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**GUIDANCE FOR  
SUBMITTING NOTIFICATION OF RENOVATION and/or  
DEMOLITION PROJECTS  
SUBJECT TO NESHAP, 40 CFR 61, SUBPART M**

May 2003

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# **GUIDANCE FOR SUBMITTING NOTIFICATION OF RENOVATION AND/OR DEMOLITION PROJECTS SUBJECT TO NESHAP, 40 CFR 61, SUBPART M**

## **PURPOSE**

The purpose of these guidelines is to aid the regulated community in meeting the notification requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR, Part 61, Subpart M, for renovation and demolition projects. These guidelines pertain **ONLY** to the NESHAP asbestos regulations administered by the Michigan Department of Environmental Quality (MDEQ), unless otherwise noted.

Notices shall be filed by the owner, operator (such as the contractor), or their representatives. Incomplete notices, such as those lacking the name of the contractor awarded the job, shall not be considered in compliance with NESHAP and the Clean Air Act and may result in enforcement action. Knowingly falsifying or omitting required information could result in criminal penalties under Section 113 of the Clean Air Act. Owners/operators are fully liable for compliance with the NESHAP asbestos regulations. The NESHAP asbestos regulations contain definitions and other requirements that may apply to your project.

### **The following are only guidelines pertaining to the NESHAP asbestos regulations.**

#### **A. DETERMINATION IF THE FACILITY IS SUBJECT TO NESHAP**

1. A subject facility is any institutional, commercial or industrial structure, installation or building, or any ship. Examples include, but are not limited to:
  - a) bridges;
  - b) tunnels;
  - c) docked ships;
  - d) a military installation, including dependent housing;
  - e) a chemical/power plant installation;
  - f) an indoor shopping mall;
  - g) a school building in a school district;
  - h) a post office building;
  - i) apartment building containing five (5) or more dwelling units;
  - j) certain condominiums, cooperatives, and lofts;
  - k) residential dwellings which are part of an urban renewal project, highway construction, shopping mall, or other private development (which are not privately owned and held);
  - l) a group of residential buildings under control of the same owner/operator, and part of the same renovation/demolition project (even if buildings are not proximate to each other);
  - m) an amusement park or state fairgrounds;
  - n) a jail or prison;
  - o) a nursing home or home for disabled persons;
  - p) a parking garage;
  - q) a farm;
  - r) a church, monastery, convent, or rectory.

2. Some examples of a non-subject facility are: (notice is not required)
  - a) a privately owned and controlled home;
  - b) a privately owned and controlled multi-dwelling unit with four or less dwelling units;
  - c) a mobile source.

**EXCEPTION:** If these structures are to be intentionally burned, they **are** regulated by the Asbestos NESHAP, as is any other type of building intentionally burned. See B2. Demolition guidelines.

**B. DETERMINATION IF THE OPERATION IS A RENOVATION OR DEMOLITION (for subject facilities)**

1. **Renovation:** An operation is a renovation if the overall project does not involve the wrecking or taking out of any load-supporting structural member, but does involve altering a facility or one or more facility components in any way, including the stripping or removal of regulated asbestos containing material (RACM) from a facility component. “Remove” means to take out of a facility RACM or facility components that contain or are covered with RACM. “Strip” means to take RACM off of any part of a facility or facility component. Examples of a subject renovation include, but are not limited to:
  - a) scraping asbestos insulation off a ceiling;
  - b) removing a boiler covered with friable asbestos from a building;
  - c) removing pipe covered with friable asbestos from a pipe rack;
  - d) gross removal of boiler asbestos insulation;
  - e) glovebag stripping of asbestos pipe wrap;
  - f) drilling through asbestos ceiling plaster to build a dropped ceiling;
  - g) removal of soundproofing, ceiling tiles, or plaster containing asbestos;
  - h) removing vinyl asbestos floor tile or any asbestos containing material that is normally nonfriable that is in such poor condition (cracking, peeling, or showing other signs of deterioration) that it can be crumbled or pulverized by hand pressure.
  - i) activities that will render nonfriable material friable such as grinding, sanding, crumbling, pulverizing, sawing, or other abrasive action.
2. **Demolition:** An operation is a demolition if the overall project involves the wrecking or taking out of any load supporting structural members of a subject facility. **Notification is required for demolition even if there is no asbestos containing materials in the facility.** Any related handling operations (such as clean up of demolition debris) or intentional burning of the facility is also subject to this definition. Examples include, but are not limited to:
  - a) wrecking or taking out building beams or load-supporting walls;
  - b) removing the structural steel supports of outdoor pipe racks;
  - c) intentional burning, including intentional burning for fire training;
  - d) wrecking or tearing down a portion of a structure that is load-supporting;
  - e) renovating or remodeling a facility that includes wrecking or removing a load-supporting wall or component.
3. Examples of an operation that is neither a demolition nor a subject renovation and does not require a NESHAP notice are:

- a) renovation below the cutoff unless it is above the cutoff cumulatively in a calendar year (notification may be required by Michigan Department of Consumer and Industry Services [MDCIS]);
- b) removal of nonfriable asbestos material, as long as the material is not in poor condition and it remains nonfriable during all phases of removal, handling, and waste disposal;
- c) asbestos encapsulation (notification may be required by MDCIS);
- d) removing interior, non-load supporting walls that are not associated with any RACM.

## C. PROJECT DEFINITIONS

1. Planned Renovation: The NESHAP definition for planned renovation is a renovation operation or a number of renovation operations in which RACM will be removed or stripped within a given period of time and can be predicted.
2. Renovation Above the Cutoff: In a renovation where the amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed at the facility equals or exceeds either 260 linear feet (80 linear meters) on pipes or at least 160 square feet (15 square meters) on other facility components, or at least 35 cubic feet if asbestos has fallen off of facility components and therefore cannot be measured by linear or surface measure, the project is subject to the NESHAP regulations. This is termed a **renovation above the cutoff** and notification is required.

It is important to note that all planned asbestos removal projects that are individually under the cutoff but cumulatively in a calendar year (January 1 through December 31) are above the cutoff and subject to notification requirements, if such projects can be predicted, based on prior experience. For example, a large power plant routinely schedules down time of boilers and removes the asbestos from the boilers during that down time. In most cases, the individual project is under the cutoff, but the cumulative amount of asbestos removed is above the cutoff. Because it can be predicted, based on prior experience, this is considered a **planned renovation above the cutoff** conducted in phases. A notification must be submitted at least 10 working days before the initial phase and should describe the upcoming renovation plans and give the scheduled dates of asbestos removal. The procedures required for revised project dates in notifications apply to each phase of the total project.

3. Annual Notification: The annual notification is intended to cover asbestos removal projects associated with minor asbestos damage or nonscheduled maintenance operations necessitated by routine failure of equipment, which are expected to occur within a given period based on past operating experience. These are projects where an exact date cannot be predicted and individually are under the cutoff but cumulatively in a calendar year are above the cutoff. Such projects constitute a **planned renovation above the cutoff** and require an annual notification. The annual notification is intended to cover only maintenance removal that prior experience shows the cutoff amount is likely to be removed in a calendar year but, due to the nature of the projects, cannot be predicted. It is not intended to be a one-time notification to cover whatever planned renovations may occur in a facility in a given year.
4. Emergency Renovation: A project must meet **two** main criteria to qualify as an emergency renovation under NESHAP. First, the removal is necessitated by a **sudden, unexpected** event; second, if the problem is not immediately attended to will result in a public safety or health threat, will damage equipment, or will result in unreasonable financial burden.

Examples of situations that are **not** an emergency include, but are not limited to: a scheduling problem; asbestos discovered after beginning a renovation or demolition project that would have been discovered earlier if a thorough inspection of the facility had been conducted prior to

beginning the renovation or demolition; failing to submit the required notification. If the amount of RACM to be removed in an emergency renovation is above the cutoff, a NESHAP notification is required.

5. Scheduled Demolition: A scheduled demolition is a partial or complete demolition of facilities that are structurally sound. Notice is required for demolition of all subject facilities, regardless of the amount of asbestos, including those facilities where the asbestos has been removed or has never contained asbestos.

