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FORT WORTH XL PROJECT
MONITORING PLAN AGREEMENT

Purpose: The purpose of this document is to record the agreement between the City of Fort Worth, the Texas Department of Health, and the U.S. Environmental Protection Agency (EPA) regarding the monitoring plan to be used in Phase 1 of the Fort Worth XL Project.

Background: As part of its effort to address urban blight and attendant crime and public safety hazards, the City of Fort Worth has identified a significant number of substandard, abandoned structures to be demolished. Dozens of these structures contain asbestos bearing materials and are subject to the demolition requirements specified in an asbestos emission standard (Asbestos NESHAP) issued by the EPA under the Clean Air Act (CAA). The City does not have the funds to demolish in a timely manner all of these structures according to the asbestos NESHAP. Under this XL project, the City of Fort Worth proposes to demonstrate that use of an alternative demolition method will protect public health as well as the method in the Asbestos NESHAP, while reducing demolition costs. Reduced demolition costs would allow the City to accelerate urban renewal, thereby eliminating havens for drug use and other criminal activities and reducing safety hazards associated with the abandoned structures.

To demolish structures subject to the Asbestos NESHAP legally using the Fort Worth Method, EPA must first find the method equivalent to the Asbestos NESHAP, as provided under section 112(h)(3) of the CAA. To develop the data necessary to support the City s contention that its demolition method is equivalent to the one specified in the Asbestos NESHAP, Fort Worth will follow a Phased approach in this XL project. Under Phase 1, the City will use the Fort Worth Method to demolish an asbestos-containing structure that is not subject to the Asbestos NESHAP (i.e., the structure is residential and has four or fewer dwelling units). Fort Worth has identified several large four-plex residential structures awaiting demolition, which would not be subject to the Asbestos NESHAP and which are candidates for the Phase 1 demolition. The planned demolition under Phase 1 does not require any regulatory flexibility from EPA or Texas regulations. Fort Worth will monitor asbestos emissions during the Phase 1 demolition using the method in the monitoring plan submitted by Fort Worth and accepted for use in Phase 1 by the signatories to this agreement. The Phase 1 demolition will provide a demonstration of the Fort Worth Method and provide emissions monitoring data to be used by EPA in determining whether the Fort Worth Method can be considered equivalent to the Asbestos NESHAP for the purpose of performing two additional demolitions under a second phase of the project.

If Fort Worth makes a successful demonstration under Phase 1 and EPA issues a limited scope equivalency determination, the City will proceed to Phase 2 and perform two additional demolitions. The Phase 2 demolitions will involve nearly identical structures subject to the Asbestos NESHAP. One structure will be demolished using the Fort Worth Method and the other will be demolished using the method prescribed by the Asbestos NESHAP. For each Phase 2 demolition, Fort Worth again will monitor asbestos emissions. The emission data from the Phase 2 demolitions will provide a basis for EPA to determine whether the Fort Worth Method is equivalent to the NESHAP for the purpose of demolishing the remaining structures identified under this XL project (Phase 3).

The details of Phases 2 and 3 of this project will be worked out through the input of

stakeholders representing the interests of the sponsor, regulators, environmental groups, and the community, as with any XL project. Fort Worth has initiated contact with a number of potential stakeholders and will convene the first stakeholder meeting to begin negotiating the terms of the Final Project Agreement for Phases 2 and 3 after Phase 1 has been completed. Fort Worth has the primary responsibility for assembling a representative stakeholder group, and EPA will offer advice and assistance.

Fort Worth may undertake Phase 1 of the project without any prior regulatory flexibility from federal or State regulators. Nonetheless, Fort Worth desires to produce the kind of asbestos monitoring data under the Phase 1 demolition that will provide EPA a basis for determining whether the Fort Worth Method can be considered equivalent to the Asbestos NESHAP for the purpose of undertaking Phase 2 of the project. With that in mind, Fort Worth has prepared the attached Quality Assurance Project Plan for ambient air monitoring of asbestos during the Phase 1 demolition.

Phase 1 Details:

The signatories to this document agree to the following:

Under Phase 1, Fort Worth will demolish a structure that is within the City of Fort Worth boundaries, contains asbestos bearing materials, but is not subject to the demolition requirements of the Asbestos NESHAP. A description of this structure, including the asbestos bearing materials the structure contains, will be documented as standard operating procedure for demolition of asbestos buildings. The building will be demolished before the end of November 2000 according to the Fort Worth Method described in City of Fort Worth, Texas Project XL Proposal, dated September 30, 1999. During the demolition and demolition waste removal, Fort Worth will perform asbestos monitoring specified in the attached document entitled Quality Assurance Project Plan (QAPP) - Ambient Air Monitoring for Asbestos During Demolition of Substandard Structures in City of Fort Worth, Texas (Project XL). Following demolition of the building and analysis of monitoring data, Fort Worth will submit a Phase 1 test report as outlined in the QAPP. Fort Worth will send copies of the report to the signatories of this document. EPA will use the results in the test report to determine whether to propose the Fort Worth Method as equivalent to the Asbestos NESHAP for the purpose of conducting Phase 2 of this project. If EPA determines to proceed with an equivalency proposal for Phase 2, EPA will publish the proposal within 90 days of receipt of the test report.

Equivalency Determination:

Under Phase 1 of the Fort Worth XL Project, the Fort Worth Method would be judged equivalent if:

1. The downwind asbestos structure counts on the filter average less than 70 asbestos structures per mm2. This is the simplified AHERA clearance level, and is an approximate average of background levels of asbestos in the ambient air in the United States.

2. If the downwind averages **are greater than** 70 structures per mm2, the Fort Worth method will be judged equivalent if an ANOVA test of detecting differences between the upwind

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and downwind concentration shows no statistically significant difference at the following negative error rates:

There is a 1% chance the method would not detect a 10-fold increase in ambient levels of asbestos;
There is a 5% chance the method would not detect a 5-fold increase in ambient levels of asbestos;
There is a 66% chance the method would not detect a 2-fold increase in ambient levels of asbestos.

Therefore, under the Fort Worth XL Project, the Fort Worth method would not be judged equivalent if there is a statistically significant difference in the above ANOVA test.

Legal Effect of the Agreement: This agreement in itself does not create or modify legal rights or obligations, is not a contract or regulatory action, such as a permit or rule, and is not legally binding or enforceable against any Party. Rather, it expresses the plans and intentions of the Parties without making those plans and intentions binding agreements. This agreement is not a final agency action by EPA, because it does not create or modify legal rights or obligations and is not legally enforceable.

Signatories and Effective Date:

This agreement will be in effect when all three Parties to this agreement have signed below.

_____ _____
Mayor Kenneth Barr Date
City of Fort Worth

_____ _____
Todd Wingler Date
Chief, Asbestos Program Branch
Texas Department of Health

_____ _____
Gregg A. Cooke Date
Regional Administrator
Environmental Protection Agency

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