

MOUNTAINAIR PUBLIC SCHOOLS

Jay Mortensen

OFFICE OF THE SUPERINTENDENT

From: Jay Mortensen
To: evering.elvia@epa.gov
Cc: TEL (505) 847-2333 TEL (505) 847-2230
Subject: Complaint and Notice of Opportunity for Hearing
Attachments:

February 21, 2007

Ms. Elvia E. Evering
 Toxic Enforcement Section (6EN-AT)
 Air/Toxics and Inspection Coordination Branch
 U.S. EPA Region 6
 1445 Ross Avenue, Suite 1200
 Dallas, TX 75202-2733

RE: Docket no. TSCA 06-2006-0674

Dear Ms. Evering,

Thank you for the fax. Your document was waiting for me when I returned from Mountainair High School this afternoon. Thank you also for your time this morning on the phone. It was helpful.

The purpose of this communication is to update you on my efforts to bring Mountainair Public Schools into compliance. This communication will also serve as initial written contact with your agency as we work toward resolving this issue.

For the record, Mountainair is a small, rural district with 360 students. I am the only district level administrator and I do not have many outside resources available in assisting me with this effort. My point is, please do not hesitate to contact me if I have not submitted documentation in the proper manner. Tell me if I need to do something differently. I will not be offended. I do not have any experience dealing with an EPA complaint, but I will do my best to satisfy all your requirements.

I will not be requesting a hearing. I do not see any reason for this. Instead, it is my goal to work collaboratively with you until all issues have been resolved to your satisfaction. Please advise if you think there is something I should do differently.

Following is a brief summary of my efforts at coming into compliance. You will see that many of these will address the non-compliance items identified in your fax to me today. Please know that the initial summary of my efforts below is not a final response on these items. I simply want to share my efforts with you and confirm that I am on the right step toward coming into compliance.

1. I am working with Brian Price at POMS & Associates in Albuquerque. This agency will eventually assist me in completing all the asbestos management documents at the building level and district level. They are also certified to provide a variety of training for staff members. Brian Price also located the agency that conducted Mountainair Public School's initial inspection several years ago.
2. I have contacted CERL-FSI. This company conducted the initial inspection for the district and is an accredited asbestos company. Additionally, CERL-FSI is already under contract to conduct a three year reinspection. This inspection is estimated to cost \$2,000 (very rough \$ amount at this time) and has been scheduled for March 27, 2007. I chose this date because staff and students will not be on campus due to spring break. One of my custodians, Judy Baker, has been assigned to escort them into all areas of the district and has keys to all facilities/rooms/etc. CERL-FSI will also be providing information on training that they are able to provide for the district.
3. Mr. Tom Padilla was my designated person in reference to AHERA in the schools. Mr. Padilla was the head custodian/maintenance supervisor. As of last Thursday (2/15/07) Mr. Padilla's employment with the district was severed. I have posted a vacancy for a replacement with a closing date of 2/26/07. The individual selected will be the designated person for the district and will also assist with the district's effort at coming into compliance. I will contact you to tell you the name of the individual selected once the position has been filled.
4. A 2-hour asbestos training has been scheduled for custodians on March 21, 2007. Mr. Brian Price will be conducting this training. Brian Price can be reached at 505-797-1354 or Brian@Pomsassoc.com. Please feel free to contact Brian to confirm anything discussed in this message.
5. I have not yet made an effort to contact architects, but I will call architects for all projects post Oct. 12, 1988. I will attempt to secure the statements that you reference in item 7 of your documentation. I am currently working with an architect on the development of a 5-year facility master plan (a required NM document). She may be able to assist me in tracking down this information.
6. I will check the resources that Mr. Price has made available to districts on his web-site. I believe that these resource will address

such items as annual notification to PTA and annual notification to building employees.

7. As an interim measure, and since district and/or building level plans are not available at this time, I will notify all staff that we are in the process of updating our plan. All staff, including custodians, will be notified that they may not remove, modify, or alter building items (tiles, walls, fixtures, plumbing, etc.) until the initial report and 3-year inspections are complete and copies of management plans are complete. In short, the message will be to leave everything alone until we have a clear picture of what does and does not contain asbestos.

Clearly, obtaining a copy of the initial inspection report, completing the 3-year reinspection, and completion of asbestos management plans are key components. Other items (training, identification of a designated person, etc.) can occur independently of these documents.

Again, this message is not to be considered a final response on these matters. If you approve, I would like stay in contact with you regularly until you feel that we have adequately addressed all issues.

Thank you again for your returning my call in such a timely manner and for your assistance this morning. I look forward to hearing from you. You may contact me via e-mail, fax, or telephone. My office number is 505-847-2333, ext. 3002. My cell number (we don't have great coverage here) is 505-705-8100.

I was not able to insert my signature file, so I will also print and fax a copy of this document with my signature.

Sincerely,



Jay Mortensen, Superintendent