



Asbestos considerations in residential demolition

Waste/Solid Waste w-sw2-04 • March 2009

Is a residential home regulated under the federal asbestos rules? This fact sheet addresses coverage of 40 CFR part 61, Subpart M, also known as the asbestos National Emission Standards of Hazardous Air Pollutants (NESHAP), for demolition projects involving residential buildings that have four or fewer dwelling units.

NESHAP definition of “facility”

Under NESHAP, “facility” is defined as:

- Any institutional, commercial, public, industrial or **residential** structure, installation or building.

This includes any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units.

- Any ship.
- Any active or inactive waste disposal site.

For purposes of this definition, any building, structure, or installation that

contains a loft used as a dwelling is *not* considered a residential structure, installation, or building. Any structure, installation, or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

NESHAP definition of “installation”

Under NESHAP, “installation” is defined as:

- Any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator.

This also applies to an owner or operator under common control.

The actual owner or operator of a residential building is not the consideration for determination of whether the building is covered by the asbestos NESHAP. The determination for coverage of the residential building by the asbestos NESHAP depends on the use of the property.

The table on the next page outlines projects that are regulated and not regulated under NESHAP.

Description of Project	Regulated	Unregulated
Any urban renewal or public project involving one or more residential buildings being renovated or demolished over a period of time.	X	
Any industrial, commercial or institutional use of the residential building or property. Includes one or more residential properties on either one or more sites.	X	
A residential building having four or fewer dwelling units not part of any larger commercial or public project and is demolished to build a new residential building with four or fewer dwelling units.		X
Small, isolated residential buildings with four or fewer dwelling units demolished for public safety or similar purposes – where the building will be replaced by another residential building with four or fewer dwelling units or the land will remain vacant.		X
Any residential building demolition project that consists of demolition of two or more residential buildings at a single site.	X	
Any intentional burning of a residential building constitutes an institutional use of the building and is therefore subject to the asbestos NESHAP.	X	

This fact sheet is not intended as a substitute for reading the regulation and making your own independent determination of its applicability to your demolition project. Examples in this fact sheet do not represent an exhaustive listing of projects to which the rule might apply.

For more information

For more information on unregulated residential structures, call the Minnesota Pollution Control Agency (MPCA) at (651) 296-6300 or toll free at (800) 657-3864 and ask to speak to a solid waste inspector.

For more information on regulated residential structures, contact Derek Pemble of the MPCA at (651) 757-2647.