Understanding the Asbestos NESHAP

Fact Sheet

The Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (U.S. EPA) to develop and enforce regulations to protect the general public from exposure to airborne contaminants that are known to be hazardous to human health. The U.S. EPA established the National Emission Standards for Hazardous Air Pollutants (NESHAP) under the authority of Section 112 of the CAA, and asbestos was one of the first hazardous air pollutants regulated. The Asbestos NESHAP was promulgated on April 6, 1973, and it was revised in 1990. The Pima County Department of Environmental Quality (PDEQ) is delegated implementation and enforcement authority for the Asbestos NESHAP from the U.S. EPA.

Asbestos was widely used in buildings for fireproofing, thermal and acoustical insulation, condensation control, and decoration. It was sprayed on beams and ceilings, used to cover piping and boilers, and sprayed into ducts. Asbestos was used extensively until the 1970s when U.S. EPA banned certain applications.

The Asbestos NESHAP protects the public by minimizing the release of asbestos fibers during renovation and demolition activities. Accordingly, this regulation specifies work practices to be followed for demolitions and renovations of all structures, installations, and buildings. Privately owned residential dwellings or apartments that are demolished for urban renewal or as part of a public or commercial project would be covered under the NESHAP regulations. Residential dwellings containing four units or less under private control or ownership would not be subject to the NESHAP. In addition, the Asbestos NESHAP contains notification requirements for the owner of the building and/or the contractor. Both the owner and contractor(s) are liable for compliance with the Asbestos NESHAP requirements.

The purpose of this publication is to describe who is subject to the Asbestos NESHAP and to explain the requirements of this standard. A brief glossary is provided at the end of this document to assist in understanding some of the terms (appearing in **boldface** text) discussed in this fact sheet. This fact sheet is to be used only as a guide and is not a substitute for reading and understanding the final rule which is found in Title 40, Part 61, Subpart M of the Code of Federal Regulations (40 CFR Part 61).

RESIDENTIAL BUILDING EXEMPTION

The demolition or renovation of any isolated (single) small residential building by any entity is not covered by the Asbestos NESHAP. The **residential building exemption** from the Asbestos NESHAP applies to the demolition or renovation of isolated small residential buildings with four or fewer dwelling units as described in the definition of "Facility."

The **residential building exemption** does not apply when **multiple** (more than one) small residential buildings on the same site are demolished or renovated by the same owner/operator as part of the same project or where a single residential building is demolished/renovated as part of a larger project that includes demolition/renovation of non-residential buildings. The residential building exemption was not designed to exempt larger demolitions/renovation on a particular site, even where residential buildings are involved.

ASBESTOS NESHAP APPLICABILITY

To determine applicability to the Asbestos NESHAP, three questions must be answered:

- ☞ Is the facility regulated by the NESHAP?
- ☞ Is the activity a demolition or a renovation?
- ☞ Does the amount of **regulated asbestos-containing material (RACM)** meet or exceed the thresholds?

☞ *Is the Facility Regulated by the Asbestos NESHAP?*

A **facility** subject to the NESHAP can be any institutional, commercial, or industrial structure, **installation,** or building. Examples include, but are not limited to:

- ✓ Bridges;
- ✓ Tunnels;
- ✓ Docked ships;
- ✓ Military installations, including dependent housing;
- ✓ Chemical/power plant installations;
- ✓ Indoor shopping malls;
- ✓ School buildings in a school district;
- ✓ Post office buildings;
- ✓ Apartment buildings containing five or more dwelling units;
- ✓ Certain condominiums, cooperatives, and lofts;
- ✓ Dwellings which are part of an urban renewal project, highway construction, shopping mall, or other private development;
- ✓ Groups of residential buildings under control of the same owner/operator and part of the same renovation/demolition project (even if the buildings are not proximate to each other);
- ✓ Amusement parks or state fairgrounds;
- ✓ Jails or prisons;
- ✓ Nursing homes or homes for disabled persons;
- ✓ Parking garages;
- ✓ Farms;
- ✓ Churches, monasteries, convents, or rectories; and
- ✓ Residential dwellings intentionally burned for fire training, etc.
- ✓ Swimming pools

Some examples of facilities not subject to the Asbestos NESHAP include:

- ✓ Privately owned individual homes, not demolished for urban renewal or as part of a public or commercial project (multiple building structures are subject to the NESHAP);
- ✓ Multi-dwelling residential building with four or less dwelling units; and
- ✓ Mobile sources.

