



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



PHILLIP D. ROOS
DIRECTOR

July 13, 2023

Dear Stakeholder:

The Michigan Department of Environment, Great Lake, and Energy (EGLE) would like to take this opportunity to remind all stakeholders that the United States Environmental Protection Agency (USEPA) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) considers buildings demolished as ordered demolitions are those facilities that are structurally unsound and in danger of imminent collapse as a result of an emergency such as a fire, an earthquake, or some other disaster. The fact that the facility is off limits, has been declared uninhabitable, a public nuisance, or open to trespass is insufficient grounds for invoking this provision. For properties that do not meet the definition of an ordered demolition, the NESHAP requires that the provisions of Title 40 of the Code of Federal Regulations, Part 61, Subpart M, Sections 61.145(a), 61.145(b) and 61.145(c), survey, abatement, and 10-day notification be complied with.

Asbestos is a known public health hazard and the USEPA, EGLE, and the NESHAP expect reasonable efforts to be made to properly remove regulated asbestos containing material (RACM) hazards under controlled circumstances from all buildings prior to demolition, if it is considered safe to do so. Owners or operators should consider unique work methods for either controlled demolition, “make-safe” shoring to allow for proper asbestos removal, or other such methods. In cases of larger commercial facilities, often only certain portions or wings of the building will be unsafe, while other wings will be sound. Any portion of a facility that can be safely entered should be thoroughly inspected and abated of RACM as necessary. Owners or operators should include documentation that these considerations were taken into account when the ordered demolition notification is filed. It is EGLE’s position that for a majority of these larger demolitions, a 10-day notification is feasible instead of the twenty-four-hour notification currently being utilized. The USEPA’s views on ordered demolitions are more completely expressed in the USEPA publication Asbestos/NESHAP Demolition Decision Tree (June 1994) and located here for your review: [Demolition Decision Tree](#).

EGLE reminds stakeholders that for facilities demolished where the RACM is not removed prior to demolition according to **Section 61.145(c)(1) (i), (ii), (iii), and (iv)** or for facilities demolished according to **Section 61.145(c)(9)**, adequate wetting of asbestos containing waste material must occur at all times during and after demolition including weekends, holidays, and days below freezing, and that the material must be kept wet during handling and loading for transport to a disposal site. All asbestos containing waste material shall be deposited as soon as is practical by the waste generator at a waste disposal site operated in accordance with the provisions of **Section 61.154**. No demolition debris may be recycled from ordered demolitions or remain on-site, as it is considered asbestos containing waste material.

Additionally, each owner or operator of any source covered under the provisions of **Sections 61.144, 61.145, 61.146, and 61.147** shall comply with the following provisions: Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos containing waste material generated by the source. **A visible emission is ANY emission, which is visually detectable without the aid of instruments, coming from RACM or asbestos containing waste material at a demolition site.**

The adequately wet and visible emissions provisions under the asbestos NESHAP discussed above will be a point of emphasis for future EGLE compliance inspections. Thank you for your consideration.

If you have any questions or concerns, please contact Jeremy Howe, Manager, Technical Programs Unit, Air Quality Division, at 231-878-6687 or HoweJ1@Michigan.gov.

Sincerely,

A handwritten signature in cursive script that reads "Annette Switzer".

Annette Switzer, Director
Air Quality Division
EGLE