UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JAN 23 2004

MEMORANDUM

SUBJECT: City of Fort Worth's Request for Enforcement Discretion -- Alternative Demolition Method Pilot Project

FROM Richard E. Greene
Regional Administrator (6RA)

TO: J.P. Suarez
Assistant Administrator
Office of Enforcement and Compliance Assurance (OECA)

By letter dated January 20, 2004, the City of Ft. Worth is requesting that EPA exercise enforcement discretion with regard to its proposed pilot project testing an alternative asbestos abatement and demolition method. Region 6 strongly supports the pilot demolitions as a method to gather data to determine whether the Ft. Worth Method is at least as protective of human health and the environment as the NESHAP method.

Importantly, in order to ensure that the new method is performed in a scientifically sound and safe manner, the City has agreed to a peer review of the method and the Quality Assurance plan, air monitoring during testing, and additional measures requested by EPA. The Region believes that these measures will ensure proper data collection, and will allow the Agency to make appropriate decisions.

The prospect of the new method in demolition proving successful is an important one. Mayors around the country have been unable to address many of the dilapidated and dangerous buildings in their communities due to the cost constraints associated with the traditional NESHAP method. If the alternative method proves to be equally protective (which we believe may be demonstrated by this effort), it can be carried out at far lower cost, enabling cities to rid their communities of buildings which have become homes to drug dealers, transients or pose dangers to children as attractive nuisances.

The use of enforcement discretion will allow this important pilot to proceed in a sound and effective manner.

Lastly, for this project to proceed in a timely manner, we need continued interest and support from the Assistant Administrators involved. If there are issues that staff team can not resolve, please have the members elevate the issues to the AA/RA level without delay.

Thank you for your support for this project.