☞ *Is the Activity a Demolition or a Renovation?*

A **demolition** is 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. A **renovation** is altering a facility or one or more facility components in any way, including the **stripping** or **removal** of RACM from a facility component (excluding operations in which load-supporting structural members are wrecked or taken out). A demolition may involve the stripping or removal of RACM prior to demolition. Table 1 lists some examples of demolition and renovation activities.

Table 1. Examples of Demolition and Renovation Activities

Demolition	Renovation
The wrecking or taking out of any load-supporting structural member or the intentional burning of any facility.	Altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component, but excluding operations in which load-supporting structural members are wrecked or taken out.
• Wrecking or taking out building beams or load-supporting walls; • Removing the structural steel supports of outdoor pipe racks; • Intentional burning, including intentional burning for fire training (this includes privately-owned, single-family dwellings); • Wrecking or tearing down a portion of a structure that is load-supporting; • Renovating or remodeling a facility that includes wrecking or removing a load-supporting wall or component, etc.; or • Wrecking or taking out structural members of bridges.	• Scraping asbestos insulation off a ceiling; • Removing a boiler covered with friable asbestos from a building; • Removing pipe covered with friable asbestos from a pipe rack; • Gross removal of boiler asbestos insulation; • Glove bag stripping of asbestos pipe wrap; • Drilling through asbestos ceiling plaster to build a dropped ceiling; • Removing soundproofing, ceiling tiles, or plaster containing asbestos; • Removing vinyl asbestos floor tile or any asbestos-containing material that is normally nonfriable that is **in poor condition** (cracking, peeling, or showing other signs of deterioration). For example, it can be crumbled or pulverized by hand pressure; or • Activities that will render nonfriable material friable, such as grinding, sanding, crumbling, pulverizing, sawing, or other abrasive action, etc.

☞ *When Must an Asbestos Inspection and Detection Survey Be Completed?*

The Asbestos NESHAP requires that a thorough inspection be conducted for all renovations and all demolitions. All inspections must be completed before the commencement of a subject renovation and/or demolition activity. Inspections utilizing just visual examination are not acceptable unless the building material is metal, glass, or wood, or the material is certified by the manufacturer to not contain asbestos. Both contractors and their legal representatives, as well as owners and their legal representatives, are fully responsible for fulfilling the Asbestos NESHAP inspection requirements.

Although the Asbestos NESHAP does not specifically state that the person who does the inspection and conducts the site survey be trained in recognizing potential asbestos-containing material, the prerequisite of a trained survey inspector still may be a requirement under the Occupational Safety and Health Administration's (OSHA) Asbestos Standards. The federal OSHA Asbestos Standard for Construction (29 CFR 1926.1101) and the OSHA Asbestos Standard for General Industry (29 CFR 1910.1001) are administered by the Arizona Division of Occupational Safety and Health (ADOSH). Each standard requires that all **public and commercial buildings** constructed prior to 1981, where employees may enter, work, or contact building materials, must be inspected for **asbestos-containing materials (ACM).**

This includes any houses, garages, apartments, etc. where employees work and may disturb asbestos. Additionally, all such vacant buildings scheduled for renovation or demolition must have an asbestos building survey completed prior to the start of the work.

