



Clarification on the Demolition of Small Residential Buildings by Municipalities

Background:

The Department of State Health Services (DSHS) has received numerous inquiries from municipalities about the applicability of the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) to the demolition of safety hazard/nuisance residential buildings having four or fewer dwelling units (small residential buildings) on the same site. EPA has provided guidance in the Determination Index (Control Number A960022) dated June 11, 1996, as follows:

“EPA believes that the residential buildings exemption does not apply where multiple (more than one) small residential buildings on the same site are demolished or renovated by the same owner or operator...”

The term “site” is not defined in the regulation and EPA does not intend to provide any determination of the boundaries of a “site.” EPA further adds that a “site” is comparable to a “city block” and where a city block cannot be defined, the “site” should be considered to be an area comparable in size to a city block.

Clarification:

EPA has delegated the inspection and enforcement authority for the Asbestos NESHAP to the Texas Department of State Health Services (DSHS) and with this authority EPA has granted DSHS the ability to interpret areas of the NESHAP that EPA has allowed latitude. In order to be consistent throughout the state, and to ensure equal fairness with inspection and compliance, DSHS has determined that a “site” is the size of a “city block.” To determine the size of a city block, research was conducted to compare definitions of a block and sizes of city blocks in various cities around the nation. The best definition found was from the City of Chicago, where a city block is 1/8 of a mile or 8 blocks equals a mile. For ease of measurement, DSHS will assume that the blocks are square. One mile is 5,280 feet and 1/8 of a mile is 660 feet, and therefore a “city block” for NESHAP purposes will be defined as 660 feet by 660. If more than one small residential building is demolished by the municipality and any part of the buildings are within 660 feet of each other, the NESHAP regulations will apply.

The NESHAP regulations do not allow for circumvention, therefore all small residential buildings that are demolished by the municipality in a calendar year (January 1 to December 31) that are within 660 feet of another small residential building previously demolished by the municipality in the same calendar year are subject to the NESHAP. Measurement must be conducted from the area of the property where the small residential building once stood. Determination of distance will be allowed from scaled maps of the area, but actual field measurements will be used to resolve any disputes over distance.

For additional information, please contact the PSQA-Environmental Health Group at (512) 834-6773, by fax at (512) 834-6707, or visit our website at: <http://www.dshs.state.tx.us/asbestos/default.shtm>