

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)
ADEQ CLARIFICATION MEMORANDUM (2008-02)**

FROM: Teresa Marks, Director, Arkansas Department of Environmental Quality
DATE: August 2008
SUBJECT: Nuisance Abatement Demolitions

“Nuisance Abatement Demolitions” are demolitions or renovations of residential homes which are demolished or renovated by a local government (or its agent) for reasons of public health, welfare or safety. Regardless of the applicability of Arkansas Pollution Control and Ecology Commission Regulation 21, local governments are encouraged to conduct asbestos surveys, prior to nuisance abatement demolition activities, using certified asbestos personnel, either under direct employment of the local government or a contractor. ADEQ has determined that nuisance abatement demolitions are not subject to the provisions of APC&EC Regulation 21, within the conditions as outlined below.

1. The demolition/ renovation is a small residential building and is not within a city block or similar small compact area of another nuisance abatement demolition conducted by the local government or its agent within the past 12 months. The local government should notify the Department prior to conducting nuisance abatement demolitions. Notifications may be accomplished on an individual basis or in groups of locations. Such notifications should include the address of the demolition and the (approximate) date for each planned nuisance abatement demolition.
2. The demolition is not:
 - a. A commercial project
 - b. Part of an urban renewal project
 - c. A highway construction project
 - d. A project to develop a shopping mall
 - e. A project to develop an industrial facility; or
 - f. Other private development project
3. The demolition does not 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.)
4. The demolition does not involve a small residential building which is used to store farm supplies.
5. Nuisance abatement demolition debris is disposed of in accordance with the requirements of APC&EC Regulation No. 22.
6. Nuisance abatement demolition is not conducted by open burning [See also APC&EC Regulation No. 18, Chapter 6.]

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.