



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A960035

Category: Asbestos
EPA Office: METD
Date: 01/01/1997
Title: Single Family Dwelling Work by Non-profits
Recipient: Smith, Winston
Author: Rasnic, John

Subparts: Part 61, M, Asbestos

References: 61.141
61.145

Abstract:

Q. What requirements apply to non-profit agencies that renovate or demolish single family homes?

A. Non-profit agencies are not treated differently than other owners or operators of such activities. However, the Agency's position on single-family homes will be clarified with an amendment to the regulations.

Letter:

MEMORANDUM

SUBJECT: Asbestos NESHAP Applicability Determination Regarding Residential Properties

FROM: John B. Rasnic, Director
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Winston A. Smith, Director
Air, Pesticides & Toxics Management Division
Region IV

This is in response to your memorandum, dated January 24, 1994, requesting that the Stationary Source Compliance Division (SSCD) make an applicability determination concerning the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) for non-profit agencies performing renovation and demolition of single family homes.

An owner or operator of demolition or renovation activity is defined, in 40 CFR 61.141, as "any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both." The definition does not exempt a non-profit agency from the requirements of the NESHAP. Therefore, if the non-profit agency renovates or demolishes any regulated "facility", as defined in 40 CFR 61.141, then that non-profit agency must follow 40 CFR 61.145, the "Standard for demolition and renovation" and any other applicable NESHAP requirements.

Specifically on the issue of single family homes, the Office of General Counsel, the Office of Enforcement, and the Office of Air Quality Planning and Standards are involved in a review of the requirements of the asbestos NESHAP as it applies to demolitions of single-family homes. We intend to clarify our position with an amendment to the asbestos NESHAP.

If you have any questions, please contact Tom Ripp of my staff at (703) 308-8729.

cc: Regional Asbestos NESHAP Coordinators