



Asbestos NESHAP Regulations and Requirements

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National Emission Standards for Hazardous Air Pollutants (NESHAP)

- Federal Regulations
 - U.S. Environmental Protection Agency (U.S. EPA) delegated enforcement authority to the Department of Environmental Quality (DEQ)
 - U.S. EPA monitors our asbestos program; requires regular program reports
 - U.S. EPA can and does conduct compliance inspections *independent* of DEQ
- State Regulations
 - NESHAP Regulations have been adopted by reference to the Air Pollution Control Rules
 - Air Pollution Control Rule 942

What is Asbestos?

- ASBESTOS is a naturally occurring mineral, distinguished from other minerals by the fact that its crystals form long thin fibers.
- Asbestos fibers are very light and can stay suspended in the air for days.
- The word asbestos is derived from a Greek adjective meaning inextinguishable.

Applicability in a Nutshell

1. Is the facility subject?
2. Is the activity subject?
3. Is the material subject?

Definitions

- Asbestos
 - **Friable asbestos-containing material (ACM):** Material containing more than 1% asbestos that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure
 - **Nonfriable asbestos material:** Category I or Category II ACM in good condition
 - **Category I nonfriable ACM:** ACM packings, gaskets, resilient floor covering, asphalt roofing products containing more than 1% asbestos
 - **Category II nonfriable ACM:** Any material, excluding Category I nonfriable ACM, containing more than 1% asbestos
- Facility
 - 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.
 - Once subject, always subject

What facilities are subject?

- All commercial and industrial facilities, examples:
 - Manufacturing plants
 - Post offices
 - Schools

- Office buildings
- Churches
- Hospitals
- Bridges
- Tunnels
- Docked ships
- Military installations, including dependent housing
- Apartment buildings containing 5 or more dwelling units
- Privately owned, privately controlled structures are exempt from the NESHAP.
- Residential dwellings may be subject *if owned or controlled by a governmental or commercial entity*
- “There may be an instance where a municipality is demolishing a single family home which is not part of a larger project, and which does not meet the definition of an installation, in which case the demolition of the home would not be subject to the asbestos NESHAP.” -See 12/22/2010 letter from Mr. Richard Duffy

What activities are subject?

- Renovation
 - Altering one or more facility component in any way, including the stripping or removal of RACM from a facility component (excluding wrecking or taking out load-supporting structural members)
 - A notification is required when the amount of RACM to be removed equals or exceeds the threshold: 260 linear feet, 160 square feet, or 35 cubic feet (if off components).
- Demolition
 - Wrecking or taking out load-supporting structural member of a facility together with any related handling operations
 - **The intentional burning of any facility**
 - A notification is required 10 working days prior to the beginning of the demolition, *even if there is no asbestos.*

Which asbestos-containing materials are regulated asbestos-containing materials (RACM)?

- Friable ACM
- Category I nonfriable ACM that has become friable
- Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, abrading
- Category II nonfriable ACM that has high probability of becoming or has become crumbled, pulverized, reduced to powder, by demolition/renovation forces

When does nonfriable ACM become friable ACM?

- In poor condition (cracking, peeling, shows signs of deterioration) and meets “hand pressure” test for friability
- Rendered friable through actions such as sanding, grinding, abrading, chipping, crumbling, pulverizing

When does RACM have to be removed?

- RACM must be removed from a facility being demolished/renovated prior to any activity that would:
 - break up, dislodge, or similarly disturb the material;
 - preclude later removal

Types of Notifications

- Planned renovation
 - Operation or a number of operations in which RACM will be removed within a given period of time and can be predicted
 - 10 working-day notification required when amount of RACM to be removed equals or exceeds threshold
- Emergency renovation - must meet two main criteria:

1. Sudden and unexpected event
2. If not immediately attended to would be health/safety hazard, damage equipment, and/or be an unreasonable financial burden

Notification is required

- Scheduled demolition
 - Demolition of structurally sound facility
 - 10 working-day notification required (even if there is no asbestos)
- Ordered Demolition
 - Determined by city/county/state building inspector to be structurally unsound and in danger of imminent collapse.
 - Notification required, must be **postmarked or hand delivered** as soon as possible but no later than the following work day. Order to demolish must be submitted with notification.
 - **NOTE:** Only situation where demolition can occur with less than 10 day notice.

Landfilling ACM

- RACM must be deposited in Type II, nonfriable ACM can go to Type III
- Check with local office of the DEQ's Office of Waste Management and Radiological Protection for landfills that are:
 - licensed to accept asbestos waste; and
 - choose to accept asbestos waste
- Check with landfill for their procedures

Regulatory Agencies

- Michigan Department of Licensing & Regulatory Affairs (DLARA) and NESHAP regulate asbestos activities in Michigan
- DLARA & NESHAP conflict; One does not supersede the other, must fully comply with both sets of regulations. For questions regarding asbestos - **CALL BOTH AGENCIES!**

Differences between DLARA & NESHAP

- DLARA regulates contractors; requires licensing for asbestos removal contractors
- NESHAP regulates proper handling of material
- DLARA focus: primarily on worker protection
- NESHAP focus: preventing emission of asbestos fibers to outer air
- DLARA regulates subject facilities as well as private residential homes
- DLARA does not get involved with landfilling asbestos
- NESHAP regulates subject facilities
- NESHAP regulates landfilling practices and record keeping

Where do I start?

- Standard for demolition and renovation
 - (a) Applicability

“To determine which requirements ... apply ... thoroughly inspect the facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos ...”
- Who can conduct an asbestos survey?
 - The Asbestos NESHAP does not specifically state that the person who does the survey must be trained in recognizing Potential Asbestos Containing Material (PACM).
 - Trained inspector may be required under the Occupational Safety and Health Administration's (OSHA) Asbestos Standards.
- During the pre-demolition inspection be more aggressive: cut holes in walls, ceilings, etc. (after all, building is to be demolished)

- Prior inspection is required for subject facilities of any age; have heard of buildings built in 1990s with asbestos material imported (Mexico or Canada)
- If the project is subject, submit the notification at least 10 working days prior to the start of the regulated activity.

Who is responsible for compliance with the NESHAP?

- The NESHAP holds all owners and operators of subject activities fully liable for compliance with the regulations.

Where can asbestos be found?

- Siding
- Piping
- Ceilings
- Floors
- Others

What are you asking me to do???

- If your agency issues permits - Provide information with all demolition permit applications.
- Make available a checklist for renovation/demolition operations.
- Add the NESHAP notification to your requirement list for demolition activities.
- Direct individuals to the appropriate inspector to further answer their questions.

NESHAP Asbestos Contacts

NESHAP Asbestos Notification Coordinator
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NESHAP Information: www.michigan.gov/air

Click on “Asbestos NESHAP Program” on the right under OR on the “Asbestos NESHAP Program” tab at the bottom of the screen

- Some information that can be found on the DEQ Air Quality Division’s web site:
 - Contact Information
 - Asbestos NESHAP Fact Sheet
 - Guidelines to the Notification
 - Asbestos NESHAP Regulations
 - Notification of Intent to Renovate/Demolish