If a facility to be demolished contains RACM above the cutoff, NESHAP requires the RACM be removed prior to demolition. This is termed **demolition above the cutoff** and notification is required 10 working days prior to beginning asbestos removal and demolition. One notification can be submitted to cover both the asbestos abatement and demolition as long as it is submitted at least 10 working days prior to beginning the abatement. If the asbestos abatement and demolition are notified for separately, each must be submitted at least 10 working days before beginning the subject activity.

If a facility to be demolished contains less than the cutoff amount of RACM, this is termed **demolition below the cutoff** and notification must be submitted 10 working days prior to beginning demolition. NOTE: NESHAP does not require removal of RACM in a demolition if the amount is below the cutoff (**except** for intentional burning whereas all asbestos-containing materials must be removed and disposed of in accordance with NESHAP); however, MDCIS regulations require removal of all RACM in any facility to be demolished.

6. Ordered Demolition: Under the Asbestos NESHAP regulations there is no such thing as an emergency demolition. The Asbestos NESHAP does allow for ordered demolitions. An ordered demolition is one in which the facility is structurally unsound **and** in danger of imminent collapse **and** a State or local governmental agency has issued an order to demolish because of the severe structural damage. A copy of the signed order **must** accompany the notification. This is the only situation under which NESHAP allows a building to be demolished with less than 10 working days notification before beginning demolition.

Unless you are able to document that there is no asbestos in the facility, all demolition debris must be considered asbestos-containing and therefore must be adequately wetted during demolition and handling and disposed of in a Type II (general refuse) landfill that is licensed to accept asbestos containing material. The debris can be handled in bulk.

The order for demolition under this subpart applies only to the part of the facility which is unsound and in danger of collapse. Structurally sound portions of the building or attached buildings may not be demolished under this order and must be a scheduled demolition with the full 10 working days notice.

#### D. NOTIFICATION TIMELINESS

A notice must be postmarked (by the U.S. Post Office) or hand delivered to the appropriate State office. Delivery and postmark must be made by the U.S. Postal Service, commercial delivery service, or hand delivery (date stamped by receptionist). Telefaxing notifications (or revisions to notifications) are not acceptable. Except for the emergency situations described in NESHAP, notifications are to be postmarked or hand delivered at least 10 **WORKING DAYS** (Monday through Friday) **prior** to beginning the demolition or renovation. Work is not to start until **DAY 11**. An easy way to ensure a full ten working days notice is to begin renovation or demolition no earlier than two full calendar weeks from the day of postmark by the U.S. Postal Service or hand delivery of the notice. (Example: if the

notification is postmarked on a Tuesday, begin renovation or demolition **on or after** Tuesday two calendar weeks following the postmark or delivery date of the notice, but not before.)

1. **Planned renovation operations above the cutoff** require a notice to be submitted 10 working days before removing or disturbing asbestos begins. Preparatory work such as building enclosures, bringing equipment on-site, etc. can be done before the 10 working days as long as the owner and/or abatement contractor can assure that no asbestos is removed, cut, drilled, disturbed, etc. "Accidental" disturbing of asbestos during the preparatory work does not justify removal on an "emergency" basis.

Notifications for planned renovations above the cutoff that require an **annual notification** should be submitted 10 working days before the end of the calendar year preceding the year for which the notification is given.

2. **Emergency renovations above the cutoff** require notice to be postmarked or hand delivered as early as possible before removal begins but not later than the following working day.
3. **Scheduled demolitions (includes intentional burning by a fire department):**

- a) Scheduled **demolitions above the cutoff** require notice to be submitted 10 working days before asbestos removal begins.

NOTE: In a notification for **demolition above the cutoff**, both the renovation and demolition operations should be reported on the same notification and all required information regarding the asbestos removal and demolition submitted at least 10 working days before beginning asbestos removal. The advantage to reporting them at the same time is that as long as the notice is timely and complete for the asbestos removal, the demolition can be scheduled to begin immediately after the asbestos is removed. If not reported at the same time, a separate 10 working day notice must be submitted for the demolition. In some cases, a building to be demolished will be renovated and the demolition will not occur for several months later. In this case, the renovation notification should indicate that demolition will occur. When the demolition is scheduled, the owner or demolition contractor must submit a separate and complete demolition notification 10 working days prior to beginning demolition (not a revision of the renovation notification).

