Do You Need Help Complying With Asbestos NESHAP (National Emission Standards For Hazardous Air Pollutants) Requirements?

Albuquerque / Bernalillo County Asbestos Demolition and Renovation Requirements

Air Quality Enforcement Section

Air Quality Program

One Civic Plaza NW
City/County Building
3rd Floor, Room 3023
Albuquerque, New Mexico 87102

Main Office 505-768-2600
Dial 7-1-1 to use Hamilton Relay in New Mexico or call one of the toll free numbers below:

TTY: 800-659-8331
Voice: 800-659-1779
VCO (Voice Carry Over): 877-659-4174
Speech-to-Speech: 888-659-3952
Spanish: 800-327-1837

City of Albuquerque Environmental Health Department
Q: What Federal regulations apply to demolitions and renovations?
A: No. Both the federal and local regulation only regulate a residential building containing five or more dwellings, to a residential structure that will be demolished in order to build a nonresidential structure.

Q: How much asbestos must be present before the Asbestos NESHAP work practice standards apply to demolition and renovation projects?
A: Asbestos NESHAP regulations must be followed for demolitions and renovations of facilities with at least 80 linear meters (260 linear feet) of Regulated Asbestos Containing Materials (RACM) on pipes, 15 square meters (160 square feet) of RACM on other facility components, or at least one cubic meter (35 cubic feet) off facility components where the amount of RACM previously removed from pipes and other facility components could not be measured previously. However, all demolitions and renovations must notify the appropriate regulatory agency, even if no asbestos is present at the site, and all demolitions and renovations are "subject" to the Asbestos NESHAP in so far as owners and operators must determine if and how much asbestos is present at the site.

Q: What is a notification?
A: A notification is a written notice of intent to renovate or demolish. Notifications must contain certain specified information, including but not limited to, the scheduled starting and completion date of the work, the location of the site, the names of owners or asbestos removal contractors, methods of removal and the amount of asbestos, and whether the operation is a demolition or renovation. See Section 61.145(b) of the Asbestos NESHAP regulation.

Q: Who is responsible for submitting a notification - the owner of the building which is being demolished or renovated, or the contractor?
A: The NESHAP regulation states that either the owner of the building or operator of the demolition or renovation operation can submit the notification. Usually, the two parties decide together who will notify. If neither provide adequate notice, either or both parties may be held liable.

Q: Is there a form or format for notifications?
A: Yes, there is a suggested format. You can obtain this appropriate form from the City’s website: http://www.cabq.gov/airquality/air-quality-permits/asbestos-program

Q: Do demolitions or renovations of buildings in which no asbestos is present require notification?
A: Yes. Except as noted earlier, all demolitions and renovations require written notification certifying to the presence or absence of Asbestos Containing Material (ACM). Pursuant to 20.11.20.22 NMAC, this notification must be submitted at least 10 calendar days before the start of such activities. For Regulated Asbestos Containing Material (RACM), the NESHAP requires notification no later than 10 working days before asbestos stripping, or removal work, or any other activity begins.

Q: What is a "non-scheduled renovation operation"?
A: A "non-scheduled renovation operation" is a renovation operation that is caused by the routine failure of equipment which is expected to occur based on past operating experience, but for which an exact date cannot be predicted.

Q: Do I have to notify for non-scheduled operations?
A: Yes, there is a suggested form for notifications. You can obtain this appropriate form from the City’s website: http://www.cabq.gov/airquality/air-quality-permits/asbestos-program

Q: Must I remove Category I non-friable material prior to demolition or renovation?
A: Under normal circumstances, Category I non-friable materials need not be removed prior to demolition or renovation, because generally these materials do not release significant amounts of asbestos fibers, even when damaged. This is not, however, a hard and fast rule. If Category I materials have become friable or are in poor condition, they must be removed. Also, if you sand, grind, abrade, drill, cut or chip any non-friable materials, including Category I materials, you must treat the material as friable, if more than the jurisdictional amount is involved.

Q: Does non-friable waste, if broken, damaged, etc., have to be wetted and contained?
A: Non-friable ACM that has been damaged during a demolition or renovation operation such that some portions of the material are crumbled, pulverized or reduced to powder is covered by the Asbestos NESHAP if the facility contains more than the threshold amount of RACM. However, Category II non-friable ACM that has a high probability of being damaged by the demolition or renovation forces are expected to act on the materials such that it will be crumbled, pulverized, or reduced to powder, it must be removed prior to the demolition or renovation operation. It is the owner's or operator's responsibility to make these determinations.

ADDITIONAL INFORMATION
Please contact 311 or the Air Quality Program directly for additional information regarding the Asbestos NESHAP or 20.11.20.22 NMAC (505-768-1971 or 505-768-1951). You can obtain more information about the Asbestos NESHAP by contacting your EPA's Region 6 (South Central Office (214) 512-8725 or (800) 887-6063. You may also call the EPA Toxic Substances Control Act (TSCA) Hotline to ask general questions about asbestos, or to request asbestos guidance documents. The Hotline number is (202) 554-1404.

The EPA has an Asbestos Ombudsman to provide information on the handling and abatement of asbestos in schools, the workplace and the home. Also, the EPA Asbestos Ombudsman can help citizens with asbestos-in-school complaints. The Ombudsman can be reached toll-free at (800) 368-5888.