

U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A070001

Category: Asbestos
EPA Office: Region 4
Date: 05/06/1991

Title: Aluminum Sheds and Fruit Stands

Recipient: Day, Susan

Author: Shaver, Sally

Comments:

Part 61, M Asbestos

References: 61.145(a)

Abstract:

Q: Could EPA clarify to the Florida Department of Transportation if aluminum sheds and fruit stands are subject to the notification and inspection requirements under the asbestos NESHAP, 40 CFR part 61, subpart M?

A: EPA explains that prefabricated sheds and small structures that do not have utilities (water, electricity, and sewer) do not meet the definition of structures under the asbestos NESHAP regulations, and thus are not subject to the rule. If a structure meets the definition of structure in the asbestos NESHAP, which would include any structure acquired by the DOT, it must be inspected as required by Section 61.145 (a) of NESHAP subpart M.

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET ATLANTA, GEORGIA 36345

4APT-AE

Susan Day, Administrator Transportation Corridors and Facilities Florida Department of Transportation 605 Suwannee Street, MS 22 Tallahassee, Florida 32399-0450

Dear Ms. Day:

I am in receipt of your letter dated March 25, 1991, regarding the inspection and notification criteria for the asbestos NESHAP regulation. Specifically, you requested clarification as to whether the inspection and notification requirments apply to structures such as aluminum sheds and fruit stands. For national consistency, my staff and I have discussed your request with EPA Headquarters and offer the following

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comments.

Prior to demolition, Section 61.145 (a) requires that a structure be inspected to determine if asbestos containing materials are present. The inspection must be performed by a person who is qualified to identify asbestos containing materials, and the structures which are acquired by the DOT are subject to this provision. However, prefab sheds and other small constructions which do not have floors or improvements (water, sewer, electricity, etc.) are not considered structures under the asbestos NESHAP regulations. Therefore, the inspection requirement is not applicable. Furthermore, the notification provision of the NESHAP asbestos regulation is not applicable.

In summary, the asbestos NESHAP regulation does not apply to the small constructions which you described and inspections are not required to demolition. If you have any questions concerning this matter, please contact Alan Powell at (404) 347-5014.

Sincerely yours,

Sally S. Shaver, Chief Source Evaluation and Asbestos Section Air, Pesticides and Toxics Management Division

cc: Ed Palagyi, FDER