



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

MAY 29 1997

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. William H. George
Target Environmental Department
33 South Sixth Street (CC20E)
Minneapolis, MN 55402

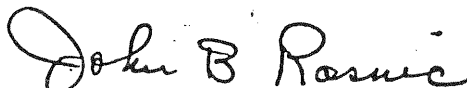
Dear Mr. George:

This is in response to your letter dated May 5, 1996, requesting a written clarification on the inspection requirements under the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP). Specifically, you wish to know if a building owner can use documentation in place of sampling to meet the regulatory requirements for a thorough inspection for the presence of asbestos-containing material (ACM).

Section 61.145(a) of the NESHAP requires the owner or operator to thoroughly inspect the affected facility for the presence of ACM. A "thorough inspection" is not defined in the regulation, nor does the regulation require that bulk samples be taken to determine the presence of ACM in the building. A building owner/operator may choose to rely on building documentation alone for the survey; however, it is generally expected that a building survey will include bulk sampling of materials. The decision to perform bulk sampling is driven by an owner/operators comfort level with their information, and potential liability. If the owner/operator feels confident that their records are sufficient, they may try to save money by foregoing bulk sampling. If the owner/operator does not know if all of the building specifications were followed, then the owner/operator may choose to reduce the risk of not properly identifying all ACM by having bulk samples taken for all suspect materials. Either way, the owner/operator is responsible for determining the presence of ACM, and under the notification requirements, the owner or operator must describe the procedure, including analytical methods, employed to detect the presence of ACM. It is our position that if the Environmental Protection Agency or a delegated agency finds ACM that the owner/operator did not, then a "thorough inspection" has not been performed.

This response was coordinated with the Office of Regulatory Enforcement and the Office of Air Quality Planning and Standards. If you have any questions, please contact Tom Ripp of my staff at (202) 564-7003.

Sincerely,



John B. Rasnic, Director
Manufacturing, Energy and Transportation Division
Office of Compliance