



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: C50

Category: Asbestos
EPA Office: SSCD
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Title: Notification Requirement for Demolition, Renovation
Recipient: Bedell, Theodore, E.
Author: Shafer, Ronald

Subparts: Part 61, M, Asbestos

References: 61.141
61.145(a)
61.145(b)
61.145(c)
61.150

Abstract:

If upon inspection, the owner or operator believes no asbestos- containing material is present in a demolition operation, then a negative declaration is made. If there is friable asbestos present, the owner or operator is subject to the remainder of the demolition requirements. Regarding renovation projects defined in Section 61.141, the owner or operator need not report unless at least 80 linear meters or 15 square meters of friable asbestos materials are being stripped or removed.

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 4 1988

Mr. Theodore E. Bedell III
Director, Environmental Audits
Apex Environmental, Inc.
7930 Old Georgetown Road
Bethesda, MD 20814

Dear Mr. Bedell:

This is in response to your June 29, 1988 letter, asking me for copies of guidance concerning the regulation of nonfriable asbestos-containing material in demolition or renovation settings.

Enclosed is a copy of a memorandum from the Director of the Stationary Source Compliance Division to an EPA Regional office which discusses the regulations in some detail. Briefly, this policy says that in any demolition project as defined in 40 CFR Sect 61.141, the owner or operator must meet the reporting requirement of subpart 61.146 (see regulations attached), whether or not the owner or operator believes asbestos is present. If upon inspection, the owner or operator believes no asbestos-containing material is present in a demolition operation, then a negative declaration is made, addressing Section 61.146(a), (b), and (c) (1-5). If there is friable asbestos present, the owner or operator is subject to the remainder of the demolition requirements contained in Sections 61.145, 61.146, 61.147, 61.152, and 61.156.

Regarding renovation projects defined in Section 61.141, the owner or operator need not report unless at least 80 linear meters or 15 square meters of friable asbestos materials are being stripped or removed. If this criteria is met, however, then the owner or operator is subject to renovation requirements in Sect 61.146, 61.152, and 61.156.

I want to direct your attention to page two of the attached memorandum. Friable is not a one-time determination. While it is correct that the work practices required in the regulation apply to friable asbestos materials only, if at any time friable asbestos materials are discovered or created in a demolition operation (or renovation operation meeting the criteria above) that operation's status changes, and it is subject to the additional requirements. At that time the owner or operator may also be subject to federal enforcement action under Section 113 of the Clean Air Act.

I hope this has been responsive to your letter. Please call Kenneth Malmberg (202-382-2870) of my staff if you wish to discuss this policy further.

Sincerely,

Ronald Shafer, Chief
Policy and Guidance Section, CMB
Stationary Source Compliance Division