



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

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**Control Number: C3**

**Category:** Asbestos  
**EPA Office:** SSCD  
**Date:** 05/09/1977  
**Title:** Applicability to Ships  
**Recipient:** Director, Enforcement Division, Region 9  
**Author:** Reich, Edward E.  
**Comments:** NOTE: Asb. Reg.s were in Sub. B (61.20 et seq.) before 4/85

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**Subparts:** Part 61, B-Asb, Asbestos Demolition/Renovation (Now Sub. M)

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**References:** 61.141  
61.145(a)

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**Abstract:**

Ships tied up at a dock are subject to the NESHAP regulations in Section 61.22(d) (Section 61.145, 1990 regulations). NESHAP regulations were determined to be applicable to ships in drydock on August 8, 1973. The owner of the dock is responsible for compliance with the NESHAP regulations if he is also the owner/operator of the demolition or renovation operation. Of course, the ship owner is always responsible for compliance in each situation.

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**Letter:**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

May 9, 1977

Office of Enforcement

MEMORANDUM

SUBJECT: NESHAP Determination Request

FROM: Director, Division of Stationary Source Enforcement (EN-341)

TO: Director, Enforcement Division, Region IX

REF: E-3-1, ENF-3-5-2

I have received your request for a NESHAP determination dated March 24, 1977. You requested (1) whether or not NESHAP regulations for demolition and renovation are applicable to ships tied up at a dock; (2) whether or not the regulations apply to ships in dry dock; and (3) whether the ship owner or the dock owner is responsible for compliance with the NESHAP regulations.

In reply to (1) above, ships tied up at a dock are subject to the NESHAP regulations in .61.22(d). If the ship is undergoing any operation involving wreckage or removal of structural members which contain asbestos material, the operation must be in compliance with the demolition and renovation regulations.

In reply to (2) above, NESHAP regulations were determined to be applicable to ships in drydock on August 8, 1973. Since that time the definition of "demolition" and "structural member" have been clarified by revisions on October 14, 1975, and March 2, 1977. All demolition or renovation operations involving structural members which contain asbestos material are now subject to the regulations. The structural members need not be load-supporting, and may include walls and ceilings.

In reply to (3) the requirements of .61.22(d) apply to "any owner or operator of a demolition or renovation operation" who intends to demolish or renovate any building, structure, facility, installation, or portion thereof which contains asbestos. The owner of the dock is responsible for compliance with the NESHAP regulations if he is also the owner/operator of the demolition or renovation operation. Of course, the ship owner is always responsible for compliance in each situation.

If you have any further question on these determinations, please contact Kenneth B. Malmberg of my staff at 755-7929.

Edward E. Reich