



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: C52

Category: Asbestos
EPA Office: Region 5
Date: 08/29/1988
Title: Notification Applicability
Recipient: Whale, Dale K.
Author: Varner, Bruce A.
Comments: The notification time for demolitions has been reduced to 10 days.

Subjects: Part 61, M, Asbestos

Abstract:

If the amount of friable asbestos materials in a facility being demolished is less than 80 linear meters (260 linear feet) on pipes and less than 15 square meters (160 square feet) on other facility components, an owner or operator is required to postmark or deliver the notification at least 20 days before demolition begins. This applies even if the owner or operator believes there is no asbestos present. Responsibility for notification applies to any party which is an owner or operator; however, notification from one party will suffice as long as the notification is timely and complete.

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

Reply to the Attention of:

Dale K. Whale, President
Coronado Wrecking & Salvage
4200 Broadway, S.E.
Albuquerque, New Mexico 87102

Re: Asbestos NESHAP Notifications

Dear Mr. Whale:

Thank you for your July 27, 1988, letter to the United States Environmental Protection Agency. (U.S. EPA), Region V, concerning notification requirements of the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 C.F.R. 61.140, et seq., for demolitions with no asbestos. If the amount of friable asbestos materials in a facility being demolished is less than 80 linear meters (260 linear feet) on pipes and less than 15 square meters (160 square feet) on other facility components (the "cutoff"), 40 C.F.R. 61.146(b)(2) requires that an owner or operator postmark or deliver the notice at least 20 days before demolition begins.

I have enclosed a July 19, 1988, letter from U.S. EPA Headquarters to the National Association of Demolition Contractors which states that the notification requirements of 40 C.F.R. 61.146 apply even when no asbestos is present. Therefore, it is the policy of the U.S. EPA and of Region V that a 20 day prior notification is required for demolitions involving no asbestos.

Your letter also asks for clarification on which party is ultimately responsible for notification. The asbestos NESHAP notification requirements apply to any party that qualifies as an "owner or operator". The NESHAP general provisions, 40 C.F.R. 61.02, define "owner or operator" as any person who owns, leases, operates, controls or supervises a stationary source. Therefore, the notification requirements apply to any party that owns or leases a facility being demolished or renovated, or that operates, controls or supervises a demolition or renovation operation. However, a notification from one party will suffice, as long as the notice is timely and complete.

For demolitions under the cutoff, asbestos removal is not required. Consequently, in this case the notification responsibility does not extend to a party whose sole function is to perform voluntary asbestos removal.

If you have any questions on this matter, you may contact me at (312)886-6793.

Sincerely yours,

Bruce A. Varner
NESHAP Coordinator
Air Compliance Branch (5AC-26-1)

Enclosure