- b) Scheduled **demolitions below the cutoff** (including those with no RACM) require notice to be submitted 10 working days before demolition begins.
4. **Ordered demolitions** require notice to be postmarked (by U.S. Postal Service) or hand delivered as early as possible before but not later than the following working day after demolition has begun.

#### E. INFORMATION REQUIRED ON THE NOTIFICATION FORM

The item numbers below correspond to the applicable item numbers on the April 2002 version of the Notification Of Intent To Renovate/Demolish form (EQP5661 rev. 4/02). Each item # described below must be completed (except where noted). Exceptions are:

**Renovations above the cutoff** (except Item #4, 9, 11B, and 15. These items pertain to demolitions and emergency renovation).

**Emergency renovations above the cutoff** (except Item #4, 9, and 11B) Additional information in Item #15 is required.

**Scheduled demolitions above the cutoff** (except Item #9 and 15. These items pertain to ordered demolition and emergency renovations).

**Scheduled demolitions below the cutoff** (except for Items #3, 7, 8, 9, 12, and 15. These items pertain to renovations and demolitions above the cutoff; ordered demolitions and emergency renovations).

**Ordered demolitions** (except for Items #3, 7, 8, 12, and 15). Item #9 is required.

Item #1: Notification:

- Date the notification is submitted;
- Date of revision (if it is revising a subject notice);
- Indicate the type of notification (original, revised, canceled, or annual);
- Under NESHAP (MDEQ), indicate whether this is a planned renovation, emergency renovation, scheduled demolition above the cutoff, scheduled demolition below the cutoff, or ordered demolition.

Item #2: Project Schedule:

- **Renovation:** In this area, indicate the beginning and ending dates of activity that is altering non-load supporting facility components, including setting up for asbestos removal, building containments, removing asbestos, waiting for air monitoring clearances, or other renovation activities.
- **Asbestos Removal:** This should be the date asbestos removal actually begins and the date asbestos removal ends. Under no circumstances shall a NESHAP asbestos project start on a date other than that in the notification (see Section G of these guidelines for procedures to follow when changing the start date or changing other pertinent scheduling information).
- **Demolition:** As in Asbestos Removal dates above, these dates must reflect the actual start and end dates of demolition and is assumed to be a continuous, full-time demolition. If this is not the case, we should be notified as described above. (Follow Section G of these guidelines for changing the start or end dates or changing other pertinent scheduling information.)
- **Encapsulation:** Not required under NESHAP (MDEQ). See MDCIS Guidelines for information required regarding encapsulation.
- **Work Schedule:** For Asbestos Removal and Demolition projects, please enter the days of the week and working hours when actual asbestos removal/demolition will occur (examples: Tuesday - Friday, 8:00 a.m. - 6:00 p.m.; Weekends, 8:00 a.m. - 5:00 p.m.; Monday -Friday, 2:30 p.m. - 10:30 p.m.; etc.). If the dates and/or work hours change, immediately notify our office by telephone and send a revised notification (with the changes highlighted).
- **Multi-phased Projects:** Indicate if this notification is for a multi-phased project. A multi-phased project is any project where abatement or demolition activity is intermittent. For example: asbestos removal is scheduled for several boilers. An enclosure is built for the first one, asbestos is removed, and the crew goes to the next boiler, builds the enclosure, removes the asbestos, etc. The actual asbestos removal is conducted in phases. Indicate the specific start and end date of asbestos removal from each boiler. If those dates need to be changed, follow the proper procedures in NESHAP and in Section G of these guidelines.

Item #3: Abatement Contractor: (if project is an abatement) Provide **all** requested information (it is unacceptable to leave this area blank and attach a bid list to later update this information). If the project is being performed by company personnel, such as General Motors Corporation (GMC) employees performing asbestos removal work at a GMC plant, indicate in this section the name, address, etc. of the plant, and the name of the employed personnel conducting the removal.

