



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: C41

Category: Asbestos
EPA Office: Region 5
Date: 04/14/1988
Title: Applicability to 64-Building Complex
Recipient: Kemp, Jack C.
Author: Socha, Julianne C.

Subparts: Part 61, M, Asbestos

References: 61.141
61.145(a)

Abstract:

The asbestos NESHAP applies to an entire single-owned 64-building apartment complex undergoing asbestos removal in various four-unit and six-unit buildings. The entire apartment complex can be considered an installation, due to its ownership. (Note: The letter incorrectly says Section 61.142 instead of Section 61.141.)

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

Apr 14 1988

Mr. Jack C. Hemp
Regional Air Pollution Control Agency
451 W. Third Street, P.O. Box 972
Dayton, Ohio 45422

Dear Mr. Hemp:

Thank you for your March 14, 1988, letter requesting an applicability interpretation of the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP). I have discussed your inquiry with the U.S. Environmental Protection Agency (U.S. EPA), Region V NESHAP coordinator and the Stationary Source Compliance Division of the U.S. EPA in Washington D.C. The answer which follows represents a coordinated U.S. EPA response.

Through your letter and our phone conversation you requested an interpretation as to whether or not the asbestos NESHAP would apply to an entire single-owned 64-building apartment complex undergoing asbestos removal in various four-unit and six-unit buildings. The applicability standard for demolition and renovation (40 CFR Section 61.145) lists specific requirements which apply to a renovation depending on the amount of friable asbestos material being removed or stripped in the facility. A facility is defined as "any institutional, commercial, or industrial structure, installation, or building (excluding apartment buildings having no more than four dwelling units)" (40 CFR Section 61.142).

In this specific case, the entire apartment complex can be considered an installation because the complex consists of more than four dwelling units, and has a single owner. If the additive amount of friable asbestos material being removed or stripped in the complex is at least 260 linear feet on pipe or 160 square feet on other facility components, then the entire operation would be subject to 40 CFR Part 61, Subpart M.

If you have any further questions on this matter, Please feel free to contact me at (312) 353-4364

Sincerely,

Julianne C. Socha
Environmental Engineer
Air Compliance Branch

cc: Tom Hadden
Division of Air Pollution Control
Ohio Environmental Protection Agency