



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: A960020

Category: Asbestos
EPA Office: SSCD
Date: 10/22/1994
Title: Inspection Requirements
Recipient: Loch, William
Author: Lay, Linda

Subparts: Part 61, B-Asb, Asbestos Demolition/Renovation (Now Sub. M)

References: 61.145

Abstract:

Q. In order to comply with NESHAP requirements for asbestos inspection prior to the demolition or renovation of a structure, is it necessary to collect samples of the cinder block, mortar, brick and/or the cement foundation and have them analyzed for asbestos content?

A. The asbestos NESHAP does not direct inspection of specific materials but states that prior to demolition or renovation, a thorough inspection must be done of the facility for the presence of asbestos, (40 CFR 61.145(a)). Cinder blocks, mortar, brick, and cement foundation do not typically contain asbestos and would not normally be sampled. However, if any of these materials are suspected of containing asbestos, they should be sampled and analyzed.

Letter:

William A. Loch
Managing Director
Warren & Panzer Engineers, P.C.
10 E. 38th St.
New York, NY 10016

Dear Mr. Loch:

Your September 15, 1993 letter to Ms. Esther Tepper of the Office of Prevention, Pesticides and Toxic Substances, (OPPTS) was forwarded to the Stationary Source Compliance Division (SSCD) for a reply. You specifically ask, "In order to comply with NESHAP requirements for asbestos inspection prior to the demolition or renovation of a structure, is it necessary to collect samples of the cinder blocks, mortar, brick and/or the cement foundation and have them analyzed for asbestos content?"

As cited in 40 CFR 61.145(a), "to determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos including Category I and Category II nonfriable asbestos containing material (ACM)..."

The asbestos NESHAP does not direct an owner or operator to inspect specific materials nor does it list specific suspect materials. The presence of asbestos and the amount of asbestos in materials may be different from one situation to the next. Materials such as cinder blocks, mortar, brick, and/or the cement foundation do not typically contain asbestos and would not normally be sampled. However, if any of the materials are suspected of containing asbestos, they should be sampled and analyzed.

This determination has been coordinated with EPA's Office of Enforcement and the Emission Standards Division of the Office of Air Quality Planning and Standards. If you have any questions, please contact Jeffery KenKnight of my staff at (703) 308-8728.

Sincerely,

Linda J. Lay, Chief
Inorganic Chemicals Section
Stationary Source Compliance Division

cc: Sims Roy, ESD (MD-13)
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