



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: 800-327-1857



Air Quality Program Asbestos, Demolition, and Renovation Frequently Asked Questions (FAQ)

For Albuquerque / Bernalillo
County

Current as of June 09, 2023



City of Albuquerque
Environmental Health
Department

Q: What Federal regulations apply to demolitions and renovations?

A: Code of Federal Regulations Title 40 Part 61 (National Emission Standards For Hazardous Air Pollutants, Subpart M (National Emission Standards for Asbestos) §61.145 Standard for demolition and renovation may apply. Please see contacts under “Additional Information” at the end of this pamphlet for further instruction.

Q: What is the purpose of the Asbestos National Emission Standards For Hazardous Air Pollutants (NESHAP) regulation?

A: The purpose is to protect the public health by minimizing the release of asbestos when facilities which contain Asbestos Containing Materials (ACMs) are demolished or renovated.

Q: Are there other local regulations that apply to demolitions or renovations?

A: Yes. Albuquerque-Bernalillo County Air Quality Regulation, 20.11.20.22 NMAC “DEMOLITION AND RENOVATION ACTIVITIES; FUGITIVE DUST CONTROL CONSTRUCTION PERMIT AND ASBESTOS NOTIFICATION REQUIREMENTS” may apply. Please see contacts under “Additional Information” at the end of this pamphlet for further instruction.

Q: What is the difference between demolishing a facility and renovating it?

A: "Demolition" and "renovation" are defined in the Federal Regulation. You "demolish" a facility when you remove or wreck any load-supporting structural member of that facility or perform any related operations; you also "demolish" a facility when you burn it. You "renovate" a facility when you alter any part of that facility in any other manner. Renovation includes stripping or removing asbestos from the facility.

Q: Who is responsible for enforcing the Asbestos NESHAP standards?

A: Under Section 112 of the Clean Air Act, Congress gave EPA the responsibility of enforcing regulations relating to asbestos renovations and demolitions. The CAA allows EPA to delegate this authority to State and local agencies. Even after EPA delegates responsibility to a State or local agency, EPA retains the authority to oversee agency performance and to enforce NESHAP regulations as appropriate.

Q: Are single-family private residences regulated by the Asbestos NESHAP or local regulation?

A: No. Both the federal and local regulation only regulate a residential building containing five or more dwellings, or 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 operators 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 form for notifications. You can obtain the appropriate form at 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 at least 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? When?

A: Yes, if you can predict based on past experience that renovations will be necessary during the calendar year and the amount of RACM is likely to exceed the jurisdictional amount, notification is required. This notification must be submitted at least 10 working days before the end of the calendar year preceding the year for which notice is being given.

Note: Single renovation projects which exceed the threshold amount are not covered by this type of notice. A separate notification is required for these projects.

Q: Must I notify the agency again if I know that a specific renovation project involving more than the threshold amount (including the work covered by the calendar year notice for non-scheduled operations) is about to occur at a specific time?

A: Yes.

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 (505-768-3148 or 505-768-1951). You can obtain more information about the Asbestos NESHAP by contacting your EPA's Region 6 (South Central Office (214) 665-2760 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.