

**STATE OF OKLAHOMA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**GUIDELINE FOR THE DETERMINATION OF:  
APPLICATION OF ASBESTOS / NESHAP REGULATIONS TO  
"RESIDENTIAL STRUCTURES"**

**1. *Privately owned*** residential structures (single or multi-family dwellings with four (4) or fewer dwelling units) are NOT regulated.

However: If the demolition or renovation of such a structure causes asbestos to be released to the atmosphere, a legal liability may be incurred by the owner for any damage or potential health threat thus created.

**2.** Homes which are demolished to build parking lots or which are renovated and/or converted to non-residential structures (e.g. for urban renewal projects, roadway construction, shopping malls, schools, offices, salons, shops, etc.) are regulated (provided they meet one or more of the scenarios outlined below).

**3.** A single-family home that is converted into a non-residential structure (e.g. office building, salon, shop, etc.) is regulated (either by the NESHAP or state and/or local regulations depending on amount and type of asbestos involved).

**4.** Residential structures which have four (4) or fewer dwelling units are not normally considered "facilities" (see definition below or 40 CFR 61.141) unless they are part of a larger "installation" (see definition below or 40 CFR 61.141) such as an army base, company or college housing complex, apartment housing complex, part of a group of houses subject to condemnation for right-of-ways, or an apartment which is an integral part of a commercial facility.

**5.** Mobile homes used for single-family housing are not regulated unless they are used for non-residential purposes as noted.

**6.** Structures, which are demolished by order of a governmental agency, are not exempt from any regulations except in very limited instances such as when the structure is in danger of imminent collapse. If the structure cannot be entered because it is unsafe to do so, asbestos (RACM) may remain in-place as long as it is kept adequately wet during demolition and transport and ALL waste is treated as if it were asbestos.

**7.** Residential structures (one or more) which are to be burned for fire training, and thereby intentionally demolished, are considered "institutions" within the definition of "facility" and are therefore regulated.

**Definitions:**

"**Facilities**" are defined by the NESHAP as: any institutional, commercial, public, industrial, or residential structure, installation, or building (including any building

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containing condominiums, or individual dwelling units operated as a residential cooperative but excluding residential buildings with four or fewer dwelling units)(except as noted previously); also, any building, structure, or installation that contains a loft used as a dwelling, is not considered a residential structure and is therefore not exempt. Any structure, installation, or building that was previously subject to the regulations is also not excluded regardless of its current use.

**"Installation"** is defined by the NESHAP 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.

**"Owner or Operator"** is defined as: any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or both.

**"NESHAP"** stands for: **National Emission Standards for Hazardous Air Pollutants** and is the Federal regulation governing asbestos renovation and demolition practices as found in 40 CFR Part 61, Subpart M (Code of Federal Regulations).

### Comments:

Obviously, if a "residential structure", or a group of such structures ("private homes" or "single family residences") is purchased or controlled by an establishment or governmental entity, and one or more of these structures is demolished, that structure would fit into the "installation" definition. Also, if several such structures are in the same city block or along the same street, this would mean these homes are at a single demolition or renovation site. Should these homes now be demolished or renovated, they would fall under all NESHAP and/or local/state regulations, which may be applicable.

In all of the above scenarios, the combined amount of regulated asbestos (RACM) must meet the de-minimis amounts of the NESHAP (260 linear feet on pipe, 160 square feet on a measurable, flat surface, or 35 cubic feet if neither pipe or measure-able surface – (i.e., material is on the ground) in order for the structure to be EPA regulated. This does not however exclude owners of such structures from having to comply with other state or local asbestos regulations, which may be more stringent than the federal rules.

Should you require any further information or clarification, please do not hesitate to call (405) 702-4100 or (918) 293-1614.

REFERENCE: EPA DOCUMENT 340/1-90-003D JUNE 1991 "A GUIDE TO THE ASBESTOS NESHAP"