



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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AIR AND RADIATION

Mr. L. James Blackwood, II
Coggin, Hoyle, Blackwood, and Brannan
108 Commerce Place
Greensboro, North Carolina 27401

Dear Mr. Blackwood:

This is in response to your June 18, 1991 letter requesting clarification of two issues concerning the applicability of the asbestos NESHAP to residential structures acquired by a municipal corporation.

Issue 1: "The demolition of structures containing less than four residential units acquired by the Redevelopment Commission of Greensboro under its eminent domain authority;"

Response: In the preamble to the November 20, 1991 revisions to the asbestos NESHAP (FR 48412 November 20, 1991), EPA stated that, "[we do] not consider residential structures that are demolished or renovated as part of a commercial or public project to be exempt from the rule. For example, the demolition of one or more houses as part of an urban renewal project, a highway construction project or a project to develop a shopping mall, industrial facility or other private development, would be subject to the NESHAP." Residential buildings which are acquired and demolished for the purpose of an urban renewal project are considered institutional buildings and, as discussed above, are not exempt from the asbestos NESHAP.

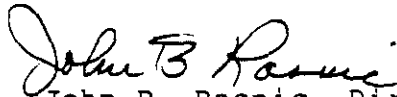
In addition, as stated in the above mentioned Federal Register notice, "[a] group of residential buildings under the control of the same owner or operator is considered an 'installation' and is, therefore, covered by the rule." However, while a notification for demolition would be required, the work practice and waste disposal requirements in 40 CFR §61.145 and §61.150 would only apply where the combined asbestos in the buildings was over the threshold amounts (80 linear meters on pipes or at least 15 square meters on other facility components).

Issue 2: "The resale of property owned by the Redevelopment Commission of Greensboro in which it is required that specific renovations be performed by the new homeowner;"

Response: Although the buildings are originally purchased by the Redevelopment Commission of Greensboro for institutional purposes (i.e., urban redevelopment), the actual renovation activities take place after the residential buildings are sold to single family owners. The Redevelopment Commission does not own or manage the buildings at the time the renovations are performed. The asbestos NESHAP does not apply to renovations of single family buildings (including buildings which have four or fewer dwelling units). Consequently, the asbestos NESHAP would not apply to the resale of homes by the Redevelopment Commission and the renovation of those homes by the new homeowners.

This determination has been coordinated with EPA's Office of Enforcement, the Emission Standards Division of the Office of Air Quality Planning and Standards and Region IV. If you have any questions, please contact Scott Throwe of my staff at (703) 308-8699.

Sincerely,



John B. Rasnic, Director

Stationary Source Compliance Division
Office of Air Quality Planning and Standards

cc: Sims Roy, ESD (MD-13)
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