



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Office of Air Quality Planning and Standards  
Research Triangle Park, North Carolina 27711

Honorable Howard Coble  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Coble:

This is in response to your March 17, 1992 letter to Mr. William K. Reilly, Administrator, U. S. Environmental Protection Agency (EPA), requesting a clarification on the applicability of the asbestos national emission standard for hazardous air pollutants (NESHAP) (40 CFR Section 61, Subpart M) to the "intentional burning" of buildings.

Under the asbestos NESHAP, the intentional burning of a building is considered a "demolition" as defined in Section 61.141. The asbestos NESHAP applies to the demolition of facilities where the amount of asbestos-containing material (ACM) is greater than or equal to 80 linear meters on pipes or 15 square meters on other facility components (§61.141). The definition of a "facility" includes "any institutional, commercial, public, industrial or residential structure" (§61.141). Residential structures with four or fewer dwelling units are exempt from the NESHAP. When a structure is being intentionally burned down for the purpose of a fire training, that structure is being used for institutional purposes, and is therefore considered an institutional building.

When the amount of ACM in the building is less than the threshold amounts discussed above, the asbestos NESHAP only requires the following: (1) that an inspection of the building be conducted and; (2) that the owner or operator notify EPA or the delegated authority of the demolition at least 10 days in advance of commencing the demolition operation.

We do not believe that the requirement to conduct an inspection is a new requirement. Although this inspection requirement is explicitly stated for the first time in the November 1990 revisions to the asbestos NESHAP, it was always an implicit requirement which was necessary to determine the amount of asbestos in a facility. The EPA does not require that the

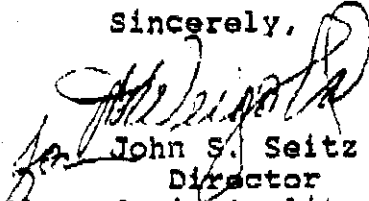
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inspection be conducted by an accredited inspector. Where a fire training is being conducted, the inspection can be performed by a member of the fire department. It is likely that the fire department will conduct, for safety purposes, an inspection of the building which they intend to burn. During that inspection, the fire department can also inspect for material which may contain asbestos. It is not necessary for fire departments to pay for environmental audits by accredited inspectors.

In conclusion, I do not believe that the inspection requirement in the asbestos NESHAP will impose any additional economic burden on fire departments wishing to conduct a fire training. If you have any additional questions, please contact Scott Throwe at (703)308-8699.

I appreciate the opportunity to be of service to you, and trust this information will be helpful to you.

Sincerely,



John S. Seitz  
Director  
Office of Air Quality Planning  
and Standards