

From: Asbestos Control Program <deqacponline@mt.gov>
Sent: Wednesday, December 11, 2013 1:55 PM
To: DEQ Asbestos Online Submission Notice
Subject: Residential Exemption Determination

ASBESTOS CONTROL PROGRAM

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Re: Residential Exemption Determination

To determine if the Residential Exemption applies, answer the following questions; any “no” answer will mean that the residential exemption does not apply and State regulations under NESHAP apply.

- 1) Is it a single residential building having four or fewer units?
- 2) Is it the only structure impacted and under the control of the same owner within 660 feet (roughly a city block)?
- 3) Is the structure in question free from being included in any previous or future projects under the criteria addressed in question 2?
- 4) Is the structure free of any previous use for commercial, industrial, or other non-residential use?
- 5) Is the structure free from any historical scenario that would change the answer of 1-4 to a “no”?

If the answer was Yes to all the above criteria, the residential exemption applies; if not, then inspection, permitting, and compliance with Federal and State regulations apply.

The EPA considers projects “under the control of the same owner at the same site” as regulated. While the definition of “site” is extremely vague, they do clarify that they equate this as “comparable to a city block.” There are approximately eight city blocks to a mile so it comes to 660 feet. This may vary in a large complex or project.

This information can also be found on the Asbestos Control Program website under the Frequently Asked Questions for Homeowners (<http://deq.mt.gov/Asbestos/hmowner.mcpX>)

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