Inspections under the OSHA standards must also adhere to the AHERA inspection protocol and be performed by an accredited asbestos building inspector or a Certified Industrial Hygienist (CIH). The building survey must document the presence, location, and quantity of all "suspect" ACM. Laboratory analysis information should be a part of the building survey document and be kept by the building owner. Once an asbestos building survey has confirmed or assumed the presence of ACM, all employees who work around, but do not disturb the ACM (i.e., persons conducting janitorial, building maintenance, and/or housekeeping activities) must receive, at a minimum, asbestos awareness training. Additionally, employees who may disturb ACM (i.e., persons working with any of the mechanical systems that have ACM) are required to have additional asbestos-related training.

PDEQ recommends that the Asbestos NESHAP survey be conducted by a trained and certified AHERA Building Inspector, and that samples be analyzed by a laboratory accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) using the method specified in Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy (PLM).

☞ *Does the Amount of RACM Meet or Exceed the Thresholds?*

Thoroughly inspect the facility for asbestos, including **Category I and Category II nonfriable asbestos-containing material (ACM)**. Determine if the combined amount of RACM is at or above the thresholds listed in Table 2. RACM includes:

- ✓ Friable asbestos material;
- ✓ Category I nonfriable ACM that has become friable;
- ✓ Category I nonfriable ACM that will be or has been subjected to sanding, **grinding**, **cutting**, or abrading; or
- ✓ 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 during demolition or renovation.

To determine whether **planned renovation operations** involving individual **nonscheduled renovation operations** are subject, predict the combined additive amount of RACM to be removed during a calendar year of January 1 through December 31.

Table 2. Applicability Thresholds

Location of Asbestos	Threshold Level of RACM
Pipes	260 linear feet (80 linear meters)
Other facility components	160 square feet (15 square meters)
Asbestos that is already off facility components where the length or area could not be measured previously.	35 cubic feet (1 cubic meter)

Any demolition or renovation activity that meets or exceeds the applicability thresholds in Table 2 is subject to all the renovation/demolition requirements of the NESHAP. Demolition activities below the thresholds (even for facilities with no asbestos) are subject to the notification requirement. Figure 1 summarizes the process for determining applicability to the Asbestos NESHAP.

Examples of operations that are neither demolitions nor subject renovations and, therefore, not subject to the Asbestos NESHAP include:

- ✓ Renovation below the threshold levels unless it is above the threshold levels cumulatively in a calendar year;
- ✓ Removal of **nonfriable asbestos-containing material**, as long as the material is not in poor condition and it remains nonfriable during all phases of removal, handling, and waste disposal; and
- ✓ Removal of interior, non-load supporting walls that are not associated with any regulated asbestos-containing material.

