



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

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JUL 27 2004

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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Rick Butler  
Asbestos Coordinator  
Florida Department of  
Environmental Protection  
2600 Blair Stone Road  
Mail Station 5510  
Tallahassee, Florida 32399

Dear Mr. Butler:

This letter responds to your inquiry regarding the applicability of the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP), contained in 40 C.F.R. Part 61, Subpart M, to the renovation and/or demolition of billboards and piers. You specifically inquired as to whether or not billboards and piers would be considered to be facilities under the Asbestos NESHAP and thus require inspections and notifications prior to activities associated with renovation or demolition.

The Asbestos NESHAP defines "facility" for regulatory applicability purposes as "any institutional, commercial, public, industrial, or residential structure, installation, or building (including 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; and any active or inactive waste disposal site." Some items could be considered to be commercial or public structures. Although "structure" is not defined in the Asbestos NESHAP, "structural member" is defined as "any load-supporting member of a facility, such as beams and load-supporting walls; or any nonload-supporting member, such as ceilings and nonload-supporting walls." Billboards and piers could be considered to be structures. Other items that could be considered to be structures include bridges, utility towers and lines, pools, water basins, and agricultural bins and tanks.

Some items could be regulated under the Asbestos NESHAP as facility components. A "facility component" is defined as "any part of a facility including equipment." A "facility component" includes any item that potentially contains or is covered with or coated with asbestos. A "facility component" should be located on contiguous, attached or adjacent facility property. Items such as roadways, parking lots, and fences could be considered to be facility components.

Many of the aforementioned items would not usually contain asbestos or may not contain regulated asbestos-containing material meeting threshold amounts for renovation and pre-demolition removals. Notification provisions included in the Asbestos NESHAP would be applicable to the demolition of the aforementioned items.

I hope this letter clarifies the regulatory applicability of the Asbestos NESHAP to facilities and their components and to structures. Please contact Pamela McIlvaine at (404) 562-9197 if you have any further questions pertaining to this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Richard S. DuBose". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Richard S. DuBose  
Chief  
Air Enforcement Section