- Item #4: Demolition Contractor: (if project is a demolition) As with Abatement Contractor, provide **all** requested information (it is unacceptable to leave this area blank and attach a bid list to later update this information).
- Item #5: Facility Owner: This is to be the name and address of the person(s) owning the facility where the renovation or demolition project is being conducted. Provide **all** requested information. If the project is for a bridge or other structure owned by a governmental agency, provide the name of the specific agency responsible for the structure, the complete mailing address, contact person, and phone number.
- Item #6: Facility Description: Provide **all** information requested in this section (where applicable, i.e. some of this information would not be applicable is providing the number of floors if the structure is a bridge). It is unacceptable to indicate “unknown” in any of these areas. The age and size of the facility is required information.

Note that the address is a “location” address, not a mailing address. The location address should be described in such a way that a person who is totally unfamiliar with the area can find the facility by the way it is described on the notification. If the facility is in a rural area or is a bridge, indicate the name of the road the facility/bridge is located on and the name and distance to the nearest crossroad. If the facility is on a large parcel of land and not near the road, also indicate the distance from the road. If the facility is a building on a college campus, air force base, or other multi-building complex, it is acceptable to provide a legible, 8-1/2” x 11” sized map of the complex or campus, which references the name or number and location of the building where the NESHAP project is to be conducted. Be sure to also provide the city, major highways, or other necessary location information. Also indicate the location where the property can be accessed, if different from the location address.

- Item #7: Disposal Site: As with facility description in Item #6, this must be a location address, not a box number or just a street name. If only a street name is known, then include the name and distance to the nearest cross road. All RACM must be disposed of at a Type II (general refuse) landfill that is licensed to accept asbestos containing materials.
- Item #8: Waste Transporter: This refers to transport of regulated asbestos containing waste from a renovation above the cutoff, demolition above the cutoff, or an ordered demolition. Indicate the name, address, contact person, and phone number of the asbestos waste transporter(s). If the contractor or owner is transporting the asbestos waste, then indicate this rather than leaving blank or indicating “not applicable.”
- Item #9: Ordered Demolitions: This is for “ordered demolitions” as described in NESHAP (and Section C of these guidelines) and should not be confused with the Michigan Department of Transportation ordering a bridge or facility demolished, unless it meets the NESHAP definition for an ordered demolition.
- Item #10: Is Asbestos Present?: This question refers to either friable or nonfriable asbestos containing material and **must** be marked.

If asbestos is present, estimate the amounts of RACM to be removed, disturbed, etc. Report the amounts in terms of linear feet or meters for piping, and square feet or meters for other surface areas. Amounts should be reported by volume only if the asbestos has fallen off the surface and cannot be measured by linear or square measure.

If your project is a demolition and asbestos is present, you must also indicate the amount and type of Category I and Category II nonfriable asbestos material that will not be removed prior to demolition. You must assure that the nonfriable asbestos left in the facility will not be rendered friable during the demolition, handling, or disposal of the demolition debris. Activities that would render nonfriable asbestos friable include, but are not limited to, grinding, sanding, pulverizing, crushing, sawing, or other abrasive action, the forces of demolition on materials such as transite-type siding, etc. (See Section H of these guidelines for definitions of Category I, Category II, friable, and non-friable.)

Item #11: Project Description:

- A) Renovation: Indicate all the surfaces asbestos will be removed from. Indicate “Other” for surfaces not listed and describe the surfaces. This would include clean up of contaminated soil; removal from underground steam lines; clean up of debris on facility floors or above ceilings; etc.

Method of removal: Terms such as “containment,” “enclosure,” “wet method,” can be used but you must also describe how the asbestos is actually removed from the surface. Examples include, but are not limited to: glove bag; scrape with hand tools; cut in sections with hand tools and carefully lower; lift ceiling tiles from support and carefully lower to ground level; wet wipe and vacuum contaminated surfaces; etc.

- B) Demolition: Indicate whether it is a complete or partial demolition **AND** describe what methods will be used to demolish. If not a complete demolition, describe which portion of the facility will be demolished. Examples for what methods will be used include, but are not limited to: wrecking ball and crane, bulldozer, hand disassembles, backhoe, etc.