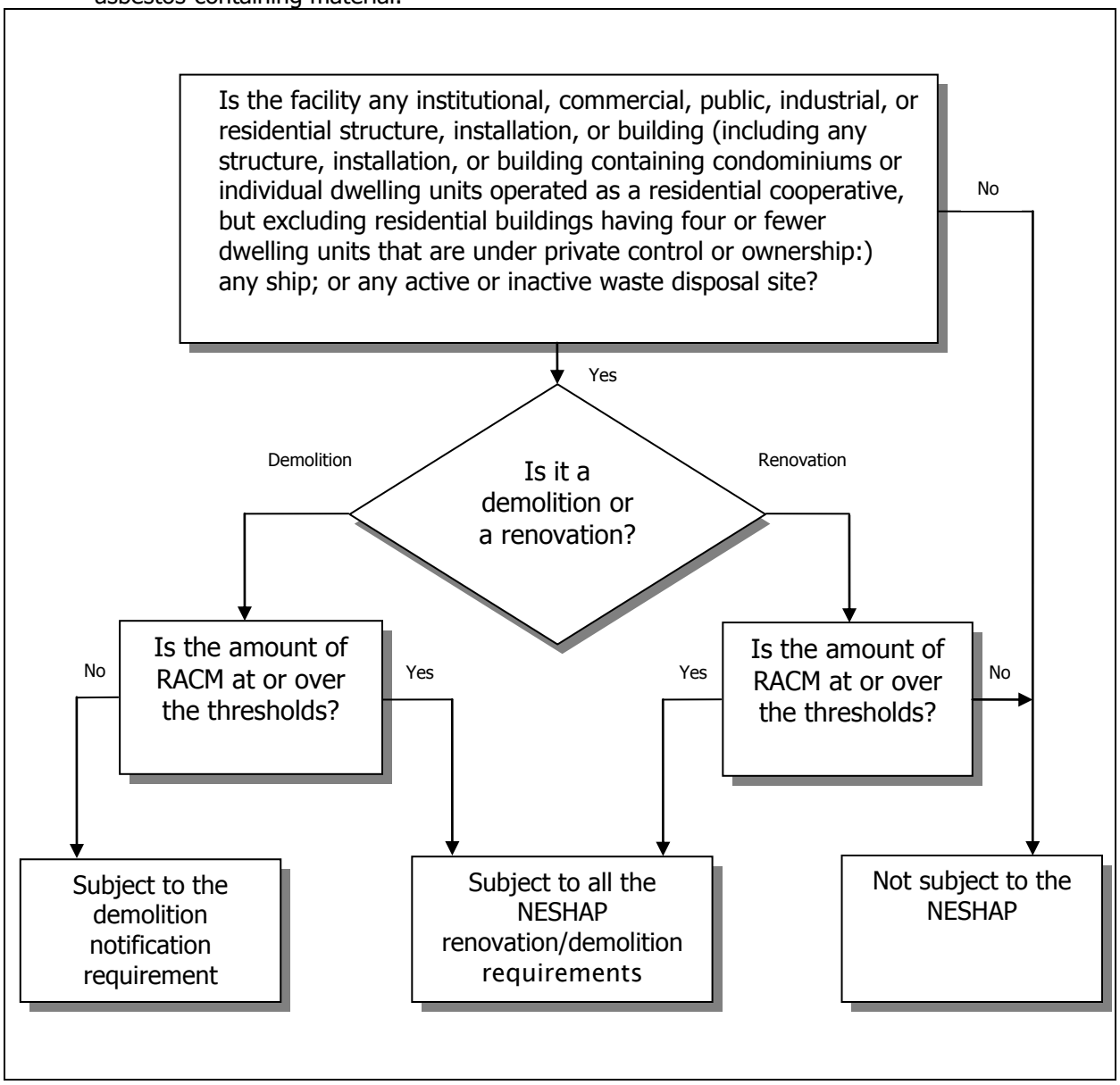

Figure 1. Flowchart for Determining Applicability to the Asbestos NESHAP

ASBESTOS NESHAP NOTIFICATION REQUIREMENT

An important aspect of the NESHAP is the advance notification requirement, which enables PDEQ to ensure that all precautions are being taken to minimize asbestos emissions. Building **owners** or contractors must submit notifications for all subject demolitions and for subject renovations where the amount of RACM meets or exceeds the thresholds. Notifications must be postmarked or hand delivered at least ten **working days** prior to beginning demolition (including asbestos stripping or removal work) or renovation. For planned renovation operations involving individual, nonscheduled operations, the notification is required at least ten working days before the beginning of the calendar year for which notice is being given. Notifications must be delivered or postmarked as early as possible, but not later than the following work day for ordered demolitions and for emergency renovation operations. An **emergency renovation operation** means that the renovation operation was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden.

