



May 1, 2019

Asbestos Authorization for Storm and Flood Damaged Areas

The Iowa Department of Natural Resources (DNR) recognizes the extraordinary circumstances associated with the recent flooding of a number of Iowa communities and the challenges that damages can be to the public health and the environment both during flooding and post-events.

This authorization only applies to the damaged structures caused by the flooding in counties under a disaster declaration by the President of the United States. This authorization is in effect until July 26, 2019. After July 26, 2019, the DNR shall assess the situation and may reissue this authorization. The DNR may also amend this authorization at any time.

If the provisions of this authorization are complied with, the DNR will exercise its enforcement discretion and not seek administrative penalties for violations of the following asbestos NESHAP requirements: 10 day notification (567 IAC 23.1(3) and 40 CFR 61.145(b)) and in limited situations, the thorough inspection (567 IAC 23.1(3) and 40 CFR 61.145(a)).

Notification Requirement

The owner or operator of a demolition or renovation is required to submit a complete and timely notification prior to the commencement of the demolition or renovation operations. (567 IAC 23.1(3) and 40 CFR 61.145(b)).

This authorization only applies to the damaged structures caused by the flooding in counties under a disaster declaration by the President of the United States. This authorization does not apply to a facility in any of the counties under a disaster declaration by the President of the United States that was not damaged by the flooding. If the facility was not damaged by the flooding, all of the asbestos NESHAP requirements remain in full force and effect.

Due to the immediate need for entities to begin the cleanup process as a result of the flooding, the DNR will not require the ten day waiting period on notifications for the renovation, demolition, or cleanup of asbestos containing material resulting from damage caused from the flooding in the counties under a disaster declaration by the President of the United States. As early as possible before, but no later than, the work day following the start of such renovation, demolition, or cleanup, the person responsible for the work shall submit a written notification to the DNR. The remaining requirements for inspections, removal, and waste disposal of asbestos containing material as required by 567 IAC 23.1(3), 40 CFR 61.145 and 40 CFR 61.150 shall remain in effect, with the exception of the inspection option stated in the next section.

Option to Waive Inspection Requirement

The owner or operator of a demolition or renovation activity shall thoroughly inspect a regulated facility for the presence of asbestos prior to commencement of demolition or renovation. (567 IAC 23.1(3) and 40 CFR 61.145(a)).

Renovation

The DNR will not require a thorough inspection prior to the commencement of the renovation or cleanup of asbestos containing material resulting from damage caused from the flooding in the counties under a disaster declaration by the President of the United States, if the following requirements are met:

1. All of the material being renovated or cleaned up shall be treated as asbestos containing material regardless of whether the material contains asbestos or not. All material must be kept wet at all times and a trained asbestos supervisor must be on site at all times; and
2. All of the material must be handled as asbestos containing material and be disposed of at a landfill as asbestos containing material. The removal and waste disposal provisions of 567 IAC 23.1(3), 40 CFR 61.145 and 40 CFR 61.150 shall remain in effect in this situation.

Demolition

The DNR will not require a thorough inspection prior to the commencement of a demolition when the structure has been declared structurally unsound and in danger of imminent collapse and ordered by a government agency to be demolished. The damage must have been caused from the flooding in the counties under a disaster declaration by the President of the United States, and the following requirements must be met:

1. The entire structure being demolished shall be treated as asbestos containing material regardless of whether the structure contains asbestos or not. The demolition debris must be kept wet at all times and a trained asbestos supervisor must be on site at all times; and
2. All demolition debris must be handled as asbestos containing material and be disposed of at a landfill as asbestos containing material. The removal and waste disposal provisions of 567 IAC 23.1(3), 40 CFR 61.145 and 40 CFR 61.150 shall remain in effect in this situation.

If the structure is not declared structurally unsound and in danger of imminent collapse, a thorough inspection shall be required prior to commencing demolition activities. The removal and waste disposal provisions of 567 IAC 23.1(3), 40 CFR 61.145 and 40 CFR 61.150 shall remain in effect in this situation.

This Authorization only serves as relief from the above-mentioned regulatory requirements of the DNR. On April 26, 2019 the U.S. Environmental Protection Agency (EPA) also issued a No Action Assurance for these same requirements. This Authorization does not provide relief from other requirements of federal, state and local agencies. This authorization therefore does not negate the need for an owner or operator to obtain any other required permits or authorizations, or from the need to comply with all the requirements of those agencies.



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