



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: C27

Category: Asbestos
EPA Office: Region 5
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Title: Ordered Demolitions of Unsound Facilities
Recipient: Tucker, J. Thomas
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Subparts: Part 61, M, Asbestos

References: 61.145(a)
61.150
61.154

Abstract:

If a facility has been totally destroyed by fire the asbestos NESHAP does not apply to subsequent activities. If the facility is only partially damaged, the NESHAP applies to the portion which remains standing. The asbestos waste disposal standard applies to all friable asbestos mixed in with rubble created from a demolition operation that is subject to any of the work practice standards of 40 CFR 61.147.

The work practice standards of 40 CFR 61.147(d) through (g) and the waste disposal standards of 40 CFR 61.152 apply to all ordered demolitions unless the owner or operator can demonstrate to the air pollution control agency's satisfaction that the facility contains less than 260 linear feet and 160 square feet of friable asbestos.

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
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NOV 1986

J. Thomas Tucker III
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Ohio Environmental Protection Agency

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Dear Mr. Tucker:

Thank you for your August 29, 1986 letter requesting clarification of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) as it pertains to ordered demolitions of facilities that are structurally unsound and in danger of imminent collapse. I forwarded your questions to the Stationary Source Compliance Division and the Emission Standards and Engineering Division of the U.S. Environmental Protection Agency (U.S. EPA). The answers that follow represent a coordinated U.S. EPA response.

Your first question asks what additional criteria are to be used to demonstrate that a facility is "structurally unsound" and "in danger of imminent collapse", and what government agency orders are acceptable to invoke this provision. U.S. EPA does not have any additional criteria for such demonstrations. However, such determinations should be made by civil engineers or building inspectors who are trained to make these decisions. The order should come from a government agency that regulates building safety. The fact that the facility is "off limits" or has been declared unusable is insufficient grounds for invoking this provision.

Your second question asks to what extent the work practice and waste disposal standards apply to fire-damaged buildings, when the fire is not part of a demolition operation. The standards only apply to activities and events that are part of a demolition or renovation operation, and to any associated waste handling. If the fire has totally destroyed the facility, then the asbestos NESHAP does not apply to any subsequent activities. If the fire has only partially damaged the facility, then the notification, and work practice and waste disposal standards apply to any subject demolition or renovation operations conducted on that portion of the facility that remains standing. Wrecking that portion of the facility constitutes "demolition", or an "ordered demolition" if the proper criteria are met. Restoring the remaining portion without wrecking or taking out load-supporting structural members constitutes renovation.

The asbestos waste disposal standard applies to all friable asbestos mixed in with rubble created from a demolition operation that is subject to any of the work practice standards of 40 CFR 61.147. All asbestos-containing debris at such demolitions must be handled without generating visible emissions to the outside air and must be buried. The standard makes no distinction in this matter between large and small pieces of friable asbestos. Any waste disposal site must meet the requirements of 40 CFR 61.156. Hence, one acceptable alternative would be to cover the debris on-site within 24 hours with at least 6 inches of compacted nonasbestos-containing material. However, bulldozing the waste into the basement would have to be accomplished without generating visible emissions. Whether or not the asbestos-containing rubble is created from a subject demolition operation, there may be cases where on-site disposal of the rubble would be environmentally preferable to off-site disposal. Of course, on-site disposal must not violate any State or local regulations.

Your last question asks if the work practice and waste disposal standards apply to ordered demolitions for facilities that contain less than 260 linear feet of friable asbestos materials on pipes and less than 160 square feet on other facility components. The work practice standards of 40 CFR 61.147(d) through (g) and the waste disposal standards of 40 CFR 61.152 apply to all ordered demolitions unless the owner or operator can demonstrate to the air pollution control agency's satisfaction that the facility contains less than 260 square feet of friable asbestos. This demonstration should be done by means other than an inspection of the structurally unsound facility (e.g., a prior inspection, plans). U.S. EPA does not intend that owners or operators inspect facilities that are in danger of imminent collapse in order to estimate the approximate amount of friable asbestos material present.

I trust the above guidance will assist State and local agency inspectors in Ohio in properly interpreting the asbestos NESHAP, and will contribute to your development of state asbestos removal rules. By

copy of this letter, I am also distributing this guidance to the asbestos NESHAP coordinators in the other five Region V states.

Sincerely yours.

Bruce A. Varner
NESHAP Coordinator
Air Compliance Branch (5AC-26)