

a facility remove all Regulated Asbestos-Containing Material ("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.

MACTEC Engineering & Consulting, Inc. ("MACTEC") is involved in a demolition activity at a hotel in Bloomington, Illinois (the "facility"). During a phone conference on May 1, 2008 with Ms. Linda H. Rosen, of my staff, and Mr. Everett Bishop of the Office of Enforcement and Compliance Assurance ("OECA"), you explained that upon opening up one of the concrete masonry walls at the facility, MACTEC discovered loose asbestos-containing vermiculite material in between the walls. According to MACTEC, the vermiculite cannot be safely removed prior to the walls being demolished because the walls are load-supporting.

The asbestos NESHAP does not allow a variance to be granted under any circumstance. According to 40 CFR Sec. 61.145(c)(1), RACM need not be removed before demolition if: (i) It is Category I nonfriable ACM that is not in poor condition and is not friable; (ii) It is on a facility component that is encased in concrete or other similarly hard material and is adequately wet whenever exposed during demolition; (iii) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as asbestos-containing waste material and adequately wet at all times until disposed of; or (iv) They are Category II nonfriable ACM and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition.

EPA has determined that the exceptions in 40 CFR Sec. 61.145(c)(1)(i), (ii), and (iv) noted above, do not apply to this demolition. The asbestos-containing vermiculite is not Category 1 or Category II ACM. Rather, it is a friable ACM. The exception in 40 CFR Sec. 61.145(c)(1)(ii) does not apply because the material is not on a facility component which is encased in concrete. It is loose between the walls.

The exception noted in 40 CFR Sec. 61.145(c)(1)(iii) applies in this specific instance because the asbestos-containing material ("ACM") cannot be safely removed. In order to remove the material, the walls would need to be taken down and because they are load-supporting, the ceiling would collapse.

Therefore, in accordance with 40 CFR Sec. 61.145(c)(1)(iii), MACTEC can leave the vermiculite ACM material in place between the walls during demolition. However, all exposed RACM and all asbestos-contaminated debris must be treated as asbestos-containing waste material and kept adequately wet at all times until disposed of in accordance with 40 CFR Secs. 61.145(c) and 61.150.

If you have any questions regarding this letter, feel free to contact Linda H. Rosen, of my staff, at (312) 886-6810.

Sincerely yours,

George T. Czerniak, Chief
Air Enforcement and Compliance Assurance Branch

cc: Ray Pilapil, Manager
Bureau of Air - Compliance and Enforcement Section
Illinois Environmental Protection Agency