The notification must include the following information:

- ✓ Date of notification (or date of revision);
- ✓ Type of notification (original, revised, canceled);
- ✓ Type of operation (demolition, renovation, ordered demolition, emergency renovation, annual non-scheduled operations);
- ✓ Scheduled starting and completion dates of asbestos removal work;
- ✓ Scheduled starting and completion dates of demolition or renovation;
- ✓ Abatement contractor information (if the project is a renovation, or a demolition involving abatement of RACM);
- ✓ Demolition contractor information (if project is a demolition);
- ✓ Facility owner information;
- ✓ Facility description including location;
- ✓ Disposal site information;
- ✓ Waste transporter information;
- ✓ Ordered demolition information (if project is an ordered demolition);
- ✓ Estimate of amount of RACM to be removed and amount of Category I and Category II nonfriable ACM that will not be removed before demolition;
- ✓ Project description, including surfaces asbestos will be removed from, removal method, and method of demolition;
- ✓ Engineering controls description;
- ✓ Procedure if unexpected asbestos is found;

- ✓ Procedure used to detect asbestos;
- ✓ Emergency renovation information (if project is an emergency renovation); and
- ✓ Certification that at least one trained person will supervise the asbestos stripping and removal.

PDEQ's "Asbestos NESHAP Activity Permit Application and Notification of Demolition & Renovation" form should be used to fulfill the notification requirement. Delivery of the notification must be made by the U.S. Postal Service, commercial delivery service, or hand delivery.

- ***Where To Send Notifications***

Mail or hand deliver original notifications to: PDEQ, 33 N. Stone Avenue, Tucson, Arizona, 85701. Notifications for projects in Pima County within the boundaries of the Tohono O'Odham, Pasqua Yaqui and San Xavier Indian Reservations should be sent to U.S. EPA - Region IX, Asbestos NESHAP Notification (Air 5), 75 Hawthorne Street, San Francisco, California, 94105.

- ***Revising a Notification***

A revised notification should be sent any time there is a change in any of the required information previously submitted. The simplest way is to make a copy of both sides of the original notification (or last revision), mark it as a revision, indicate the date the revision is being sent, cross out the old information, and hand write or type in the new information. Additionally, it is helpful if the changed information is highlighted.

The NESHAP specifically requires a revision if the amount of asbestos reported changes by 20% (either a decreased amount or an increased amount). An increased amount refers to additional asbestos unexpectedly found while working on the specific project covered in the notification. If the scope of the project increases, a new notification is required. For example, removing asbestos from an area of the building not covered by the original notification would be considered a change in project scope.

- ***Revising Project Dates***

If the project will begin on a date later than the date in the original notice (or latest revision), call (520) 724-7400 before the previously scheduled start date to notify PDEQ of the new start date and follow up with a written notification postmarked no later than the previously scheduled start date. If the project will start earlier than the original start date (or latest revision), provide the new start date at least ten working days before beginning the project. **Under no circumstances shall a NESHAP project begin on a date other than the date in the notification (or the latest revised notification).**

If a project will be postponed indefinitely and a new start date cannot be predicted, call 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 ten working days prior to beginning the project. It is unacceptable to indefinitely postpone a project and then send a revised start date less than ten working days before the project is to begin.

WORK PRACTICE STANDARDS

For a demolition project, the RACM is not required to be removed or stripped if any of the following criteria are met:

- ✓ It is Category I nonfriable ACM that is not in poor condition, is not **friable**, and a licensed asbestos abatement contractor is made available at the demolition site.
- ✓ It is on a **facility component** that is encased in concrete or other similarly hard material and is adequately wet whenever exposed during demolition.

- ✓ It was not accessible for testing and, therefore, was not discovered until after the demolition began and as a result of the demolition cannot be safely removed.

- ✓ It is Category II nonfriable ACM with low probability of becoming crumbled, pulverized, or reduced to powder during demolition.

- ✓ For large facility components (reactor vessels, large tanks, steam generators, etc. but not beams): the component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM; the component is encased in a **leak-tight** wrapping; and the leak-tight wrapping is properly labeled during loading, unloading, and storage.

If a facility is demolished by intentional burning (e.g., fire training), all ACM including Category I and Category II nonfriable ACM is regulated and must be removed before burning.

Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material. When stripping asbestos from a facility component while it remains in place in the facility, **adequately wet** the asbestos. After a facility component that is covered with asbestos is taken out of a facility, it shall be stripped or contained in leak-tight wrapping. When stripping, adequately wet the component or use a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material.

