



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: C61

Category: Asbestos
EPA Office: SSCD
Date: 06/29/1989
Title: Facility Can Be Defined as Group of Buildings
Recipient: Hadden, Thomas S.
Author: Seitz, John S.

Subparts: Part 61, M, Asbestos

References: 61.141
61.145(a)
61.145(b)

Abstract:

One demolition or renovation operation involving a group of residential and/or commercial structures under the control or supervision of a single entity (i.e., one owner and/or one operator) is one "facility." Therefore, demolition of a group of residential or commercial buildings or structures on a highway right-of-way is subject to the NESHAP if under control or supervision of one entity.

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
June 29 1989
OFFICE OF AIR AND RADIATION

Thomas S. Hadden, Supervisor
Division of Air Pollution Control
Ohio EPA
P.O. Box 1049
1800 Watermark Drive
Columbus, OH 43266-0149

Dear Mr. Hadden:

This is in response to your letter to EPA Region V of October 21, 1988, requesting an interpretation of the "facility" definition in 40 CFR Section 61.141. Your specific request for a determination regarding "groups of residential and commercial structures which are scheduled for demolition in order to allow for the construction of a roadway."

It is our determination that one demolition or renovation operation involving a group of residential and/or commercial structures under the control or supervision of a single entity (i.e. one owner and/or one operator) is one "facility." Therefore, demolition of a group of residential or commercial buildings or structures on a highway right-of-way is subject to the NESHAP requirements as one facility if, as I presume, the operation is under the ownership, control, or supervision of a single entity. The amount of asbestos in each building or structure included in the operation must be added together in calculating the total quantity of asbestos at that facility for purposes of determining whether the threshold amount is present and thus whether the work practice and disposal requirements of the NESHAP apply. The aggregate amount of friable asbestos must be included in any notification to the state or EPA.

I have also enclosed a determination made by this office which discusses correct work practices whenever multiple structures, regardless of size or relative location, are to be demolished.

Thank you for the opportunity to address your question. Please contact Kenneth Malmberg (202) 382-2870 of my staff if you have any further questions.

Sincerely,

John S. Seitz, Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

Enclosure