



U.S. Environmental Protection Agency Applicability Determination Index

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Title: Demolition and Notification
Recipient: Sledge, C. R.
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References: 61.145(b)

Abstract:

RACM will be removed during the sixth month of a twelve-month demolition project. Under NESHAP's 10 working day notification requirement notice must be given 10 working days prior to the sixth month, assuming there are no previous activities that would disturb the RACM. A project involving several smaller demolitions would require notice 10 days before the initial demolition; an owner or operator may not break down a project to involve smaller than the threshold amounts of asbestos and thus circumvent the rule or disguise the scope of the work. Specific renovations where the intent is not to destroy the facility or facility member, but to alter or resupport a structure, are not considered demolitions.

Letter:

Mr. C. R. Sledge
Asbestos Consultant
3613 Deerfield Drive
Suffolk, Virginia 23435

Dear Mr. Sledge:

This is in response to your March 21, 1992 letter requesting clarification of several items covered under 40 CFR Part 61, Subpart M (the asbestos NESHAP). Your specific questions are discussed below.

1. "There is a project that involves the removal of 2,000 linear feet of RACM. The project is a renovation and will last 12 months. The RACM removal will not start until the sixth month of the project. When is the NESHAP 10 working day notification for this project required to be made?"

Response: Section 61.145(b)(3)(i) requires that the notification be postmarked or delivered "at least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material)." In this case, assuming there are no previous activities that would disturb the RACM, the notification for RACM removal would be required at least ten working days prior to the sixth month. The notification may be sent in earlier (e.g., before the start of the entire project), but would need to state the RACM removal date and would need to be revised if any dates change.

2. "The project is the same as above except that it will involve several small demolitions. The first demolition will be three months into the project. The asbestos removal still will not start until the sixth month. When is the NESHAP 10 working day notification required to be made?"

Response: For applicability of the asbestos NESHAP, the entire project must be considered. An owner or operator may not break down a project to involve smaller than the threshold amounts of asbestos and thus circumvent the rule or disguise the scope of the work. Only one notification of the entire project is required. This notification must be postmarked or delivered at least ten working days prior to the regulated activity. In this case, the notification must be postmarked or delivered at least ten working days prior to the first demolition. If the owner or operator wishes to break a large project into separate activities for notification purposes, it may do so only after the initial notification for the entire project is submitted. The initial notification would outline the scope of the project including the approximate dates of each separate activity and the total amount of asbestos that will be removed. Individual notifications for each demolition and renovation could then be submitted as amendments to the original notification when the details (such as the starting and completion dates of the activity and amount of asbestos disturbed during that activity) are known. Each notification would have to be postmarked or delivered at least ten working days prior to the commencement of the corresponding activity. If any date changed, an amended notification would be needed for the affected activity.

3. "A project involves several small demolitions on a single facility. The project does not involve the removal or disturbance of any asbestos. The first demolition will be one month into the project. There will be subsequent demolitions at two month intervals during the project. When is the NESHAP 10 working day notification required to be made? Is more than one notification required?"

Response: A written notification is required at least 10 working days prior to any demolition, in this case at least 10 working days prior to the end of the first month of the project. One notification is required for the overall project, and should include all expected demolitions and renovations. If exact dates are not known, general dates may be given and then amended when the exact dates of the regulated activities will occur. These amendments to the original notification must be made at least 10 working days prior to each activity where the date is modified.

4. "Discussion with EPA personnel has raised the question of what constitutes a demolition. Does the cutting of an outside load bearing wall for installation of a new door constitute a demolition? Is the replacement of a rotted support column a demolition? Is the cutting of a hole in a structural support member to allow for a passage of a pipe a demolition? How much of a structural support member must be removed to be considered a demolition under NESHAP?"

Response: Demolition means "the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility." The activities you describe would be renovations. Even though, to some degree, they involve the wrecking or removal of a load-supporting structural member, the intent is not to destroy the facility or facility member, but to alter it or resupport it.

This determination has been coordinated with EPA's Office of Enforcement and the Emission Standards Division of the Office of Air Quality Planning and Standards. If you have any questions, please contact Tom Ripp of my staff at (703) 308-8727.

Sincerely,

John B. Rasnic, Director
Stationary Source Compliance Division Office of Air Quality Planning and Standards

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