



# U.S. Environmental Protection Agency Applicability Determination Index

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**Control Number: A930012**

**Category:** Asbestos  
**EPA Office:** OAQPS  
**Date:** 03/11/1993  
**Title:** Demolition of Facility with No Asbestos  
**Recipient:** Krueger, Bob  
**Author:** Seitz, John S.

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**Subparts:** Part 61, M, Asbestos

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**Abstract:**

Notification for the demolition of a facility or facility component is required under the asbestos NESHAP even when no asbestos is involved. The purpose of the requirement to report even when no asbestos is found is to ensure that facilities are inspected for asbestos and that removal is performed consistent with the standard. A failure to notify, as required by the rule, is a violation, and EPA will vigorously enforce these requirements.

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**Letter:**

Honorable Bob Krueger  
United States Senate  
Washington, DC 20510

Dear Senator Krueger:

This is in response to your February 25, 1993 letter requesting that the Environmental Protection Agency (EPA) review Mr. James E. Williams' letter of February 11, 1993. Mr. Williams wants to know why notification for the demolition of a facility or facility component is required under the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) when no asbestos is involved.

The concerns Mr. Williams raised are not new and were discussed when the reporting requirements were promulgated through the rulemaking process. The EPA and delegated States do not have the resources necessary to inspect every facility to be demolished prior to demolition; therefore, the implementing agency prioritizes its inspections, concentrating its enforcement resources on the sites that are likely to result in significant emissions to the air if improperly demolished. In order to ensure that the facility owner or demolition contractor has accurately evaluated and analyzed the site for the presence of asbestos, it is necessary that the implementing agency be notified prior to the onset of the demolition. The EPA has repeatedly discovered, after demolition, that asbestos was present in spite of facility owners' and contractors' claims to the contrary.

The purpose of the requirement to report even when no asbestos is found is to ensure that facilities are inspected for asbestos and that removal is performed consistent with the standard. A failure to notify, as required by the rule, is a violation, and EPA will vigorously enforce these requirements. The notification that is required if a facility contains less than the quantity cutoff level is not extensive and the cost is low compared to the cost of inspecting the facility for asbestos.

I appreciate this opportunity to be of service to you and trust that this information will be helpful.

Sincerely,

John S. Seitz  
Director  
Office of Air Quality Planning  
and Standards