



## U.S. Environmental Protection Agency Applicability Determination Index

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**Control Number: A050001**

**Category:** Asbestos  
**EPA Office:** CAMPD  
**Date:** 06/23/2005  
**Title:** Demolition of Residential Trailer Homes  
**Recipient:** Howard L Morrison III  
**Author:** Michael S. Alushin  
**Comments:**

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

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**References:** 60.13(h)  
60.331(i)  
60.334(b)  
60.335(a)  
61.141

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### **Abstract:**

Q1: Are trailer homes with different owners located in the state of Delaware that are recycled using two different processes through the Delaware Solid Waste Authority subject to 40 CFR part 61, subpart M?

A1: No. 40 CFR part 61, subpart M, the asbestos NESHAP regulation, does not apply to demolition of single residential trailer homes because they are classified as single dwelling units and ownership remains with the trailer owner, not the state. A single dwelling unit that is being demolished is exempt from the NESHAP regulation throughout the entire recycling process. However, when two or more residential homes are located at the same demolition site and are under control of the same owner or operator, then the trailer homes become a residential installation subject to the NESHAP regulation. Q2: Would 40 CFR part 61, subpart M, apply if the residential trailer home were purchased by a commercial entity rather than being sent to the Delaware Solid Waste Authority?

A2: No. A residential trailer home and its recycling process are exempt from the asbestos NESHAP regulation if at the time of demolition, it can be classified as single dwelling unit and

does not meet the definition of a residential installation in 40 CFR 61.141.

Q3: Given the inapplicability of 40 CFR part 61, subpart M, what might the State of Delaware do to minimize public exposure to asbestos from the demolition of residential trailer homes?

A3: EPA suggests that the State of Delaware encourage inspection and removal of asbestos-containing material at the Delaware Solid Waste Authority compaction site. The state might also consider the addition of a permit condition in the Delaware landfills operating permits that would prohibit landfills from accepting asbestos-containing material as landfill cover.

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**Letter:**

June 23 2005

Mr. Howard L. Morrison III  
Senior Environmental Compliance Specialist  
State of Delaware  
Department of Natural Resources & Environmental Control Engineering & Compliance Branch  
Air Quality Management Section  
715 Grantham Lane  
New Castle, Delaware 19720

Dear Mr. Morrison:

This regulatory determination is in response to your February 15, 2005 email in which you describe two recycling processes for trailer homes in the state of Delaware. You request EPA's interpretation on whether either or both processes are subject to the National Emission Standard for Hazardous Air Pollutants (NESHAP), National Emissions Standard for Asbestos, 40 C.F.R. Part 61, Subpart M.

**Applicability**

The issue is to determine if the residential trailer homes are subject to the asbestos NESHAP. Generally, single family homes, including trailer homes are not subject to the asbestos NESHAP regulations. Under 40 Code of Federal Regulations Sec. 61.141, a residence must have more than four dwelling units to meet the definition of facility and a single residential trailer home is considered a single dwelling unit. As a result, a single trailer is not subject to the asbestos NESHAP regulation. However, if two or more residential trailer homes are located on the same site and are under the control of the same owner or operator, the trailer homes become a residential installation. An installation is defined as:

any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control). [40 C.F.R. Sec. 61.141 - Definitions.]

In this case, while the state is offering funds to the trailer owners as an incentive to remove their trailer homes, the state is not taking control of the trailer homes through an ordered demolition

or by any other means. If the trailer homes are not on the same site under the control of a single owner or operator, the trailer homes are not subject to the asbestos NESHAP. A question arises when a Delaware Solid Waste Authority (DSWA) facility collects the trailer homes and prepares them for transportation by compacting them. Then the trailer homes are under the control of a common owner/operator, the DSWA, and the trailer homes are located at the same site. At the DSWA site, are the trailer homes subject to the asbestos NESHAP? No, because the compaction activity at the DSWA site does not constitute a demolition as defined at 40 C.F.R. Sec. 61.141. Demolition is defined as:

the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

Therefore, demolition occurs when the trailer home is removed from the foundation walls because the foundation wall is the "load-supporting structural member" within the meaning of demolition. Thus, if the homeowner retains control of the trailer home when the trailer is removed from the foundation walls (load-supporting structural member), then the trailer home is not subject to the asbestos NESHAP because of the single family home exemption found in the facility definition. The exemption continues during the compaction, transportation, and hammermill process that follows.

Issue

Process #1

This process deals with individually owned residential trailer homes which have fallen into disrepair. In this instance, monetary assistance is offered to the owner to help defray the cost associated with the removal of the unit, and the subsequent processing of the unit into a landfill cover material. At which of the following points in time is the trailer home subject to the asbestos NESHAP?

1. Unit is transported to a DSWA facility.
2. Unit is mechanically compacted for transport to processing facility.
3. Unit is transported to processing facility.
4. Unit is processed via a hamermill into a mulch-like state.
5. Recovermat (TM) materials are then returned to the DSWA facility for use as clean cover.

As noted above, a single residential mobile home is considered a single dwelling unit, which means that they are specifically excluded from the definition of facility contained in the asbestos NESHAP regulation. If a trailer home is not subject to the asbestos NESHAP regulation at the time of demolition, its remnants are not covered by the regulation at any time thereafter. Accordingly, the asbestos NESHAP regulation does not apply to Points 1 through 5 for single units.

Process #2

This process deals with residential trailer homes that are removed by commercial entities in the business of selling manufactured homes. As part of the business transaction, the sales company agrees to remove the older unit from the lot prior to positioning the new unit.

1. Unit is transported to a DSWA facility.
2. Unit is mechanically compacted for transport to processing facility.
3. Unit is transported to processing facility.
4. Unit is processed via a hammermill into a mulch-like state.
5. Recovermat (TM) materials are then returned to the DSWA facility for use as clean cover.

As described in Process #1, if at the time of demolition, a single residential trailer home is a single dwelling unit, it does not meet the definition of a facility. The asbestos NESHAP regulations do not apply to Point 1 through Point 5.

## Conclusion

Even though a single residential trailer home is not subject to the asbestos NESHAP regulations, there could be a reasonable expectation that many residential trailer homes have asbestos-containing materials. To minimize public exposure to asbestos fibers, the state may wish to encourage an inspection program at the compaction sites to remove asbestos-containing material before compaction. A second possibility would be the addition of a permit condition into the Delaware landfills' operating permits that would prohibit them from accepting shredded material as landfill cover if asbestos is detected. You may want to discuss this issue with other Delaware environmental programs, i.e., solid and hazardous waste and emergency response. These programs may have regulatory authority that could address the use of the shredded material as landfill cover.

I appreciate the opportunity to respond to your question. This regulatory determination has been reviewed by the Office of General Counsel, the Office of Air Quality Planning and Standards and the Office of Civil Enforcement. If you have further questions, please contact Everett Bishop of my staff. His phone number is (202) 564-7032 or email at [bishop.everett@epa.gov](mailto:bishop.everett@epa.gov).

Very truly yours,

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