The following requirements must be followed for RACM, including material that has been removed or stripped:

- ✓ Adequately wet the material and ensure that it remains adequately wet until collected and contained or treated in preparation for disposal;
- ✓ Carefully lower the material to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material; and
- ✓ Transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than 50 feet above ground level and was not removed as units or in sections.

There are two situations for which the requirement for adequately wetting the material does not apply. The first case is when the temperature at the point of wetting is below 32° F. The temperature must be recorded at the beginning, middle, and end of each work day; and these records must be kept for two years. The second situation involves renovation operations where wetting would unavoidably damage equipment or present a safety hazard. For these operations, written approval must be obtained from PDEQ (submit a request for a waiver for not wetting in writing to PDEQ), and the following emission control methods must be used:

(1) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material;

(2) A glove-bag system designed and operated to contain the particulate asbestos material; and

(3) Leak-tight wrapping to contain all RACM prior to dismantlement.

WASTE DISPOSAL

The Asbestos NESHAP specifies that no **visible emissions** can be discharged to the outside air from the collection, processing, transport, and disposal of **asbestos-containing waste materials**. After wetting, seal all asbestos-containing waste material in leak-tight containers. If the waste will not fit into containers, it must be placed in leak-tight wrapping. Label the containers or wrapped materials being taken away from the facility using warning labels specified by the Occupational Safety and Health Administration (OSHA) and the U.S. DOT. The label should include the name of the **waste generator** and the location at which the waste was generated. Asbestos-containing waste materials must be

deposited as soon as practical to an appropriate waste disposal site. Vehicles used to transport asbestos-containing waste materials must be marked during the loading and unloading of waste. U.S. DOT regulations require the proper identification number of "NA2212" be placed on shipping papers and package marking.

Waste shipment records must be maintained by the owner or operator of a demolition/renovation operation. The following information is required on waste shipment records:

- ✓ Generator name, address, and telephone;
- ✓ Asbestos NESHAP program agency name and address for the work site and waste disposal site;
- ✓ Quantity of asbestos-containing waste materials (cubic meters or cubic yards);
- ✓ A monitored emergency response telephone number for a person who is knowledgeable of the hazardous material being shipped and has comprehensive emergency response and incident mitigation information, or who has immediate access to a person with such knowledge;
- ✓ Waste disposal site operator name and telephone;
- ✓ Disposal site name and physical location;
- ✓ Transport date;
- ✓ Transporter name, address, and telephone; and
- ✓ Certification.

Provide a copy of the waste shipment record to the disposal site owner or operator at the time of delivery. If a copy of the waste shipment record signed by the owner or operator of the waste disposal site is not received by the waste generator within 35 days, contact the transporter and disposal site to determine the status of the waste shipment. Notify the PDEQ in writing if a signed waste shipment record is not received from the waste disposal site within 45 days. Keep a copy of all waste shipment records, including the signed copy, for at least two years. Contact PDEQ if you have waste disposal questions.

TRAINING

The Asbestos NESHAP requires at least one trained supervisor to be present when asbestos-containing material is stripped, removed, disturbed, or otherwise handled. Training includes, at a minimum: applicability, notification, material identification, control procedures, waste disposal, reporting and recordkeeping, asbestos hazards, and worker protection. Refresher training is required every two years. Evidence of this training must be posted and made available for inspection at the demolition or renovation site. PDEQ recommends AHERA Contractor Supervisor training and certification.

WHY COMPLY WITH THE ASBESTOS NESHAP

Compliance with the Asbestos NESHAP will reduce the public's and workers' exposure to asbestos and will keep facility owners and contractors operating within the law. Non-compliance with the NESHAP is a significant violation. PDEQ attempts to reach a settlement with the owner and operator when violations of the Asbestos NESHAP occur. If a settlement acceptable to the U.S. EPA is not reached in a timely manner, the U.S. EPA may pursue enforcement action at the federal level. The U.S. EPA may decide to pursue an escalated enforcement action on its own. Violations of the NESHAP notification and work practice requirements may result in written warnings, administrative orders, civil penalties up to $37,500 per day per violation, and/or criminal charges. Typically, violations are resolved with a consent order requiring the facility to pay a penalty and to comply with the regulations for all future demolitions or renovations. Some owners and operators who have knowingly violated the Asbestos NESHAP have been sentenced to prison terms.

