetrock did not contain asbestos.

4. EMSL Asbestos Fiber Analysis Report dated April 24, 2008

This document reflects the results of air samples collected in the Basement of Madonna Hall and on the Upper Church Level on March 28, 2008. No airborne asbestos was detected.

5. Post Cleanup Report issued by Omega Environmental dated June 12, 2008

This document includes air sampling results collected during the cleanup as well as log of on site observations. It also contains clearance air monitoring results. The report concludes “based on Omega’s daily observations, final visual inspections and analytical results for the final clearance air sample collected within the work area(s), the work described under Omega’s work plan for cleanup of potentially asbestos contaminated debris/dust should be considered completed and the spaces are ready for reoccupancy.”

It should be noted that the Omega Work Plan states that “It shall be unlawful to reoccupy the portion of a building that was vacated during asbestos related cleanup activities until a

Certificate of Occupancy is issued by the ASCM and verified by the enforcing agency (Montclair Building Department).”

No evidence that such a document was ever generated has been provided to the reviewer.

6. EMSL Asbestos Fiber Analysis Report dated September 12, 2008

This report reflects the results of air samples collected in the Basement area on September 3, 2008 by Detail Associates.

The sample results indicated asbestos levels below the US EPA AHERA Criteria of 70 structures/mm². One Chrysotile Asbestos Fiber was found in the Basement Cafeteria air sample.

7. A Certificate of Analysis Transmittal Letter issued by Detail Associates dated September 22, 2008

This letter states that air sampling was conducted on September 15, 2008 in Madonna Hall and analysis determined non detected concentrations of asbestos.

3.2 Renaissance School

- 3.2.1 Asbestos Building Inspection Report for Immaculate Conception Buildings conducted by Alternative Ways, Inc., dated October 6, 1988

This report details the initial inspection of the Grammar School for asbestos materials in response to AHERA mandates. The report states that asbestos materials exist as pipe insulation, boiler covering and water tank insulation.

The inspection did not comply with the minimum requirements of AHERA. No samples of surfacing materials (i.e., plaster) were collected.

This report should not be relied on.

3.2.2 Bulk Sample Summary Sheet dated March 31, 2008 issued by Detail Associates.

This document summarizes the results of bulk samples of surfacing material collected in the Renaissance School on March 31, 2008.

The results indicate that the brown coat of the existing plaster system contains 2% asbestos.

3.2.3 Certificates of Analysis issued by Detail Associates Inc., for Air Samples Collected on May 15, May 17, May 18 and May 19, 2008.

The May 15, 2008 samples were not collected in a manner consistent with AHERA protocols. AHERA requires that a minimum of five samples be collected. The average of the five samples must be below 70 structures/mm² only four samples were collected.

No airborne asbestos was found on three of the samples collected on May 15, 2008. The fourth sample contained 460 structures/mm². The sample was collected on the Third Floor in the middle of the hallway.

Samples collected on May 17, May 18, and May 19, 2008 indicated average concentrations below 70 structures/mm².

No supporting laboratory reports except for the samples collected on May 19, 2008 were provided to the reviewer.

3.2.4 EMSL Analytical Laboratory report dated May 21, 2008 for Asbestos Analysis via Polarized Light Microscopy Qualitative

This report details the analyses of wipe samples collected inside student lockers as well as locker contents. No asbestos materials were identified.

3.2.5 EMSL Analytical Laboratory reports for Air Samples collected by Envirovision on behalf of Garden State Environmental on May 17, May 18, and May 19, 2008

A total of thirty-nine samples were collected over the three days. No asbestos fibers were detected on any of the samples.

3.2.6 Asbestos Management Plan developed by Detail Associates, Inc., dated May 20, 2008

The plan has been generated in a manner that is consistent with New Jersey and AHERA Guidelines.

The plan has not been signed or acknowledged by an Accredited Management Planner (Form C Management Plan Cover Sheet)

The credentials provided by the inspector Mr. Anthony Valentine do not include accreditation as a Management Planner.

AHERA requires that the Management Plan be developed by an Accredited Management Planner.

4.0 Applicable Regulations

The following regulations pertain to the presence and/or disturbance of asbestos materials in New Jersey Schools.

4.1 Asbestos Hazard Emergency Response Act (AHERA) 40 CFR Part 763 Subpart E

This rule requires local education agencies to identify friable and non friable asbestos containing materials in school buildings. It is also required that the conditions of the materials be assessed and that response actions be developed by accredited individuals.

