



STEVEN A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY  
Governor

February 1, 2008

Mr. Tony Nocito  
ABCOV, LLC  
291 Broadway, Suite 1101  
New York, New York 10007

Subject: The ABCOV™ Method of Asbestos Destruction

Dear Mr. Nocito:

This letter is provided in response to your November 6, 2007 correspondence concerning the ABCOV™ Method of asbestos destruction. You have requested a letter that details the requirements to allow the use of the ABCOV™ process to destroy asbestos or asbestos-containing materials ("ACM") in the State of Oklahoma.

Based on the information you provided, it is the understanding of the Oklahoma Department of Environmental Quality ("DEQ") – Air Quality Division ("AQD") that the ABCOV™ Method involves converting ACM to a non-asbestos form after it is removed from structural components. Since this conversion process occurs in conjunction with asbestos abatement, the process would be subject to the requirements of the *Oklahoma Asbestos Control Act, OKLA. STAT. tit. 40 §§ 450 to 456 (2007)* and *Abatement of Friable Asbestos Materials Rules (380:50-1-1 through 380:50-29-1)* administered by the Oklahoma Department of Labor ("DOL"). It is suggested that you contact Talmadge Rogers of the DOL, Asbestos Abatement Division by telephone at (405) 528-1500 (ext. 352) or by e-mail at [trogers@oklaosf.state.ok.us](mailto:trogers@oklaosf.state.ok.us) should you wish to discuss the issues related to asbestos abatement.

The process you describe is subject to the National Emission Standards for Hazardous Air Pollutants ("NESHAP"), Subpart M – National Emission Standard for Asbestos, 40 C.F.R. §§ 61.140-.157 (2007); and specifically 40 C.F.R. § 61.155 - Standard for operations that convert asbestos-containing waste into nonasbestos (asbestos free) material. Subpart M of the NESHAP is incorporated by reference at the Oklahoma Administrative Code ("OAC"), *Air Pollution Control*, Title 252, Chapter 100-2, Appendix Q. The DEQ has confirmed that you have received approval from the U.S. Environmental Protection Agency for the ABCOV™ Method as required by 40 C.F.R. § 61.155(a). Therefore, AQD has no objections to the use of the ABCOV™ Method in the State of Oklahoma, pending continued compliance with Subpart M of the NESHAP.

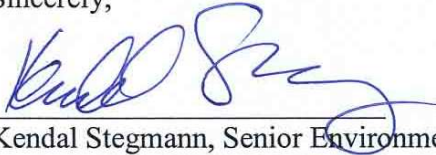


**Mr. Tony Nocito**  
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Finally, the information you provided indicates that the resulting product of the ABCOV™ Method would be asbestos free; therefore, it would not require disposal in a regulated asbestos landfill. However, since the initial asbestos waste material will be treated with chemicals (which you have not fully described) and the composition of the waste material has not yet identified, it may require special waste disposal. The DEQ, Land Protection Division (“LPD”) is responsible for issues related to the handling and disposal of waste material in the State of Oklahoma. It is suggested that you contact Dee Ready or Alex Dee of LPD by telephone at (405) 702-5100 or by e-mail at [Dee.Ready@deq.state.ok.us](mailto:Dee.Ready@deq.state.ok.us) or [Alexander.De@deq.state.ok.us](mailto:Alexander.De@deq.state.ok.us) should you wish to discuss the issues related to the disposal of waste materials associated with the ABCOV™ Method.

If you have any additional questions, please contact Ron Ingram of the DEQ at (405) 702-4100 or by e-mail at [Ron.Ingram@deq.state.ok.us](mailto:Ron.Ingram@deq.state.ok.us).

Sincerely,



Kendal Stegmann, Senior Environmental Manager  
AIR QUALITY DIVISION

xc: Talmadge Rogers, Director, DOL, Asbestos Abatement Division  
Dee Ready, Environmental Programs Manager, DEQ, Land Protection Division  
Alex Dee, Environmental Programs Specialist, DEQ, Land Protection Division