Item #12: Engineering Controls: Describe how emissions will be controlled throughout the entire renovation or demolition project, and until the RACM is properly landfilled. It is not sufficient to just indicate that all appropriate rules will be followed. NESHAP requires you to describe specifically how you will comply with this requirement. For example: “adequately wet material to prevent visible emissions and place wet material in leaktight containers that will remain leaktight until properly landfilled.” (Controls such as HEPA vacuum or building of containments is not required by NESHAP but may be required by MDCIS.)

Item #13: Unexpected Asbestos: This section **must be completed** for all renovations above the cutoff and all demolitions since it is possible in just about any project that unexpected asbestos could be encountered (such as behind a wall that was just demolished) or material that was nonfriable has become friable. Indicate specific procedures you would follow if unexpected asbestos was found. If it is the same as procedures previously described, it is acceptable to refer to that section number on your notification. Be sure to also indicate you will re-notify the appropriate agencies if the amount of unexpected asbestos found is at least 20% different from previously reported for the project.

Item #14: Procedure Used to Detect Asbestos: This section **must be completed** for all renovations above the cutoff and all demolitions.

- A). Indicate how you determined whether or not asbestos is in the facility. NESHAP requires a thorough inspection be conducted prior to commencing a subject renovation and/or demolition project. It is recommended that this survey be done by a person trained in recognizing potential asbestos containing material. In some instances MDCIS may

require the inspection to be performed by an accredited asbestos inspector. (Individuals inquiring about accreditation requirements may wish to contact MDCIS directly at 517-322-1320.) Contractors and their legal representatives, and owners and their legal representatives are fully responsible for the inspection. For example, in a demolition, even if it is believed the owner had all suspect material tested and/or removed, the demolition contractor can still be held responsible, along with the owner, for demolishing a facility having amounts of RACM above the cutoff.

In a building to be demolished, it is unacceptable to indicate a visual inspection was conducted and no suspect materials were found unless the building is primarily steel and concrete materials or no materials are in the building that are likely to contain asbestos. If the building is primarily steel and concrete, it should be noted in this section. Any material suspected to contain asbestos must either be analyzed to determine asbestos content or assumed to be asbestos containing material and removed as such. Appropriate responses for this section include, but are not limited to:

- Visual inspection was conducted and all suspect materials were tested using the Polarized Light Microscopy method.
- Visual inspection was conducted and based on previous experience and thorough knowledge of asbestos, material is assumed to contain asbestos and is considered to be RACM.
- Structure is primarily steel and concrete and no building materials were used that are likely to contain asbestos. Visual inspection was conducted and no suspect material was found.

B). Name and address of company performing asbestos survey: Required by MDCIS. This information is helpful to the MDEQ inspector in the event questions arise about the survey.

C). Name and accreditation number of inspector: Required by MDCIS.

Item #15: Emergency Renovations Above the Cutoff: Provide all information requested in this section. See Section C of these guidelines for a description of an “emergency renovation.”

Item #16: Signatures of Owner and/or Contractors: Since contractors/owners are fully liable for NESHAP, this can be signed by either the contractor or their legal representative or the owner or their legal representative. NESHAP also requires evidence that the required training has been completed by this person be made available for inspection at the renovation or demolition site.

Item #17: Signature Requirements for Projects with Negative Pressure Enclosures: Signature is not required under MDEQ NESHAP, but may be required under MDCIS.

Item #18: Signature of Owner/Operator is required to certify that the information submitted is correct.

## F. SUBMITTING NOTIFICATIONS

1. Who Should Send Notifications: Owners/operators are fully liable for complying with the NESHAP asbestos regulations (see definition in the regulations for owner/operator). Either may submit notifications; it is not necessary that the facility owner and the contractor(s) submit duplicate notifications. It is important to remember that a contractor ***should not submit notifications for projects for which they are not legally liable***. As an example, asbestos

abatement will be performed in a building that will be demolished. The abatement contractor should not include notification of demolition on their abatement notification unless they have a contract with the facility owner, general contractor, demolition or other liable party to include notification for demolition. If the abatement contractor is not legally tied to the demolition through a contract, then, according to NESHAP, the abatement contractor does not meet the definition of owner/operator for the demolition portion.

