

# Consent Agenda

<b>Agenda Item #</b>	3A
<b>Meeting Date</b>	February 25, 2013
<b>Prepared By</b>	Sara Anne Daines HCD Director
<b>Approved By</b>	Suzanne Ludlow Acting City Manager

<b>Discussion Item</b>	Single Reading Ordinance Authorizing an Increase in the Amount to be Expended for the Demolition of 36 Philadelphia Avenue
<b>Background</b>	<p>The Council is asked to consider the adoption of an Ordinance authorizing an increase in the amount to be expended to allow for the demolition of 36 Philadelphia Avenue. The structures were condemned by Montgomery County after being determined to be unsafe for occupancy and a public nuisance due to hazardous conditions. If adopted, a change order would be issued and the contractor authorized to proceed with the removal and disposal of asbestos siding and vent pipes and the emptying and disposal of a heating oil tank, identified during the Hazardous Materials Survey completed by the contractor, and the removal of a tree, approved by the City Arborist. The required abatement of hazardous materials is projected to take approximately three days. Demolition of the house and the accessory building in the rear yard would occur soon after, following notification of the adjoining neighbors and affected public safety and transportation providers.</p> <p>The original contract with Excalibur Site Services, Inc. was authorized by Ordinance #2012-46 for an amount not to exceed \$21,095. An additional \$8,050 is needed to address the items noted above, for a total contract cost of \$29,145.</p>
<b>Policy</b>	To preserve the character of the community's residential and commercial neighborhoods through the enforcement of general property maintenance standards.
<b>Fiscal Impact</b>	<p>The FY 2013 budget includes a total of \$28,500 for projects such as that proposed. Of this amount, \$13,500 was set aside to address court-ordered property maintenance violations with an additional \$15,000 specifically earmarked for the demolition of 36 Philadelphia Avenue. Though the requested authorization would result in costs exceeding this amount, there remain sufficient funds available in the Housing and Community Development Department's budget to cover the additional \$645 in anticipated expenditures.</p> <p>As noted in prior discussions, the costs incurred by the City to demolish the structures and abate the hazardous conditions will be billed to the property owner and if unpaid, placed on the property tax bill this spring.</p>
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Single Reading Ordinance Authorizing an Increase in the Amount to be Expended for the Demolition of 36 Philadelphia Avenue</li> <li>• Pre-Demolition Inspection for Asbestos and Lead-based Paint Report w/o Exhibits (Arc Environmental, Inc. February 2013).</li> </ul>
<b>Recommendation</b>	Adopt the accompanying ordinance.

Introduced by:

Single Reading

**CITY OF TAKOMA PARK, MARYLAND**

**ORDINANCE NO. 2013-**

**AUTHORIZING AN INCREASE IN THE AMOUNT TO BE EXPENDED FOR THE  
DEMOLITION OF 36 PHILADELPHIA AVENUE**

WHEREAS, Montgomery County has condemned 36 Philadelphia Avenue, declaring it to be unsafe for occupancy and a public nuisance due to hazardous conditions; and

WHEREAS, an Abatement Order was issued by the District Court of Maryland, Montgomery County, requiring the owner to abate all unsafe building conditions; and

WHEREAS, the property owner failed to comply with the terms of the Abatement Order and the City was given authorization by the Court to proceed with the demolition of the two structures on the property; and

WHEREAS, in accordance with approved procurement procedures, the City Manager, as authorized by Ordinance #2012-46, entered into a contract with Excalibur Site Services, Inc. for the demolition of the structures at 36 Philadelphia Avenue for a cost not to exceed \$21,905; and

WHEREAS, Excalibur Site Services has notified the City that the abatement of previously unknown hazard materials, identified in the Hazardous Materials Survey conducted by Arc Environmental, Inc., is required prior to the demolition of the structures; and

WHEREAS, the original contract did not include the cost of removing and disposing of the identified materials and a tree, the placement of which has been determined to impede the planned demolition of the structures; and

WHEREAS, the cost of the additional abatement work detailed in the Hazardous Material Survey (\$6,800) and the removal of said tree (\$1,250), approved by the City Arborist, exceed the authorized contract amount; and

WHEREAS, there are sufficient funds included in the City's FY 2013 budget for the additional demolition costs.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT:**

**SECTION 1.** The City Manager is hereby authorized to approve a Change Order to the original demolition contract with Excalibur Site Services, Inc. in the amount of \$8,050 to facilitate the demolition of 36 Philadelphia Avenue.

