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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5901-9]

Asbestos NESHAP State Notification Procedures Change

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice to regulated community.

SUMMARY: The Environmental Protection Agency, Region I Office, Boston, MA, has notified in writing the EPA--New England states of Maine, New Hampshire, Massachusetts, and Connecticut that effective October 1, 1997, all owners or operators of a demolition or renovation activity subject to the asbestos NESHAP and who provide written notification to the states 10-working days in advance of commencing with the renovation or demolition activity, will not have to provide similar notification to the EPA Administrator as required pursuant to 40 CFR 61.145(b). Important exceptions to the Federal and state notification procedures change are discussed below. In brief, such exceptions require regulated entities to continue to submit asbestos NESHAP notifications to the EPA for all demolitions involving asbestos below each respective State's regulatory threshold amount, including all demolitions believed to involve no asbestos.

Background

The asbestos National Emissions Standard for Hazardous Air Pollutants (asbestos NESHAP) was promulgated pursuant to section 112 of the 1990 Clean Air Act as Amended and is codified at 40 CFR, part 61, subpart M. Among other things, the asbestos NESHAP [40 CFR 61.145(b)] requires all owners or operators of a demolition or renovation (demo/reno) activity that is subject to the asbestos NESHAP, to notify the Administrator in writing, at least 10-working days before asbestos stripping or removal work or any other activity begins, such as site preparation that would breakup, dislodge or similarly disturb asbestos material. Since the states of Maine, New Hampshire, Massachusetts and Connecticut were fully-delegated EPA asbestos NESHAP states, pursuant to section 112(d) of the Clean Air Act prior to the 1990 amendments, EPA made a determination that enabling legislation and promulgated regulations these states had in place governing demo/reno activities at the time of delegation were adequate for the purposes of effectively implementing the and enforcing the asbestos NESHAP. Included in this was

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the requirement that these same owners or operators of a demolition or renovation activity, notify in writing the designated state agency in advance of commencing with the demo/reno activity. EPA views this as a duplication of effort. EPA also believes that the costs, in terms of time and resources, of providing dual notification to both the state and federal government represent an unnecessary burden for the regulated community. Therefore, effective October 1, 1997, and with the exception referenced below, EPA will no longer require the regulated community in Maine, New Hampshire, Massachusetts, or Connecticut, to provide written Notification of Demolition and Renovation to EPA, pursuant to 40 CFR 61.145(b), as long as such notices are delivered to

the designated state agency. EPA will view notification to the state agency as having satisfied the Federal notification requirement and conversely, will consider non-notifiers to the state agency as being in violation of the Federal notification requirement as well.

This notice is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., since no additional reporting, recordkeeping, or notification requirements are being imposed as a result of this action.

Exception

Exceptions to this transfer of notification receipt procedures will apply to regulated facilities, as defined by the asbestos NESHAP at 40 CFR 61.141, where a demolition is to occur but where asbestos is believed to be present below State regulatory threshold amounts, including those demolitions believed to involve zero asbestos. In addition, this notification procedures change applies only to applicable demo/reno activities being conducted the states of Maine, New Hampshire, Massachusetts, and Connecticut. EPA will continue to require full compliance with the notification requirements outlined in 40 CFR 61.145(b) for any demo/reno operation, subject to the asbestos NESHAP, being conducted in the states of Vermont and Rhode Island.

FOR FURTHER INFORMATION CONTACT: Wayne R. Toland; U.S. EPA Region I; Office of Environmental Stewardship; Air, Pesticides, and Toxics Enforcement Office (SEA); J.F.K. Federal Building; Boston, MA, 02203. Telephone: (617) 565-3260.

Dated: September 25, 1997.

John P. DeVillars,
Regional Administrator EPA, Region I.
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