



ASBESTOS REGULATORY CLARIFICATIONS

Toxic Substances Control Division

ARC – 011

November 2001

Subject: Clarification of the Term *Completion Date* for Demolition and Renovation Projects

BACKGROUND

The Texas Asbestos Health Protection Rules (TAHPR) and the National Emission Standards for Hazardous Air Pollutants (NESHAP) include requirements for notifying the Texas Department of Health (TDH) of projects involving demolition, renovation, and asbestos abatement. The TAHPR and NESHAP require the notifier to specify the start and completion dates of the project for which notification is submitted. Information is available to the regulated community regarding the interpretation of the term *start date* (see ARC006, February 2001). The purpose of this document is to clarify the term *completion date* in the context of notifications submitted per the TAHPR and NESHAP regulations.

RESPONSE

The TDH interprets that the notification completion date of a demolition activity is the date on which the wrecking and/or removal operations of load-bearing structural components are complete. The owner/operator should include subsequent cleanup operations as part of the notified demolition activity only if the clean up operation involves the removal of regulated asbestos containing material (RACM) from the site. In such cases, the completion date would be the last day that demolition debris that contains RACM is properly containerized and removed from the site in accordance with section 61.150 of the NESHAP.

The notification completion date of a renovation that includes asbestos abatement is the last day in which interior surfaces are altered as a result of the renovation process. Alterations such as the replacement of flooring, walls, ceiling texture, windows, or doors, etc. constitute renovation. Painting, as described in ARC-010, is not a regulated activity unless asbestos disturbance is involved under specific circumstances. The completion of the activity that constitutes renovation, as defined by the TAHPR and/or NESHAP, is the notification completion date for renovation.



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The completion date for asbestos abatement (i.e. removal, encapsulation, or enclosure of ACM) depends on the type of work practice utilized and whether the building is regulated under the TAHPR and NESHAP or solely the NESHAP. If the building is regulated under the TAHPR and NESHAP, the notification completion date of an asbestos abatement performed under the requirements of 25 TAC 295.60 is the date that final clearance is attained. If the building is regulated under TAHPR and NESHAP and an asbestos floor-removal project is performed in accordance with 25 TAC 295.36, the notification completion date is the day when all asbestos-containing flooring material specified in the notification has been removed from the substrate and has been properly containerized. If the facility is regulated only under the NESHAP, the completion date would be the day on which all RACM has been removed from the substrate and properly containerized.

DISCUSSION

The TAHPR define *demolition* as:

The wrecking or removal of any load-supporting structural member of a public building or facility or any related asbestos removal, stripping, or handling operations together with any related operations or the intentional burning of any public building or facility.

The NESHAP defines *demolition* in 40 CFR Part 61 Subpart M, 61.141 as follows:

Demolition is the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

Therefore, the TDH interprets that the completion date is the last day of wrecking or removal operations, unless the demolition project involves related cleanup operations that would require notification to the TDH. Such cleanup operations would include the removal of debris that contains RACM (see ARC001 for additional information regarding situations where buildings are demolished with RACM in place).

The TAHPR define *renovation* in 25 TAC 295.32 as

Additions to or alterations of the building for the purposes of restoration by removal,

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repairing, and rebuilding.

The NESHAP defines *renovation* as follows:

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Therefore, the TDH interprets that *renovation* is complete when the above-described alterations are completed.

The TAHPR define *asbestos abatement stop date (completion date)* in 25 TAC 295.32(83) as,

The date upon which air monitoring clearance of asbestos abatement has been achieved. Where air clearance is not required, such as roofing removal, the date upon which the removal of asbestos-containing material is completed.

Therefore, the TDH interprets that the completion date for asbestos stripping or removal operations is the date that air clearance is attained, or, if clearance is not required, it is the date that the asbestos removal operation is complete.

FREQUENTLY ASKED QUESTIONS

1. When a building is being demolished, must all demolition debris be removed from the site by the end of the notification completion date?

Answer: No. If the project involves a building that was demolished without RACM in place, the completion date would be the last day of wrecking or removal of load-bearing structural components. If the project involves demolishing a building with RACM in place (e.g. an ordered demolition), the notification completion date would be the last day in which demolition debris that contains RACM is removed from the site in accordance with Section 61.150.

2. What is the notification completion date of a renovation that involves no asbestos disturbance?



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Answer: No notification would be required for such project. However, a thorough asbestos inspection must be performed in public buildings and facilities prior to renovation before it can be determined that asbestos disturbance will not result from the renovation activity

3. What are the notification completion dates of a project involving abatement of ACM in a public building?

Answer: The completion date for renovation would be the last day in which interior surfaces are altered by removal, repairing, or rebuilding. The completion date of the abatement would be the day on which final air clearance is attained.

4. What is the notification completion date of a floor-removal project in a public building where the RFCI work practice is used?

Answer: The completion date would be the day on which the asbestos-containing flooring material had been removed and properly containerized.

5. What is the notification completion date of an asbestos abatement where RACM is removed from a NESHAP facility?

Answer: The asbestos abatement completion date would be the last day on which RACM was stripped and removed from facility components and properly containerized.

Agree to form and substance

John O. Onyenobi, Acting Chief
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Alan Morris, Director
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This Regulatory Clarification preempts any previous clarification/guidance/policy letters on this subject and remains in effect until superseded in writing by the Branch Chief, Asbestos

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