A school building means:

1. Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food.
2. Any gymnasium or other facility which is specifically designed for athletic or recreational activities for an academic course in physical education.
3. Any other facility used for the instruction or housing of students or for the administration of educational or research programs.
4. Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility.
5. Any portico, or covered exterior hallway or walkway.
6. Any exterior portion of a mechanical system used to condition interior spaces.

Both the Renaissance School and Madonna Hall are governed by the requirements of AHERA.

4.2 Asbestos Hazard Abatement Subcode of the New Jersey Uniform Construction Code NJAC 5:23-8

The Subchapter applies to all educational facilities in the State. It defines the means and methods of asbestos remediation. It exempts operations and maintenance activity such as the cleanup of debris. Therefore the cleanup following the incidents in Madonna Hall and the Renaissance School were allowed to be performed without application or notice to the New Jersey Department of Community Affairs (NJ DCA).

It does require that specific records of each operations and maintenance activity be kept on file at a central location by the Owner of the facility and be open for review and audit by the NJ DCA and for public inspections during normal business hours.

4.3 OSHA Construction Standard for Asbestos 29 CFR 1926.1101

This regulation applies to construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof that contain asbestos as well as emergency cleanups.

The standard identifies the engineering controls and protective equipment that must be employed when asbestos materials are disturbed.

It requires that the building owner determine the presence, location and quantity of asbestos containing material at the work site and that notification of its presence be communicated to the following entities:

1. Prospective employers applying for or bidding for work whose employees reasonably can be expected to work in or adjacent to areas where asbestos is present.
2. Employees of the owner who will work in or adjacent to areas containing these materials.
3. Tenants who will occupy the areas.

4.4 National Emission Standard for Asbestos 40 CFR Part 61 Subpart M

This regulation requires that asbestos materials which are disturbed be kept adequately wet to avoid visible emissions. Disturbance of more than 160 square feet of friable material requires notification to the United State Environmental Protection Agency.

4.5 New Jersey Asbestos Licenses and Permits NJAC 8:60 and 12:120

These regulations require that only New Jersey licensed contractors and individuals perform asbestos remediation in the State.

5.0 Discussion

The fiber release episode which occurred in Madonna Hall was a result of non compliance by the Archdiocese of Newark with respect to its responsibilities concerning the OSHA Asbestos Construction Standard and to an extent, the failure of the Montclair Board of Education to conduct an asbestos inspection of the facility as required by EPA AHERA regulations.

It does not appear that Omega Environmental complied with their own cleanup work plan in as much as no building permit or certificate of occupancy was secured.

It is also unclear as to whether additional disturbance of the transite materials occurred after May 16, 2008.

Air samples collected by Detail Associates on September 15, 2008 indicated non detected airborne asbestos fibers.

However, since the area is used as a school eating facility and/or for the preparation of food, a full AHERA compliant inspection needs to be completed by an Accredited Asbestos Inspector.

Subsequent to the inspection, a Management Plan for Madonna Hall must be developed by an Accredited Management Planner.

Disturbance of the materials must be avoided. In the event that the materials may be disturbed, they must be removed by a licensed asbestos contractor in conformance with State and Federal requirements.

Periodic resinspections should be conducted every six months by trained in house personnel or an Accredited Asbestos Inspector.

The fiber release episode which occurred in the Renaissance School on or about May 10, 2005 was a result of a deficient asbestos inspection report conducted in 1988 and a lack of communication between the owner (Archdiocese of Newark) and the tenant (Montclair Board of Education).

Based on a site walkthrough, interviews with parties knowledgeable about events and a review of testing results, it is the opinion of the reviewer that the cleanup effort that was conducted was effective.

A Management Plan has also been developed and Standard Operating Procedures for safeguarding the students and staff have been implemented.

Based on conversations with Ms. Dana Sullivan and Mr. Leonard Saponana it is clear that the Montclair Board of Education is cognizant of their responsibilities with respect to asbestos

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materials in the Renaissance School and Madonna Hall. The standard operating procedures that have been put in place to avoid recurrence of material disturbance are protective of students and staff.

The support of parents and parent groups further enforces the reviewers opinion that the building occupants will be safeguarded. The information provided by the parents showed that a number of parents were very upset by the communication received from the Board of Education in the aftermath of the fiber releases. However, it is not in the purview of this report to comment on the effectiveness or accuracy of the Board of Education's communication.

It needs to be determined whether the Management Plan was developed by an Accredited Management Planner. The Management Planner should certify and sign the document.

Report Generated By:



William S. Kerbel, CIH