

US EPA ARCHIVE DOCUMENT



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

JAN 26 2004

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

Gary W. Jackson, City Manager
City Manager's Office
The City of Fort Worth
1000 Throckmorton Street
Ft. Worth, TX 76102

Dear Mr. Jackson:

I am writing in response to your request on January 20, 2004, for the Office of the Enforcement and Compliance Assurance to exercise its enforcement discretion in regards to the City's pilot program testing the Fort Worth Method (the "Method") of asbestos abatement in building demolition. After our review and approval of the project plans and peer review results, and completion of the stakeholder review process, we are prepared to issue a formal enforcement discretion letter for this pilot project.

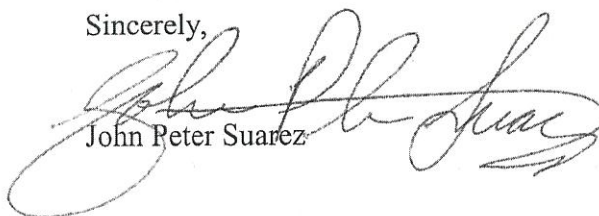
Under the City's method, as currently proposed, a structure is thoroughly wetted prior to and during demolition and some, but not all, of the asbestos containing material is removed. The goal of this pilot project is to determine whether the use of this method is at least as protective as the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP). The first phase of this pilot project, Phase 1, provided initial data sufficient to warrant further investigation into the Method. The next phase, Phase 2, will be demolition of buildings that are subject to the requirements of the NESHAP, and are intended to gather further information regarding the Method's equivalency to the NESHAP.

We agree that this pilot project should move forward. EPA will assist the City in revising its Method document and Quality Assurance Project Plan (QAPP) to ensure that the work performed during Phase 2 will be protective of public health and the environment during its implementation. The Method document and QAPP will be peer reviewed under the Agency's Peer Review Policy. The peer review process will be facilitated through the EPA's Office of Research and Development. It is also our understanding that the City will create and implement a remediation plan for the Phase 2 demolition. Furthermore, the City has committed to lead, along with EPA Region 6, a stakeholder process to make sure the public, especially residents, are aware of the nature of the pilot demolitions.

Given the activities planned to ensure that implementation of Phase 2 is protective, we intend and are committed to issuing an enforcement discretion, or another enforcement tool, to facilitate the implementation of the Phase 2 demolition. Once the Method, QAPP and remediation plan are completed and approved by EPA, and the stakeholder meetings held, we are prepared to issue a final enforcement discretion letter. We commit to closely work with the City and other EPA offices to ensure timely achievement of our plans as we move forward with this pilot program. We very much appreciate the steps the City has taken, and will take over the coming months, to ensure that the project is conducted in a scientifically sound and safe manner.

If you have any questions, please call Adam Kushner at (202) 564-7979. Again, I would like to reemphasize our commitment to seeing this pilot program move forward in a manner that ensures the protection of public health and the environment.

Sincerely,



John Peter Suarez

cc: Honorable Mike Moncreif, Mayor, City of Ft. Worth
Richard E. Greene, Regional Administrator