

the asbestos NESHAP regulations.

In this paragraph, we will explain the intent of the words "preclude access". 40 CFR Sec. 61.145 (c) (1) states "Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal." The purpose of the "preclude access" language is to make sure that all regulated asbestos-containing material (RACM) expected to be disturbed during the demolition/renovation could be removed from the facility. The concern is that, in a phased demolition or renovation project for instance, demolition or renovation debris material from an early phase could prevent removal of RACM in a later phase, and make it impossible to remove the RACM safely.

In the following paragraphs, we will list each of your specific questions regarding the words "preclude access", with our answer following each question.

What constitutes preclusion of access? In a phased demolition or renovation project for instance, demolition/renovation debris from an earlier phase of the demolition/renovation project which prevents safe removal of RACM that is expected to be disturbed constitutes preclusion of access.

Can a locked door, an enclosure, encapsulation, metal or plastic sheeting, painting, etc., preclude access? If any these items are part of a demolition/renovation activity and cannot be removed to allow subsequent access to RACM that must be removed in accordance with the asbestos NESHAP, then they preclude access.

What type of covering may be placed over RACM without precluding access? During normal operation and maintenance (O & M) activities, any covering which can be removed for later RACM removal may be placed over RACM. During any demolition or renovation activity, RACM expected to be disturbed must be in a state where it can be safely removed.

Obviously, RACM must be protected from abuse, but at which point does restriction of access become preclusion? Restriction of access to RACM during normal O & M activities may be a prudent choice for a building owner. However, during a demolition or renovation, RACM expected to be disturbed must be in a state where it can be safely removed.

In this paragraph, we will explain the intent of the word "dropping". 40 CFR Sec. 61.145(c)(6) states "For all RACM, including material that has been removed or stripped: (i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with section 61.150; and (ii) Carefully lower the material to the ground and floor, not dropping, throwing, sliding or otherwise damaging or disturbing the material." EPA's intent in using the word "dropping" was to prevent RACM from falling on the floor and to ensure that RACM was moved in a careful manner to minimize asbestos fiber release. Stated another way, the intent of this provision is to ensure that all removed or stripped RACM is carefully "placed" on the ground in order to minimize asbestos fiber release.

In the following paragraphs, we will list each of your specific questions regarding the word "dropping", with our answer following each question.

How far may RACM fall before there is a violation of the "no dropping" provision? EPA does not specify a distance that RACM may fall without violating Sec. 61.145(c)(6)(ii).

Removal of textured ceiling material (TCM) necessarily demands that the TCM "drop" after removal due to gravity; what procedures and provisions will ensure compliance with the intent of the rule? EPA does not spell out each action that owners/operators must take throughout regulated projects in order to be in compliance with the asbestos NESHAP regulations. The asbestos NESHAP regulations specify work practices to be followed during regulated projects and allow the owners/operators to choose the best means of complying with the regulations.

If attempts are made to catch the TCM prior to it falling to the ground, have we complied substantially with the rule? Again, EPA requires that RACM not be dropped during a regulated demolition/renovation project and it is up to the owner/operator to ensure that this work practice standard is met. While catching the TCM prior to it falling to the ground may meet this requirement, EPA cannot definitively state that this approach will ensure that you are complying with the asbestos NESHAP regulations in all instances.

Thank you for the opportunity to clarify the asbestos NESHAP regulations. This determination has been coordinated with EPA's Office of Enforcement and Compliance Assurance. If you have further questions concerning this letter, please contact Brenda South at 303-312-7076.

Sincerely,

Martin Hestmark, Director
Technical Enforcement Program

cc: Robert Ford, UDEQ