APPENDIX 7-K-11

DEPARTMENT OF THE ARMY

EMERGENCY SUPPORT FUNCTION #3
515 EAST AMITE STREET
JACKSON, MISSISSIPPI 39201

REPLY TO
ATTENTION OF:

ESF #3 (Public Works and Engineering) 14 November 2005

MEMORANDUM FOR FEMA, Region IV,
ATTN: Ginger Edwards, Operations Chief

SUBJECT: Asbestos and Demolition

1. Background

a. On 30 August 2005, FEMA issued a Mission Assignment to the U.S. Army Corps of Engineers (USACE) ESF #3 for debris removal on public right of ways. On 24 September 2005, that Mission Assignment was expanded by a Task Order to include debris removal from private property, including demolition, in Hancock County, Mississippi. Subsequently, 20 additional Task Orders have expanded the private property mission to a number of different counties and municipalities throughout Mississippi.

b. On 4 September 2005, the Mississippi Department of Environmental Quality (MDEQ) issued emergency guidelines for "Building and Structural Debris Disposal" in the counties affected by Hurricane Katrina. This guidance allowed Class I Rubbish Landfills to be used for the disposal of mixed construction and demolition debris. The guidance "requests that, where feasible, special wastes, such as asbestos....should be segregated and stored separately for disposal at a municipal waste solid landfill." Under this guidance, USACE contractors have collected over nine (9) million cubic yards of debris from the public right-of-way, of which approximately six (6) million cubic yards is construction and demolition (C & D) debris that has gone to Class I Rubbish Landfills. Efforts have been made to separate obvious asbestos containing materials from the C & D debris stream, but there is still a small percentage of asbestos in this debris from structures demolished by Hurricane Katrina.

c. The change in mission focus, from debris removal on public right of ways to debris removal and demolition on private property, changes the regulatory environment as well. Debris on the ground is governed by U.S. Environmental Protection Agency (USEPA) and MDEQ solid waste regulations. Demolition activities, including debris, are governed by USEPA and MDEQ asbestos regulations. These asbestos regulations include pre-demolition inspection, abatement and notification requirements, the presence of certified asbestos supervisors on the jobsite, and special handling and disposal of asbestos containing materials. Structures that have not been inspected and certified to be free of asbestos must be assumed to contain asbestos and all C & D materials from these structures must be disposed of in a specially permitted landfill. Residential homeowners, demolishing single family residences, are exempt from these requirements and may take their C &D to Class 1 Rubbish Landfills. MDEQ Guidance for Handling Asbestos During Demolition, dated 21 September 2005, requires governmental entities demolishing more than one

ESF #3
SUBJECT: Asbestos and Demolition

house on a single block to comply with federal and state requirements for handling asbestos during demolition. The guidance requires that debris be treated as asbestos, unless the asbestos is removed in advance of the demolition. This includes disposal in a landfill permitted to accept asbestos. There are currently three (3) landfills permitted to accept asbestos in the coastal counties of Hancock, Harrison, and Jackson. There are eight (8) Class 1 rubbish landfills in those same counties.

2. Issue

a. The major issue is the definition of demolition. The federal regulation governing asbestos, the National Emission Standard for Hazardous Air Pollutants (NESHAP), defines demolition as "the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations...." Many of the structures designated for demolition are partially standing and missing a number of their structural members, including roofs and exterior walls. On 10 November 2005, ESF #3 requested an interpretation of this definition from ESF #10. On a telephone conference call at MDEQ Headquarters, USEPA representatives from Region IV ~~and~~ JMP stated that demolition under NESHAP was the

> removal of any load bearing structure, including but not limited to, any exterior wall with a footing in the ground or a structure that is vertical and firmly attached to a foundation. If a structure is picked up and moved from its foundation, then it is no longer considered a load bearing structure and its removal is not considered demolition under NESHAP.

ESF #3 has requested confirmation of this definition in writing. To date, confirmation has not been received.

3. Conclusion:

a. Based on the above definition, USACE plans to treat all structures which are no longer connected to their foundations as normal C & D debris, with disposal in a C & D landfill. Demolition will be accomplished using best practice demolition methods, including fog misting and folding the building in towards the interior. Obvious asbestos containing materials will be segregated for disposal in an asbestos certified landfill by a licensed asbestos abatement contractor.

b. Any structures still connected to their foundations will be demolished in accordance with current MDEQ guidance.

ESF #3
SUBJECT: Asbestos and Demolition

4. Any questions may be directed to the undersigned at 601-965-2500, or the current ESF #3 Team Leader.

Thomas N. Porter
ESF #3 Team Leader

CF:
MDEQ

Coordination and Concurrence with:

Bob Rosen, ESF #10 On-Scene Coordinator

Concur (X) Non-concur ( ) Date: November 15, 2005

Comments:
EPA will provide additional, written guidance which supports "section 2-issue" in this document.

Concur: 11/15/2005

11/15/05