2. **Where Notifications Should Be Sent:** Addresses for sending your notifications are listed on the notification form. Please note that in Michigan, a NESHAP notification must be sent to the MDEQ at either the Lansing or the Detroit office. For all Michigan counties except Wayne County, a NESHAP notification should be sent to the MDEQ Asbestos Program in Lansing. For all Wayne County NESHAP projects, a NESHAP notification should be sent to the MDEQ Asbestos Program in Detroit. Please do not send duplicated notifications of Wayne County projects to Lansing or non-Wayne County projects to Detroit. ***In addition, MDEQ cannot accept faxed notifications (either original or revised notifications) per the NESHAP regulations.***

In Michigan, it is no longer necessary to send copies of NESHAP renovation/demolition notifications to the Region 5 office of the U.S. Environmental Protection Agency (USEPA).

#### G. REVISING A NOTIFICATION

1. **When and How to Revise a Notification:** A revised notification should be sent anytime there is a change in any of the required information previously submitted (except for a change in either an abatement or demolition contractor. A new notification must be submitted 10 working days before abatement or demolition begins. See Section I #3 of these guidelines). The simplest way to revise a notification is to make a copy of both sides of your original (or last revision), mark it as a revised, indicate the date the revision is sent, cross out the old information, and hand write or type in the new information, and highlight the revised information. This requires significantly less time than retyping the entire notification and provides a more efficient method for us to match the revision to the original in our office.

The NESHAP asbestos regulations require a revision if the amount of asbestos previously reported changes by 20% (either a decreased amount or an increased amount). As it pertains to an increase in the amount, it is referring to additional asbestos unexpectedly found while working on the specific project covered in the notification. It is not intended to mean revising the notice to add to the initial scope of the project. If unexpected asbestos is found during the project for which the notification was submitted and is 20% different than initially reported, be sure your revised notification describes the surface and method of removal for the additional asbestos in Item 11 on the form.

2. **Revising Project Dates:** If your project will begin on a date **later** than the date in the original notice (or latest revision), NESHAP asbestos regulations require that you call before the previously scheduled start date to notify us of the new start date, and follow up with a written notification postmarked no later than the previously scheduled start date. This call is required to allow the MDEQ NESHAP Inspectors to adjust their inspection schedule. It is a violation if a NESHAP Inspector shows up on a site for an inspection and the project has been unofficially rescheduled (no call and no paperwork has been provided to the NESHAP Notification Coordinator). It is advisable to contact the owner a day or two before the project begins to confirm the start date so as to avoid going on site and then finding out the project has been postponed or canceled.

If your project will start **earlier** than the original start date (or latest revision), NESHAP asbestos regulations require that a revised notification of the new **earlier** start date must still meet the 10 working days from that revised notification's postmark date before beginning the project. NESHAP asbestos regulations also require that you call and notify us as soon as possible. Under no circumstances shall a NESHAP project begin on a date other than the date in your notification or latest revised notification.

If a project will be postponed indefinitely and you cannot accurately predict a new start date, notify us by telephone before the scheduled start date and immediately submit a revised notification canceling the project. If the project is rescheduled, a new notification must be submitted at least 10 working days prior to beginning the project. It is unacceptable to indefinitely postpone a project and then send a revised start date less than 10 working days before the project is to begin.

If your project will be temporarily put on hold for a few days or your work schedule changes from that reported previously, you should report this to us by phone as soon as you become aware of it and immediately provide this information in a revised notification. This includes those days that your notification says you are conducting asbestos removal or demolition but due to schedule changes you are not conducting asbestos removal or demolition but are still on site. NESHAP requires that you keep us informed as to which days you are actually conducting NESHAP regulated activities (asbestos removal or demolition).

## H. DEFINITIONS

The following definitions are important to understanding the Asbestos NESHAP. These definitions, and others, can be found in Section 61.141 of the NESHAP Regulations.

