

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

January 20, 2000

Honorable Kenneth Barr
Mayor of Fort Worth
1000 Throckmorton Street
Fort Worth, TX 76102

Dear Mayor Barr:

I am pleased to inform you that the Environmental Protection Agency (EPA) has considered your Project XL proposal dated September 30, 1999, and that the Agency is prepared to work with you, the Texas Department of Health, and appropriate stakeholders to develop your proposal into an innovative demonstration project. There is concern with the subject pollutant of your project. Asbestos is a very dangerous substance with potentially severe consequences to humans who come into contact with it. However, with your experience in dealing with asbestos, your proposal has generated interest in a possible alternative method for dealing with asbestos removal in abandoned buildings.

Project XL was created to test innovative environmental management strategies for the 21st century, and through this process to foster excellence and leadership in environmental protection. The EPA is offering you the opportunity to participate in the next phase of XL project development because your proposal shows potential to accomplish these goals.

Towards this end, your proposal is formally selected as a potential Project XL pilot. However, due to constraints placed on removal of asbestos in the governing legislation we must add additional steps to your project. An alternate means of removal may be approved if the Administrator determines, after notice and opportunity for comment, that it will achieve a reduction in emissions at least equivalent to that achieved under the applicable standard. The issue with this project is that the Administrator lacks acceptable data on which to base a determination of equivalency at the present time. As a result of this requirement, we must add the following steps to your project:

- Add an additional phase (new Phase 1) to gather data on the Fort Worth method's ability to prevent the release of asbestos fibers during demolition of buildings that are either exempt from the asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) requirements (e.g. residential buildings with four or fewer dwelling units) or not subject to the asbestos NESHAP.

- Monitoring in the new Phase 1 would be at an increased level from the city's proposal, the level to be determined prior to beginning Phase 1 in a sampling protocol and project criteria to be determined and agreed upon by all parties for implementation of the new Phase 1.
- The EPA and the State will review the data to determine if it supports a finding by the Administrator that the Fort Worth method is equivalent to the NESHAP method, criteria for this determination will be determined during development of the Final Project Agreement.
- If the data from the new Phase 1 supports a finding by the Administrator that the Fort Worth method is equivalent to the NESHAP method, the City's originally proposed Phase 1 will become Phase 2 and will be expanded to a wider variety of buildings subject to the asbestos NESHAP. Taking the increased number and type of air, water, and soil samples, which are to be analyzed to determine if the Fort Worth method can be held to be equivalent to the NESHAP method.
- All phases after Phase 1 are dependent on the results of the previous phase.
- If, during demolition of a building during any phase, it is apparent there are emissions, the demolition will be stopped and further proceeding will be continued under the NESHAP required process.

Under normal circumstances, the next step in the Project XL process would be negotiations of a Final Project Agreement, however due to the statutory requirements we must first have a threshold determination that the City's method is equivalent, based on the data gathered in the new Phase one of the project. If this determination is that the methods are equivalent, a Final Project Agreement will be developed and signed, to guide the project through to and through implementation. If the methods are not found to be equivalent, the project will end at that time.

Should the FPA be signed, the City of Fort Worth's XL project will become an official XL Pilot. The EPA has assembled a staff team to work with the City, State, and stakeholders on development of the project. That team will be led by Adele Cardenas of Region 6 at (214) 665-7210 and David Beck of the Office of Reinvention at (919) 541-5421. They will be contacting you shortly to commence work.

Sincerely yours,

Original signed by
Jerry Clifford for Gregg A. Cooke

Gregg A. Cooke
Regional Administrator

cc: Mr. Brian Boerner, CHMM
Director
Fort Worth Environment Department

Kathryn A. Hansen, Attorney at Law
Fort Worth Environmental Department

Claren Kotrla
Texas Department of Health