WHERE TO GET ADDITIONAL INFORMATION

Additional information about asbestos is available on the Internet through the U.S. EPA's Asbestos webpage. In addition, the PDEQ Asbestos NESHAP notification form and regulations are located on PDEQ's Asbestos NESHAP webpage. Questions about the federal OSHA standards can be obtained by visiting ADOSH's website. Questions related to the transportation of asbestos can be addressed by visiting the U.S. Department of Transportation's (U.S. DOT) Hazmat Information Center webpage.

- ***Government Agency Contacts**:*

Pima County Department of Environmental Quality (PDEQ)
Asbestos NESHAP Coordinator
33 N. Stone Avenue, Suite 700
Tucson, Arizona 85701-1429
(520) 724-7400

Arizona Division of Occupational Safety and Health (ADOSH)
Tucson Office
2675 E. Broadway Boulevard
Tucson, Arizona 85716
(520) 628-5478
US Environmental Protection Agency
Region IX - Asbestos NESHAP Coordinator (Air 5)
75 Hawthorne Street
San Francisco, California, 94105
(415) 947-4182

ACRONYMS

ACM.....Asbestos-Containing Material
ADOSH .....Arizona Division of Occupational Safety and Health
CAA .....Clean Air Act
NESHAP .....National Emission Standards for Hazardous Air Pollutants
OSHA.....Occupational Safety and Health Administration
PDEQ.....Pima County Department of Environmental Quality
PLM .....Polarized Light Microscopy
RACM.....Regulated Asbestos-Containing Material
U.S. DOT.....U.S. Department of Transportation
U.S. EPA .....U.S. Environmental Protection Agency

DEFINITIONS

This section contains a list of definitions from the Asbestos NESHAP. Not all of these terms are used in this fact sheet.

Active waste disposal site: Any disposal site other than an inactive site.

Adequately wet: Sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos: The asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophylite, and actinolite-tremolite.

Asbestos-containing materials: Any materials containing more than 1% asbestos.

Asbestos-containing waste materials: Mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the Asbestos NESHAP. This includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Asbestos mill: Any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.

Asbestos tailings: Any solid waste that contains asbestos and is a product of asbestos mining or milling operations.

Asbestos waste from control devices: Any waste material that contains asbestos and is collected by a pollution control device.

Category I nonfriable asbestos-containing material (ACM): Asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1% asbestos as determined using Polarized Light Microscopy.

Category II nonfriable ACM: Any material, excluding Category I nonfriable ACM, containing more than 1% asbestos as determined using Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Commercial asbestos: Any material containing asbestos that is extracted from ore and has value because of its asbestos content.

Cutting: To penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

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.

Emergency renovation operation: A renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by nonroutine failures of equipment.

Fabricating: Any processing (e.g., cutting, sawing, drilling) of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites (field fabricating) for the construction or restoration of facilities. In the case of friction products, fabricating includes bonding, debonding, grinding, sawing, drilling, or other similar operations performed as part of fabricating.

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 the Asbestos NESHAP is not excluded, regardless of its current use or function.

Facility component: Any part of a facility including equipment.

Friable asbestos material: Any material containing more than 1% asbestos as determined using Polarized Light Microscopy that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

Fugitive source: Any source of emissions not controlled by an air pollution control device.

Glove bag: A sealed compartment with attached inner gloves used for the handling of asbestos-containing materials. Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations.

Grinding: To reduce to powder or small fragments and includes mechanical chipping or drilling.

