



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A960003

Category: Asbestos
EPA Office: SSCD
Date: 11/19/1993
Title: Dem. of Asbestos Free Load Bearing Structures
Recipient: Bullock, William
Author: Hoover, Steve

Subparts: Part 61, B-Asb, Asbestos Demolition/Renovation (Now Sub. M)

References: 61.145

Abstract:

Q. Is the intent of 40 CFR 61.145(a)(2)(ii), regarding notification requirements for the demolition of "facility components," to require notice if demolishing asbestos-free load-supporting structural members, or does it include asbestos-free facility components that are not load-supporting?

A. The intent of 40 CFR 61.145(a)(2)(ii) is to regulate activities which involve the wrecking or displacement of load-supporting structural members, even if the combined amount of RACM is less than the threshold amount or there is no asbestos. If a facility component is removed or altered without wrecking or displacing any load-supporting structural members, it is not subject to the regulation, as long as the combined amount of RACM is below the threshold amount, or there is no asbestos.

Letter:

Mr. William H. Bullock
Process Industrial Hygienist
International Paper
6075 The Corners Parkway
Norcross, Georgia 30092

Dear Mr. Bullock:

This is in response to your letter dated June 1, 1993 requesting a clarification of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulations regarding the notification requirements for the demolition of "facility components".

You indicated in your letter that, based on your interpretation of the rule, notification is not required when removing pieces of equipment such as evaporators, pumps, tanks, stacks, etc. because these units are not load-supporting structural members and no asbestos is present. Specifically, you ask, "Is the intent of 40 CFR 61.145 (a)(2)(ii) to notify EPA if demolishing asbestos-free load-supporting structural members, or does this include asbestos free "facility-components" that are not load-supporting?"

From the recent follow-up phone conversation with Chris Oh of my staff, it is evident that the examples you gave for "facility components" (i.e., "evaporators, pumps, tanks and stacks") can not generally be categorized as being either a facility or facility component that is not a load-supporting structural member. Considering that International Paper owns and operates many facilities in multiple states, it would be extremely difficult for EPA to conclude which components are non-supporting structural members and thereby exempt from the notification requirements. This would have to be done on a case by case basis.

The intent of 40 CFR 61.145 (a)(2)(ii) is to regulate activities which involve the wrecking or displacement of load-supporting structural members, (activities which are considered demolitions). For example, the removal of a tank and its load-supporting structural members or the dismantling of a stack, are activities which are considered demolitions under the NESHAP, and therefore, the notification requirements of 61.145(b)(1), (2), (3)(i) and (iv), and (4)(i) through (vii) and (4)(ix) and (xvi) apply even if the combined amount of RACM is less than the threshold amount or there is no asbestos.

Additionally, if a facility component is removed or altered without wrecking or displacing any load-supporting structural members, it is not subject to the notification requirements of the asbestos NESHAP. For example, the removal of a pump, tank, evaporator, etc., if removed intact, without wrecking or displacing any load-supporting structural members, would not be subject to the notification requirements in the asbestos NESHAP if the combined amount of RACM is below the threshold amount or there is no asbestos.

An owner or operator should contact the delegated State or local authorities for notification requirements involving demolition or renovation of any facility or facility components, since the State or local authorities may adopt more stringent requirements than the Federal asbestos NESHAP.

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 Jeffery KenKnight of my staff at (703) 308-8728.

Sincerely,

Steve Hoover, Chief
Technical Support Branch
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

cc: Sims Roy, ESD (MD-13)
Charlie Garlow, OE (2242)
Tom Ripp, SSCD (6306W)
Chris Oh, SSCD (6306W)
Jeffery KenKnight, SSCD (6306W)
Regional Asbestos NESHAP Coordinators