



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A960022

Category: Asbestos
EPA Office: METD
Date: 06/11/1996
Title: Residential Buildings
Recipient: Moore, Joseph
Author: Rasnic, John

Subparts: Part 61, M, Asbestos

Abstract:

Q. When is the demolition of residential buildings not regulated by the asbestos NESHAP?

A. The demolition of a small, isolated residential building is not covered by the asbestos NESHAP. EPA believes that this exemption does not apply where more than one residential building on the same site is demolished by the same entity as part of the same project, or where a single residential building is demolished as part of a larger project that includes the demolition of non-residential buildings. A "site" should be comparably compact to a city block.

Letter:

Joseph E. Moore
Department of Planning and Development
6801 Delmar Boulevard
University City, Missouri 63130

Dear Mr. Moore:

This is in response to your February 5, 1996, letter to Mr. Greg Crable, and your May 16, 1996, letter to Ms. Judy Sturgess, requesting an interpretation of the Environmental Protection Agency's (EPA's) current asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP).

In your letters you write that the City of University City periodically finds it necessary to condemn a building and order its demolition due to the fact that the building constitutes a public nuisance or is in danger of collapse. You also write that it is your understanding that if the buildings are residential buildings having four or fewer dwelling units, are geographically dispersed throughout the city, and are not being removed for public improvements such as roadways, parks, or airport expansion, that they would be completely exempt from the NESHAP standards.

Your understanding that isolated residential buildings are not regulated under the NESHAP is correct. EPA published a notice of clarification in the Federal Register (enclosed) that describes the Agency's position regarding the demolition of residential buildings.

It is written that:

"EPA is publishing this notice to clarify that, in EPA's opinion, the demolition or renovation of an isolated small residential building by any entity is not covered by the asbestos NESHAP. This notice does not affect EPA's policy regarding demolition by fire."

This means that even if a single residential building was to be demolished for commercial purposes, it would not be covered by the NESHAP.

The notice further clarifies that:

"...EPA believes that the residential building exemption does not apply where multiple (more than one) small residential buildings on the same site³ are demolished or renovated by the same owner or operator as part of the same project or where a single residential building is demolished as part of a larger project that includes the demolition or renovation of non-residential buildings."

³ The term "site" is not defined in the regulation and EPA does not intend to provide any determination of the boundaries of a "site" in today's clarification. However, to provide guidance, EPA notes that a "site" should be a relatively compact area. In EPA's view, an entire municipality, or even a neighborhood in a municipality, should not be considered a single site. ...Where a site can not be easily defined as a city block, the site should be a comparably compact site. In any event, the local government should use common sense when applying this guide."

If you have any questions, please contact Tom Ripp of my staff at (202) 564-7003.

Sincerely,

John B. Rasnic, Director
Manufacturing, Energy and Transportation Division Office of Compliance

Enclosure

cc: William A. Spratlin, Region VII