regarding demolition by fire. This notice is published to clarify that, in any way replace the existing
residential buildings demolished or renovation site that are under the control of the
residential buildings containing four or fewer dwelling units operated as a residential cooperative, but
exclusion of the Wisconsin ozone SIP. The preamble accompanying the revisions also contained clarifying
information.

In particular, the 1990 revisions clarified the definition of "facility" to include:

Any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation or building containing
condominiums or individual dwellings) operated as a residential cooperative, but
excluding residential buildings having four or fewer dwelling units. 1

Id. at 48415 (codified at 40 CFR 61.141). The 1990 amendments also added a definition of "installation" that stated:

Installation means 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 under common control.

Id. (codified at 40 CFR 61.141). In responding to comments regarding the "residential building exemption," the
preamble stated:

EPA does not consider residential structures that are demolished as part of a commercial or public project to be exempt from this rule. For example, the demolition of
one or more houses as part of an urban renewal project, a highway construction project, or a project to develop a shopping
mall, industrial facility, or other private development would be subject to the NESHAP. * * *

The owner of a home that renovates his house or demolishes it to construct another house is not to be subject to the
NESHAP. 1

Id. at 48412. Further, in response to a comment asking whether a group of residential buildings at one location
would be covered by the rule, the preamble stated:

A group of residential buildings under the control of the same owner or operator is considered an installation according to the definition of "installation" and is therefore
covered by the rule.

1 EPA considers demolitions planned at the same
time or as part of the same planning or scheduling
period to be part of the same project. In the case of
municipalities, a scheduling period is often a
calendar year or fiscal year or the term of a contract.

40 CFR Part 61
[FRL—5266–2]
Asbestos NESHAP Clarification of Intent

AGENCY: Environmental Protection Agency.

ACTION: Notice of clarification.

SUMMARY: On November 20, 1990, the Federal Register published the Environmental Protection Agency's (the
Agency's) revision of the National Emission Standard for Hazardous Air Pollutants for Asbestos (asbestos
NESHAP), 40 CFR part 61, subpart M, 55 FR 48406. Since the publication of this revision, EPA has received several
inquiries from municipalities regarding whether the "residential building exemption," the
definition of "installation" that stated:

Installation means 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 under common control.

Id. (codified at 40 CFR 61.141). In responding to comments regarding the "residential building exemption," the
preamble stated:

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one or more houses as part of an urban renewal project, a highway construction project, or a project to develop a shopping
mall, industrial facility, or other private development would be subject to the NESHAP. * * *

The owner of a home that renovates his house or demolishes it to construct another house is not to be subject to the
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Id. at 48412. Further, in response to a comment asking whether a group of residential buildings at one location
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