SECTION 2. This Ordinance shall become effective February 26, 2013.

ADOPTED this \_\_\_\_ day of February, 2013 by roll-call vote as follows:

AYE:

NAY:

ABSTAIN:

ABSENT:

# Pre-demolition Inspection for Asbestos & Lead-based Paint

## Excalibur Site Services

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February 2013

Prepared by:



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## **EXECUTIVE SUMMARY**

Arc Environmental, Inc. performed a pre-demolition inspection for asbestos-containing building materials and lead-based paint associated with the residential structure located at 36 Philadelphia Avenue in Takoma Park, Maryland. The survey was conducted by Arc Environmental on January 30, 2013.

All accessible interior and exterior areas of the residential structure were included as part of the pre-demolition inspection, in addition to an ancillary structure located on the property. The inspection was limited in regard to access; the second floor of the structure is partially collapsed and limits access to portions of the first floor, second floor, and basement. The ancillary building located at the rear of the property is wood framed; no suspect paint or building materials were identified on the ancillary structure.

A total of 47 bulk samples were collected from 20 homogenous areas suspected of containing asbestos. Two of the suspect materials, exterior Transite siding and black vent tar, were determined to be asbestos-containing materials (ACMs). Section 2.0 of this report discusses in detail the asbestos survey and findings.

The lead-based paint (LBP) survey was conducted using a portable X-ray Fluorescence (XRF) device. On-site testing revealed the presence of lead-based paint on multiple components at the Site. Section 3.0 provides details regarding the LBP survey.



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## **1.0 Introduction**

Arc Environmental, Inc. (Arc Environmental) of Baltimore, Maryland, was retained by Excalibur Site Services to conduct a pre-demolition inspection for asbestos-containing building materials (ACBMs) and lead-based paint at the residential property located at 36 Philadelphia Avenue in Takoma Park, Maryland (Site). The inspection was limited in regard to access of multiple areas of the Site due to structural damage. The findings of the survey are presented in this report.

The survey was conducted by Arc Environmental on January 30, 2013.

## **2.0 Asbestos-containing Materials Survey**

### **2.1 Methodology**

The asbestos survey was performed by EPA-accredited and Maryland-certified asbestos inspector Ms. Stacy Kahatapitiya. A copy of the inspector's accreditation is included in Appendix D. The survey was conducted under protocols established by the Environmental Protection Agency (EPA) 40 Code of Federal Regulations (CFR) 763 Asbestos Hazard Emergency Response Act (AHERA) and 40 CFR 61 Subpart M, National Emission Standards for Hazardous Air Pollutants (NESHAP).

Every reasonable attempt was made to locate ACBMs present as thermal system insulation (TSI), surfacing material, or other miscellaneous materials. Specifically, Arc Environmental employed the following protocols while performing the survey: flooring materials were penetrated to the subfloor to determine how many layers of flooring were present; wall systems and ceiling systems were evaluated to identify suspect building materials associated with systems themselves as well as any accessible cavities; and mechanical insulation systems were evaluated to identify potential suspect insulation.

During the survey, Arc Environmental collected a total of 47 bulk samples. The bulk samples of suspect ACBMs were submitted, along with the corresponding chain-of-custody forms, to Schneider Laboratories Global, Inc. (Schneider) to determine the presence of asbestos in the sampled materials. Schneider is accredited for asbestos analysis in bulk materials through the National Voluntary Laboratory Accreditation Program (NVLAP). A copy of the laboratory's NVLAP accreditation is included in Appendix A of this report.

The bulk samples were analyzed using polarized light microscopy (PLM/Dispersion Staining following the EPA method 600/ R-93/116, July 1993, Method for the Determination of Asbestos in Bulk Building Materials). Based on the United States Environmental Protection Agency's (USEPA's) definition, a material which contains greater than one percent (1%) asbestos, as determined using the methods specified in Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy (PLM), is considered an ACM and must be handled according to OSHA, USEPA, and District of Columbia regulations if disturbed.