1. *Category I nonfriable asbestos-containing material (ACM)* means asbestos containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section I, Polarized Light Microscopy.
2. *Category II nonfriable ACM* means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in Appendix E, Subpart E, 40 CFR Part 763, Section I, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.
3. *Friable asbestos material* means any material containing more than 1 percent asbestos as determined using the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section I, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.
4. *Nonfriable asbestos containing material* means any material containing more than 1 percent asbestos as determined using the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section I, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.
5. *Regulated asbestos containing material (RACM)* means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable

ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

## I. GENERAL INFORMATION

1. To the best of our knowledge, interpretations made in these guidelines are consistent with those of the USEPA, Region 5. Both the MDEQ and USEPA get questions regarding NESHAP applicability to situations that are new or unique. In an attempt to answer the questions, both the MDEQ and the USEPA work closely together to ensure consistent interpretation and to ensure the intent of NESHAP is met. This usually results in a clearer understanding which can then be applied consistently to the situation if it arises in the future. As clarifying interpretations are made, USEPA shares this with other state asbestos NESHAP coordinators to help provide nationwide consistency in NESHAP interpretation.
2. The Internal Project # areas in Items 3 and 4 on the form are for the contractor's use (if needed) to provide tracking numbers for their project. MDCIS does utilize these numbers.
3. A new notification needs to be submitted whenever there is a contractor change. NESHAP requires certain information be provided in a notification, part of which is the name of the contractor performing the project, and requires this information be submitted at least 10 working days prior to beginning renovation/demolition projects. The purpose of 10-day prior notice is to allow us time to schedule a compliance inspection. The name of the contractor performing the renovation/demolition project is one of the key pieces of information used in determining which projects to inspect.
4. The NESHAP asbestos regulations, notification form, guidelines, and fact sheet are available on our website at: <http://www.michigan.gov/deq> under the heading Air; then click on Asbestos NESHAP Program.

Included on the form are the names and addresses of all agencies that should receive the form. (For guidelines on submitting notifications pursuant to the Asbestos Contractors Licensing Act, you will need to contact the MDCIS, Occupational Health Division, Asbestos Program, at 517-322-1320.)

If you have questions on the notification form and its requirements, on the guidelines, or have revision information for non-Wayne County projects, please feel free to contact the Lansing NESHAP Notification Coordinator, Julia Munro, by phone at 517-373-7064, e-mail at [Munroj@michigan.gov](mailto:Munroj@michigan.gov), or by mail at: NESHAP Asbestos Program, MDEQ, AQD, P.O. Box 30260, Lansing, MI 48909. Revision information for Wayne County projects should be directed to Tom Vincent at 313-456-4686, e-mail [vincentt@michigan.gov](mailto:vincentt@michigan.gov), or by mail at: NESHAP Asbestos Program, Detroit Field Office, MDEQ, AQD, Cadillac Place, 3058 West Grand Boulevard, Suite 2-300, Detroit, MI 48202.

If you have questions regarding the NESHAP asbestos regulations, please feel free to contact the MDEQ's NESHAP Asbestos Inspectors: Bob Christmas at 517-335-4639, Tom Vincent at 313-456-4686, or Joel Asher at 906-346-8502.

5. In all areas requesting a contact person and phone number, you should give the name and phone number of the person who is familiar with the specific project covered by the notification. If that person cannot be reached between 8:00 a.m. and 5:00 p.m., provide the name and phone number of a person familiar with the project who is available between these times.

6. Under Part 115 of Act 451 of 1994, as amended, administered by the MDEQ's Waste Management Division (WMD), all asbestos containing material regulated by any state or federal regulations must be disposed of at an approved Type II (general refuse) landfill and must be in leaktight wrapping or containers. Asbestos containing material that is nonfriable AND is not in poor condition or will not become friable at any time can be disposed of in a Type III, construction debris, landfill. If you would like a list of active landfills you can visit the DEQ's website at <http://www.michigan.gov/deq> and select "Waste" "Solid Waste" and the "Solid Waste Facilities." If you have questions about Type II waste, contact the MDEQ's WMD at 517-373-2730. Tell the receptionist you need to speak to someone regarding Type II (or Type III) landfills. Once you are transferred to this person, then ask for specific information you need.