



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A010001

Category: Asbestos
EPA Office: OECA
Date: 03/09/2001
Title: Single Family House with Asbestos Containing Floor Tile
Recipient: Eileen York
Author: Michael Alushin
Comments: See related letter at ADI Control Number A010002.

Subparts: Part 61, M, Asbestos

References: 60.141
60.145

Abstract:

Q1. Does the asbestos NESHAP regulation apply to single family homes?

A1. The asbestos NESHAP program applies to "facilities" which include, institutional, commercial, public, industrial, or residential structures, i.e., apartments, condominiums, cooperatives. A single family residence or a residential building having four or fewer dwelling units is not subject to the asbestos NESHAP requirements.

Q2. If asbestos containing floor tile and mastic were removed by a jackhammer, would the resulting friable asbestos waste material be subject to the asbestos NESHAP regulations?

A2. If a contractor removes greater than 160 square feet of asbestos containing material (ACM) by using a jackhammer, the resulting waste material is subject to the asbestos NESHAP. However, in your situation, the asbestos NESHAP would not apply. The 'All Other Asbestos Projects' citation from the COMAR may apply to your situation.

Q3. What is the definition of "hand pressure"?

A3. There is no definition for "hand pressure" in the asbestos NESHAP regulations. There is

a reference to "hand pressure" under the definition for regulated asbestos containing material. In a July 1992 applicability determination, the Agency wrote that vinyl asbestos tile in good condition, if subject to certain forces, i.e., mechanical, weather or aging can be weakened to the point where it can become friable because it can be crumbled, pulverized or reduced to powder by hand pressure. Using the jackhammer on asbestos containing tile has a high probability for significant fiber release. The tile becomes regulated asbestos containing material and subject to the asbestos NESHAP because using a jackhammer grinds or abrades the normally non-friable material.

Letter:

MARCH 9, 2001

Ms. Eileen York
14809 Old Columbia Pike
Burtonsville, Maryland 20866

Dear Ms. York:

This letter is in response to your facsimile of February 16, 2001 and follow-up telephone conversation in which you posed three questions regarding the applicability of the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) to renovation in a residential home. The three issues are:

1. Does the asbestos NESHAP regulation apply to single family homes?
2. If asbestos containing floor tile and mastic were removed by a jackhammer, would the resulting friable asbestos waste material be subject to the asbestos NESHAP regulations?
3. What is the definition of "hand pressure"?

Applicability of NESHAP Regulations

Based on the information you provided, the asbestos NESHAP regulation does not apply to your single family home. The asbestos NESHAP program applies to "facilities" which include, institutional, commercial, public, industrial, or residential structures, i.e., apartments, condominiums, cooperatives. A single family residence or a residential building having four or fewer dwelling units is not subject to the asbestos NESHAP requirements. The definition of "facilities" can be found in the United States Code of Federal Regulations (CFR) at Title 40 CFR Section 61.141 - Definitions.

Maryland has been delegated the authority to implement and enforce the emission standards for the asbestos NESHAP. When Maryland accepted this program, it had the ability to develop standards more stringent than the federal requirements which are not part

of the NESHAP program. Under the NESHAP program, the federal government does not have the authority to enforce any State regulation that is more stringent than the federal requirements. My staff performed a search of the Code of Maryland Administrative Regulations (COMAR) for the asbestos NESHAP regulations in Maryland. (See Attachments.) Here is what they found. Title 26 of COMAR contains the State environmental regulations. Under Notifications in Section 11.21.03, paragraph C, there is a reference to 'All Other Asbestos Projects.' In addition, Section 11.21.07 - Control of Emissions from Any Other Asbestos Project requires asbestos projects other than NESHAP projects to take reasonable precautions to prevent airborne fibers. I encourage you to speak to the asbestos staff at the Maryland Department of the Environment, Air and Radiation Division to determine if these citations are applicable to your issue. You can reach the Air and Radiation staff at (410) 631-3200.

Removal of Asbestos Tile/Mastic Using the Jackhammer

If a contractor removes greater than 160 square feet of asbestos containing material (ACM) by using a jackhammer, the resulting waste material is subject to the asbestos NESHAP. However, in your situation, the asbestos NESHAP would not apply. The 'All Other Asbestos Projects' citation from the COMAR may apply to your situation.

Definition of "hand pressure"

There is no definition for "hand pressure" in the asbestos NESHAP regulations. There is a reference to "hand pressure" under the definition for regulated asbestos containing material. In a previous July 1992 applicability determination, the Agency wrote that vinyl asbestos tile in good condition, if subject to certain forces, i.e., mechanical, weather or aging can be weakened to the point where it can become friable because it can be crumbled, pulverized or reduced to powder by hand pressure. Using the jackhammer on asbestos containing tile has a high probability for significant fiber release. The tile becomes regulated asbestos containing material and subject to the asbestos NESHAP because using a jackhammer grinds or abrades the normally non-friable material.

I appreciate your concern about asbestos contamination and the proper method for removal and disposal. In this situation, the contractor removing asbestos would not be subject to the federal regulations. If Maryland had only adopted the federal rule, the contractor would not be subject to their asbestos NESHAP program. However, there are other requirements in the Maryland asbestos program which may apply to your situation. I recommend you contact the Maryland Department of Environment, Air and Radiation Division. They will be the final authority in any resolution in this matter.

Very truly yours,

s / M. S. ALUSHIN

Michael S. Alushin
Compliance Assessment and Media Programs Division Office of Compliance

Attachments

COMAR citations

July 1992 Applicability Determination