



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: C63

Category: Asbestos
EPA Office: Region 9
Date: 05/12/1989
Title: One Owner, Several Contractors
Recipient: Wisnor, Jerry
Author: Seeley, Charles M.

Subparts: Part 61, M, Asbestos

References: 61.141
61.145

Abstract:

The provisions of 40 CFR 61.145 and 40 CFR 61.147 apply when individual structures, rather than groups of structures, are separately scheduled and/or contracted for razing within a one year period of time. If the Department of Transportation, as the property owner or operator, has planned to demolish one or more former commercial buildings or residential structures, it has the responsibility to provide notification even if more than one contractor or subcontractor performs the actual demolitions. In this case, several buildings constitute a facility.

Letter:

May 1989

Jerry Wisnor
P.O. Box 2048
Department of Transportation
State of California
Stockton, CA 95201

Dear Mr. Wisnor:

In response to your request made during our telephone conversation on May 12, 1989, I am enclosing a copy of a March 15, 1988 letter from John S. Seitz, Director, Stationary Source Compliance Division, to Thomas S. Hadden, Ohio EPA, which I hope will clarify EPA's position on the relevance of the asbestos NESHAP requirements to former residential structures located on contiguous parcels on highway right-of-ways. It should be clear that such structures, if under the supervision, control or ownership of the State (or any other single entity), are considered as part of one facility.

With respect to the question of whether or not notifications are needed and work practice standards need be followed when individual structures, rather than groups of structures, are separately scheduled and/or contracted for razing within a one- year period of time, the language in 40 CFR 61.145(d)(l) and 40 CFR 61.147 would apply. If the Department of Transportation, as the property owner or operator, has planned to demolish one or more former commercial buildings or residential structures, it has the responsibility to provide notification even if more than one contractor or subcontractor performs the actual demolitions. The Department may, if it wishes, require each actual contractor to file notification by way of contractual obligations. However, the Department, as the owner, shares responsibility and liability if proper notification is not provided or if work practice standards are violated.

I trust the information above is responsive to your concern. If not please contact Janet Crawford, NESHAP Coordinator at (415) 974-7633, or me at (415) 974-8053.

Sincerely,

Charles M. Seeley, Chief
Enforcement Section