Hazmat employee: means a person who is employed by a hazmat employer and who, in the course of employment, directly affects hazardous materials transportation safety. This term includes an owner-operator of a motor vehicle which transports hazardous materials in commerce. This term includes an individual, including a self-employed individual, employed by a hazmat employer who, during the course of employment:

1. Loads, unloads, or handles hazardous materials;

2. Manufactures, tests, reconditions, repairs, modifies, marks, or otherwise represents containers, drums, or packagings as qualified for use in the transportation of hazardous materials;

3. Prepares hazardous materials for transportation;

4. Is responsible for safety of transporting hazardous materials; or

5. Operates a vehicle used to transport hazardous materials.

Hazmat employer: means a person who uses one or more employees in connection with: transporting hazardous materials in commerce; causing hazardous materials to be transported or shipped in commerce; or representing, marking, certifying, selling, offering, manufacturing, reconditioning, testing, repairing, or modifying containers, drums, or packagings as qualified for use in the transportation of hazardous materials. This term includes an owner-operator of a motor vehicle which transports hazardous materials in commerce. This term also includes any department, agency, or instrumentality of the United States, a state, a political subdivision of a state, or an Indian tribe engaged in an activity described in the first sentence of this definition.

In poor condition: The binding or the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.

Inactive waste disposal site: Any disposal site or portion of it where additional asbestos-containing waste material has not been deposited within the past year.

Installation: Any building or structure or any group of buildings or structures at a single demolition or renovation site that is under the control of the same owner or operator (or owner or operator under common control).

Leak-tight: Solids or liquids cannot escape or spill out. It also means dust-tight.

Malfunction: Any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner so that emissions of asbestos are increased. Failures of equipment shall not be considered malfunctions if they are caused in any way by poor maintenance, careless operation, or any other preventable upset conditions, equipment breakdown, or process failure.

Manufacturing: The combining of commercial asbestos—or, in the case of woven friction products, the combining of textiles containing commercial asbestos—with any other material(s), including commercial asbestos, and the processing of this combination into a product. Chlorine production is considered a part of manufacturing.

Natural barrier: A natural object that effectively precludes or deters access. Natural barriers include physical objects such as cliffs, lakes or other large bodies of water, deep and wide ravines, and mountains. Remoteness by itself is not a natural barrier.

Nonfriable asbestos-containing material: Any material containing more than 1% asbestos as determined using Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Nonscheduled renovation operation: A renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience but for which an exact date cannot be predicted.

Outside air: The air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

Owner or operator of a demolition or renovation activity: Any person, who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Particulate asbestos material: Finely divided particles of asbestos or material containing asbestos.

Planned renovation operations: A renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual, nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

Public and Commercial Building: The interior space of a building that is not a school building, a residential apartment building of fewer than ten units, or a detached single-family home. Public and commercial buildings include, but are not limited to, all of the following: industrial and office buildings, residential apartment buildings and condominiums of ten or more dwelling units, government-owned buildings, colleges and universities, museums, airports, hospitals, churches, preschools, stores, warehouses, and factories.

Regulated asbestos-containing material (RACM): Any all of following: (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.

Remove: To take out RACM or facility components that contain or are covered with RACM from any facility.

Renovation: Altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Resilient floor covering: Asbestos-containing floor tile, including asphalt and vinyl floor tile and sheet vinyl floor covering containing more than 1% asbestos as determined using Polarized Light Microscopy.

Roadways: Surfaces on which vehicles travel. This term includes public and private highways, roads, streets, parking areas, and driveways.

Strip: To take off RACM from any part of a facility or facility components.

Structural member: Any load-supporting member of a facility, such as beams and load supporting walls, or any nonload-supporting member, such as ceilings and nonload-supporting walls.

Visible emissions: Any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor.

Waste generator: Any owner or operator of a source covered by the Asbestos NESHAP whose act or process produces asbestos-containing waste material.

Waste shipment record: The shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

Working day: Monday through Friday including holidays that fall on any of the days Monday through Friday.