Asbestos NESHAP Regulations

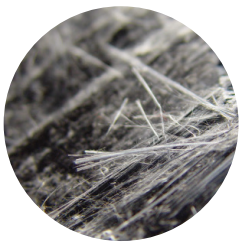
Demo & Reno Projects

40 CFR 61 Subpart M | Rule 370 § 301.9

Maricopa County AIR QUALITY DEPARTMENT

The purpose of this help sheet is to provide practical information to anyone planning a demolition or renovation of a facility.

Please note the information provided in this help sheet is not all inclusive of the NESHAP requirements. Please ensure you fully read, understand and comply with all applicable regulations as you are still subject to the entirety of all applicable rules.



What is Regulated?

The asbestos NESHAP regulation and Maricopa County Rule 370 apply to all structures, installations or buildings that are or ever were:

- Institutional
- Commercial
- Public
- Industrial
- Residential*

*A single residential structure with four or fewer dwelling units is exempt from these regulations.

Avoid Common Violations

- Double check that the Asbestos Hazard Emergency Response Act (AHERA) certified building inspector sampled all materials that will be disturbed.
- Submit a NESHAP notification and pay the fee at least 10 working days prior to commencement of work.
- Keep a copy of the survey on-site during all renovation and demolition activities.
- Update the NESHAP notification if any changes occur.
- Submit the waste shipment record (WSR) to the landfill with the asbestos-containing waste material (ACWM).
- Notify MCAQD if the signed WSR is not received from the landfill within 45 days.

Asbestos Surveys

- Make sure to hire an AHERA certified building inspector to survey all building materials.
- The survey must be conducted no more than 12 months before work is scheduled to occur.
- The survey should identify the type and amount of asbestos present in the facility.
- Samples must be sent to a national voluntary laboratory accreditation program (NVLAP) accredited laboratory.
- Any material found to be greater than one percent (1%) asbestos is considered asbestos-containing material (ACM).
- The AHERA inspector will prepare a report which identifies ACMs into three categories:
  1. Regulated Asbestos-Containing Material (RACM)
  2. Category I Non-Friable Asbestos-Containing Material (CAT I)
  3. Category II Non-Friable Asbestos-Containing Material (CAT II)

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Submitting a NESHAP Notification

For a Demolition:

Whether ACM is found at a facility or not, all demolition activities require a 10-day NESHAP demolition notification form and fee. The notification and fee must be postmarked or hand delivered to the Maricopa County Air Quality Department at least 10 working days prior to commencement of any demolition activity.

For a Renovation:

If the renovation requires removal or disturbance of RACM at or above threshold amounts, a 10-day NESHAP renovation notification form and fee are required. The regulated threshold amounts are:

- 260 linear feet (pipes)
- 160 square feet
- 35 cubic feet (off-facility components)

The notification and fee must be postmarked or hand-delivered to the Maricopa County Air Quality Department at least 10 working days prior to commencement of renovation activity.

Need Help?

The Maricopa County Air Quality Department is available to answer questions and conduct courtesy site visits.

Asbestos NESHAP Hotline: 602.506.6708

Email: asbestos@mail.maricopa.gov

To report a potential air quality violation, please call 602.372.2703.

Definitions

Demolition — The wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

Renovation — 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. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Helpful Resources

NESHAP Notification Form:
bit.ly/MCAQD-NESHAP

Additional Information:
bit.ly/MCAQD-Asbestos

Maricopa County Rule 370:
bit.ly/MCAQD-R370

EPA Regulation:
bit.ly/MCAQD-40CFR61M

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