

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)
ADEQ CLARIFICATION MEMORANDUM (2008-01)
[Replaces Clarification Memo 2006-01]

FROM: Teresa Marks, Director, Arkansas Department of Environmental Quality
DATE: August 2008
SUBJECT: Demolition/ renovation of small residential dwellings
(e.g., residential dwellings having four or fewer dwelling units)

The following questions apply to the demolition/renovation of a small residential building, that is, one containing four or fewer dwelling units, which would ordinarily fall within the residential building exemption. If you can answer one or more of the following questions with a "YES" you are required to comply with the provisions of Regulation 21.

NOTE: Title 40 of the Code of Federal Regulations (CFR) Section 61.19 forbids owners and operators from attempting to circumvent any National Emissions Standards for Hazardous Air Pollutants (NESHAPs) by carrying out an operation in a piecemeal fashion to avoid coverage by a standard that applies to operations larger than a specified size.

1. Is the demolition/renovation for fire training purposes?
2. Does the demolition/renovation involve more than one small residential building within a city block or similar small compact area of each other by the same owner or operator (or owner or operator under common control) as part of the same project?
3. Does the demolition/renovation involve more than four (4) of each of the following or a combination thereof: Condominiums, Co-operatives, Lofts, or Boarding house rentals?
4. Are one or more residential buildings demolished/renovated as part of
 - a. a commercial project;
 - b. a public project;
 - c. an urban renewal project (A city-ordered demolition of isolated small residential dwellings for public health, welfare or safety reasons is not considered a public project or urban renewal. In this type of demolition, the debris shall be wetted. If federal urban renewal funds are used on the project, the project will be considered urban renewal.)
 - d. a highway construction project;
 - e. a project to develop a shopping mall;
 - f. a project to develop an industrial facility;
 - g. another private development project or
 - h. a part of a larger project.
5. Does the demolition/renovation involve a residential building which was used for commercial purposes or a loft with a storefront (e.g. a business sign is located outside the building indicating the building or loft is used for commercial purposes and invites the public to enter)?
6. Does the demolition/renovation involve a small residential building which is used to store farm supplies?

If the demolition/renovation is conducted by a local government or its agent for reasons of public health, welfare, or safety, see ADEQ Clarification Memorandum 2008-2 (Nuisance Abatement Demolitions.)