

MARICOPA COUNTY AIR QUALITY DEPARTMENT

Asbestos: Single Family Residential Buildings Frequently Asked Questions

What is the purpose of regulating single family residential buildings under 40 Code of Federal Regulations (CFR) Part 61 (National Emission Standards for Hazardous Air Pollutants), Subpart M (National Emission Standard for Asbestos)?

The purpose of this regulation is to protect the public health by minimizing the release of asbestos when facilities which have asbestos-containing materials (ACMs) are demolished or renovated.

40 CFR Part 61, Subpart M does not define “single family residential building” but does define “facility”. What is a “facility”?

40 CFR Part 61, Subpart M, Section 61.141: Facility means 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. 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.

How do I know if, based on this definition of “facility”, a “single family residential building” will be subject to 40 CFR Part 61, Subpart M?

1. It can be readily determined that the building has been used for commercial, institutional, or business purposes, regardless of the number of buildings
2. The property is owned by a government or a private company or charity that has used the building as a group home or other commercial or institutional use
3. The building is part of a larger project, e.g., new highway, new apartments, or new subdivision, which will involve regulated activity (renovation/demolition) of multiple residential buildings on the same parcel or adjacent parcel
4. There are (2) or more residential buildings on the same parcel or adjacent parcel, regardless of the usage of the buildings, undergoing regulated activity (renovation/demolition), e.g., primary residence, and guest residence or multiple home units

How do I know, based on this definition of “facility”, if a “single family residential building” will not be subject to 40 CFR Part 61, Subpart M?

If either one of the following conditions exist:

1. There is only one (1) residential building on the parcel and it is not part of a larger project involving other buildings (residential, commercial, institutional, industrial, or public)
2. There are two (2) or more residential buildings, e.g., a primary residence and a guest residence or multiple mobile home units, on the same parcel or adjacent parcel but only one (1) residential building is undergoing regulated activity (renovation/demolition) within 12 months

Am I subject to the requirements of 40 CFR Part 61, Subpart M as well as additional requirements implemented by separate bodies, as they are applicable?

Yes. Each owner or operator subject to requirements of 40 CFR Part 61, Subpart M shall comply with the requirements of Subpart M and additional requirements, as applicable, e.g., OSHA, ADOSH, AHERA.

Will 40 CFR Part 61, Subpart M become void in regards to other regulations initiated by separate institutions?

No. No other regulation shall relieve an owner or operator from complying with the Maricopa County Air Pollution Control Regulations.