



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A090001

Category: Asbestos
EPA Office: Region 5
Date: 05/02/2008
Title: Vermiculite in Facility Demolished for Safety Reasons
Recipient: Vaughn, Lawrence
Author: Czerniak, George T.
Comments:

Part 61, M Asbestos

References: 61.141
 61.145
 61.150

Abstract:

Q: Does EPA approve a variance from 40 CFR part 61, subpart M, the asbestos NESHAP, to allow vermiculite material to be left in place during demolition at the former Coachman Motel in Bloomington, Illinois?

A: No. EPA does not approve a variance to the asbestos NESHAP under any circumstance. However, the asbestos NESHAP identifies situations where regulated asbestos-containing material (RACM) need not be removed prior to demolition, including a situation where the RACM was not accessible for testing and not discovered until after demolition, and as a result of the demolition, cannot be safely removed. The loose vermiculite material in between the walls at this motel appears to fall into this situation because, to remove it, the walls would need to be taken down, causing the ceiling to collapse. All exposed RACM and all contaminated debris must be treated as asbestos-containing waste material in this situation.

Letter:

(AE-17J)

Mr. Lawrence Vaughn
Manager, Industrial Hygiene Services
MATEC Engineering & Consulting
8901 North Industrial Road
Peoria, Illinois 61615-1509

Re: Former Coachman Motel, Bloomington, Illinois

Dear Ms. Vaughn:

Thank you for your letter dated April 14, 2008, to the U.S. Environmental Protection Agency requesting a "variance" to the asbestos National Emission Standard for Hazardous Air Pollutants ("NESHAP"), 40 CFR Part 61, Subpart M. Specifically, 40 CFR Sec. 61.145(c)(1) requires that the owner or operator of

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