



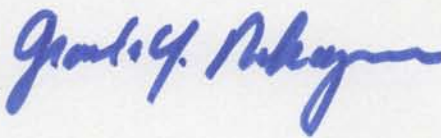
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB 22 2008

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MEMORANDUM

**SUBJECT:** No Action Assurance Concerning Pilot Tests Exploring the Use of Grinders and Air Curtain Destructors to Grind or Burn Asbestos-Containing Waste Material from Residential Buildings

**FROM:** Granta Y. Nakayama  
Assistant Administrator 

**TO:** Samuel Coleman, Director  
Superfund Division (6SF)

On November 16, 2007, you submitted a memorandum in which you request a no action assurance (NAA) for portions of the National Emission Standard for Asbestos (asbestos NESHAP), 40 CFR Part 61, Subpart M, to allow EPA Region 6, EPA's Office of Research and Development (ORD), the Louisiana Department of Environmental Quality (LDEQ), St Bernard Parish, and contractors and vendors to conduct two pilot projects that explore the use of grinders and air curtain destructors (ACDs) to grind or burn asbestos-containing waste material from residential buildings. As your memorandum notes, these projects hold great promise in helping to address the widespread destruction that still remains in Louisiana due to Hurricanes Katrina and Rita. LDEQ estimates 260,000 homes were damaged. The Federal Emergency Management Agency (FEMA) estimates that 15,000 homes still require demolition.

Your memorandum notes that LDEQ continues to have concerns about how to properly handle and dispose of the vast amount of debris resulting from the demolition of residential structures and that LDEQ has asked EPA Region 6 to assist them in exploring various methods of debris volume reduction. You estimate that grinding and/or burning demolition debris can reduce the volume by 50 to 90 percent.

In light of the circumstances outlined by your memorandum, today EPA is exercising its enforcement discretion and granting an NAA for two pilot projects that will explore the use of grinders and ACDs to grind or burn asbestos-containing waste material from residential demolition sites. The staging process may not fully comply with the asbestos NESHAP requirements, including disposing of the asbestos-containing waste material as soon as is practical and keeping the asbestos debris adequately wet until collected for disposal. Furthermore, the actual burning and grinding process may not fully comply with the asbestos NESHAP requirements regarding the discharge of no visible emissions. This NAA provides limited flexibility to stage feedstock and perform the pilot tests and applies only to the projects identified in the following four documents: the Quality Assurance Project Plan: Evaluation of Asbestos Releases From the Handling and



Burning of Residential Building Debris Using Air-Burner Technology From Hurricane Katrina (February 5, 2008), the Air Curtain Destructor Performance Test, Quality Assurance Project Plan – Final (December 2007) and the Quality Assurance Project Plan: Evaluation of Asbestos and Lead Releases From Handling and Grinding of Residential Building Debris From Hurricane Katrina (February 5, 2008) (hereinafter collectively referred to as the QAPPs); and the Health and Safety Plan, Katrina Burn and Grind Project (November 2007) (hereinafter referred to as the Health and Safety Plan). These four documents are available on EPA Region 6's web page at [http://www.epa.gov/region6/6xa/burn\\_and\\_grind\\_pilot.htm](http://www.epa.gov/region6/6xa/burn_and_grind_pilot.htm). The staging and performance of the pilot tests will take place at the Paris Road Landfill site in St. Bernard Parish. This NAA only applies to the provisions of the asbestos NESHAP found at 40 CFR § 61.150 (a) and (b), and to any provisions or conditions contained in EPA's December 26, 2007 NAA (and any extension thereof) that might be in conflict with the flexibility provided under today's NAA. (A copy of the December 26, 2007 NAA is attached).

The staging and testing must proceed in accordance with the QAPPs, the Health and Safety Plan, and the specific conditions described more fully below. All other provisions of the asbestos NESHAP will be applicable, including all provisions under 40 CFR § 61.145 and all other provisions under section 61.150 not specifically identified above. However, if any of the asbestos-containing waste material that will serve as a feedstock for these pilot projects results from demolitions undertaken in accordance with EPA's December 26, 2007 NAA (and any extension thereof), then all the provisions and conditions contained therein fully apply, except to the extent, as noted above, that there is a conflict between what is required under the December 26, 2007 NAA (and any extension thereof) and today's NAA. If there is such a conflict, the provisions and conditions of today's NAA shall supersede any conflicting provisions or conditions contained in the December 26, 2007 NAA (and any extension thereof). Today's NAA will be in effect until August 31, 2008, and will apply to EPA Region 6, ORD, LDEQ, St. Bernard Parish, vendors and contractors working on the pilot projects. It also applies to LDEQ, St. Bernard Parish, and the contractors that demolish homes under EPA's December 26, 2007 NAA (and any extension thereof).

These pilot projects are in the public interest as they will explore technologies that may provide relief to Louisiana in the current situation (as described above and more fully in your November 16, 2007 memorandum), as well as to other communities in future emergency situations, where damage to residential or other structures is widespread and vast amounts of debris, especially debris that is comprised of asbestos-containing waste material, must be addressed. As discussed more fully in the enclosed QAPPs, the grinder and ACD equipment will be tested to assure appropriate parameters can be set for a potential broad application of the technologies. The existing asbestos NESHAPs do not allow use of these technologies.

### **Conditions**

This NAA is conditioned upon treating the asbestos debris piles in the staging area in the following manner to prevent visible emissions. The debris will be adequately wetted and wrapped in polywrap (a plastic wrapping that will encase the debris) at the demolition site and then deposited at the staging site. Off-loading at the staging site will be conducted in a manner that will minimize polywrap breakage. Additional polywrap or tarps will be used to cover the debris piles once placed



at the staging site. As a precaution, a water source must be available on site. If during loading, unloading, or moving debris at the staging site, the wrapping breaks or becomes damaged in any way, the debris must be rewetted and covered.

Public access must be restricted at the Paris Road Landfill site and signage must be posted indicating asbestos containing materials are present. Furthermore, when the debris is moved to the staging site, to the grinding/burning pilot site and, thereafter, to the ultimate disposal site, all applicable asbestos NESHAP requirements (for instance, handling, containment, and recordkeeping requirements), as well as any other federal requirements that might apply, must be followed.

All activities undertaken under this NAA must be conducted in a manner that minimizes exposure to asbestos. All project activities undertaken under this NAA must be carried out in accordance with the QAPPs and the Health and Safety Plan.

A copy of the final report issued under the QAPPs shall be sent to the following address:

Pamela J. Mazakas  
Air Enforcement Division  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (MC 2242A)  
Washington, DC 20460

EPA reserves the right to revoke or modify this NAA if any of the conditions described above are not complied with or if the Agency believes that such action is necessary to protect public health or the environment. If you have any questions, please call Randy Hill of my staff at (202) 564-2220 or John Blevins of EPA Region 6 at (214) 665-2210.

Attachments