



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A060005

Category: Asbestos
EPA Office: Region 8
Date: 12/05/2005
Title: Regulated Asbestos Containing Material
Recipient: Wangler, Kenneth
Author: Hestmark, Martin
Comments:

Part 61, M Asbestos

References: 61.145

Abstract:

Q: Does 40 CFR part 61, subpart M, require that all asbestos-containing materials be removed before the demolition of a facility?

A: No. The asbestos NESHAP does not require all asbestos-containing materials to be removed before demolition. However, all Regulated Asbestos Containing Material (RACM) must be removed from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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Ref: 8ENF-AT

Mr. Kenneth Wangler, Manager
Asbestos Control Program
Division of Air Quality
North Dakota Department of Health
P. O. Box 5520
Bismarck, ND 58506-5520

Dear Mr. Wangler,

This letter follows up on our August 30, 2004 determination written in response to your letter dated May 26, 2004, in which you requested clarification of the Clean Air Act asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP). Our determination is enclosed. In summary, you asked if moving a facility constituted a demolition. We responded that moving a facility did constitute a

demolition. You also asked three additional questions. We would now like to modify our answer to question 2, in order to be consistent with other Regions.

Question 2 asked whether or not all asbestos-containing material must be removed before demolition. We answered that "non-friable asbestos-containing material which will remain non-friable during the demolition and/or the move process need not be removed. However, all friable asbestos-containing material and all asbestos-containing material that will become friable during the demolition and/or the move process must be removed before the demolition." We now modify our position to state "all Regulated Asbestos Containing Material (RACM) must be removed from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal."

This determination has been coordinated with EPA's Office of Enforcement and Compliance Assistance. Thank you for the opportunity to discuss these matters and clarify the asbestos NESHAP requirements. If you have any questions regarding this letter, please contact Brenda South, of my staff, at 303-312-7076.

Sincerely,

Martin Hestmark, Director
Technical Enforcement Program

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