EXHIBIT #13

M Brittain

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

Hcpolb

NOTIFICATION OF BLDG W/ ACM

JUL 1 6 1990

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DEC 17 1990
Region 4
Texas Air Control Board

OFFICE OF AIR AND RADIATION

Mr. William L. Baker
Executive Director
National Association of Demolition Contractors
4415 West Harrison Street
Hillside, Illinois 60162

Dear Mr. Baker:

This replies to your letters of June 9 and June 29, 1988, asking whether the NESHAP asbestos regulations require written notification of demolition of buildings that do not contain asbestos. The NESHAP regulations do apply in your example. That is, any demolition operation involving a facility, as defined in 40 CFR §61.141, and containing less than 80 linear meters of friable asbestos materials on pipes and less than 15 square meters on other components is subject to the notification requirements of §61.146. This includes a finding of no asbestos present. If no asbestos is found, then a negative declaration is made, addressing §61.146(a), (b), and (c)(1-5).

The intent of this requirement is to assure that an in-depth inspection is made by the owner or operator for asbestos-containing material prior to a demolition operation, and the results of that inspection are sent to EPA (or the State). This report is considered an important part of the compliance monitoring process. EPA, or the State if appropriate, may choose to inspect several of these reported facilities as part of their compliance program for this hazardous air pollutant. For those few contractors who may ignore or try to circumvent the regulations, this requirement provides EPA with an enforcement handle to seek the appropriate relief when violations are discovered.

PLAINTIFF'S EXHIBIT
UC-1906

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BRA 2597

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Furthermore, if subsequent to submitting a negative declaration, the owner or operator finds the original estimate was inaccurate (due to the discovery of previously unknown friable asbestos material or nonfriable material being broken up resulting in friable asbestos material) the notification should be amended to inform EPA (or the delegated State agency) that notification was not made concerning this material. The owner or operator must submit this additional notification as early as possible, but may continue with the demolition, because the appropriate agency is aware of the operation taking place. Where the owner or operator has failed to submit this initial notification, he or she may have to suspend the operation and send written notification before continuing.

Thank you for allowing me this opportunity to explain this requirement.

Sincerely,

John S. Seitz, Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

BRA 2598