The findings and quantities of verified ACBM are summarized in Table 1, *Identified Asbestos-containing Building Materials*. A copy of the chain of custody form and Laboratory Analytical Results are included in Appendix A.



## 2.2 Findings and Recommendations

Table 1 below lists the ACBMs identified at the Site. A complete list of the building materials sampled during this survey is presented in Appendix B. Due to the unsafe conditions present at the Site and the potential for additional suspect materials to be identified during demolition, it is recommended that any materials not identified in this report be assumed to contain asbestos or sampled and analyzed for asbestos content to determine if they are regulated materials.

Table 1: Asbestos-containing Building Materials Identified			
Description	Location	Total Quantity	NESHAP' Category
Transite Siding	Second Floor, Exterior & Debris Field at Rear of Structure	380 SF	Category II Non-friable
Black Vent Tar	Debris on Ground at Rear of Structure	1 SF	Category I Non-friable

Disturbance and/or proper removal of ACBM from the Site should be conducted by personnel trained in accordance with EPA, OSHA, and Maryland regulations for asbestos-related activities. A Maryland-licensed asbestos contractor should be retained to conduct asbestos abatement for the project area. In addition, a licensed asbestos consultant should be retained to conduct oversight and air-monitoring during any abatement activities.

## 3.0 Lead-based Paint Survey

### 3.1 Methodology

Painted surfaces within the project area were visually inspected to determine their condition. A lead screening survey was conducted using an X-ray Fluorescence (XRF) Spectrum Analyzer on painted building surfaces and/or components. Surfaces that are intact or deteriorated condition (as defined by the U.S. Department of Housing and Urban Development Guidelines) do not pose an immediate health risk, regardless of the lead content. Leaded paint in poor condition is a priority lead-hazard and should be promptly addressed using approved Lead Safe Work Practices. The lead paint surfaces identified within the project area are in deteriorated condition.

Mr. Rodney Barkley, a Maryland-certified Lead Risk Assessor, performed the lead screening at the Site. The screening included 78 XRF readings, including six calibration checks to ensure that the instrument is within acceptable calibration parameters. Lead-based paint, when tested via XRF, is defined by the U.S. Department of Housing and Urban Development (HUD) as paint having lead concentrations greater than 1.0 milligrams per square centimeter (mg/cm<sup>2</sup>). The State of Maryland currently has a more stringent regulatory threshold for lead-based paint with any lead concentration above 0.7 mg/cm<sup>2</sup>. The results of the lead-based paint survey are summarized in the XRF Lead-based Paint *Inspection Data Sheets* included in Appendix C.





### **3.2 Findings and Recommendations**

Of the 72 field screening shots, 38 of the XRF readings obtained from the surfaces and coatings associated with the project site were above the 0.7 mg/cm<sup>2</sup> guideline for lead-based paint. A summary of components with positive lead-based paint readings are highlighted within the field data sheets included in Appendix C. Lead-based paint affected components include wood window components, plaster walls and ceilings, wood door components, floor joists, and wood porch components.

The lead screening does not include testing every paint surface within the survey area; rather its intention is to characterize similar components into groups. If similar components with the same substrate and paint to those identified above are encountered during renovation activities, they are to be treated as lead-based paint affected. Due to lead-containing paint associated with the project area, OSHA worker protection requirements for lead must be followed during demolition activities.

Building demolition activities have the potential to produce hazardous waste if lead-based paint is dry scraped, dry sanded, or heated. Lead Safe Worker practices should be enforced at all times due to the presence of lead-based and lead-containing paints at the Site.

A lead Toxicity Characteristic Leaching Procedure (TCLP) test should be conducted for the demolition debris generated on Site. A representative waste stream sample should be collected to characterize the demolition debris, in accordance with the Resource Conservation and Recovery Act (RCRA), to determine disposal options. The hazardous waste criteria for lead waste is established under RCRA, Subtitle C, as 5.0 milligrams per liter (mg/L) measured with the TCLP as listed in CFR 40 Part 261. The lead-containing and lead-based paint debris generated during demolition should be handled in accordance with all applicable Federal and State regulations.