

STATE OF DELAWARE PRE-DEMOLITION/RENOVATION ASBESTOS SURVEY REQUIREMENTS

In the State of Delaware, prior to demolition¹ or renovation² activities at a facility³ as defined within the "National Emission Standards for Hazardous Air Pollutants" (NESHAP) Regulations (40 CFR 61, Subpart M), an owner must thoroughly inspect the affected facility or part of the facility where the demolition or renovation operations will occur, for the presence of asbestos.

This inspection is to be performed by a licensed State of Delaware Asbestos Field Technician, employed by a Licensed State of Delaware Professional Service Firm, as set forth in Facilities Managements Regulation Governing The State of Delaware Contractor/Supervisor/Worker Asbestos Training and Certification Program and Training/Certification for Asbestos Professional Services@. This inspection must include a thorough visual inspection as well as representative sampling of all suspect materials. All materials identified as having an asbestos content greater than 1% must be removed in accordance with State of Delaware Regulations Governing the Control of Air Pollution®, Regulation No. 21, '10, prior to demolition/renovation activities. A copy of this inspection shall be maintained on-site during all renovation/demolition activities.

Section 112 of the Clean Air Act (CAA) requires EPA to develop emission standards for hazardous air pollutants. In response to this section, the Environmental Protection Agency (EPA) published a list of hazardous air pollutants and promulgated the "National Emission Standards for Hazardous Air Pollutants" (NESHAP) Regulations. Since asbestos presents a significant risk to human health as a result of air emissions from one or more source categories, it is therefore considered a hazardous air pollutant. The Asbestos NESHAP (40 CFR 61, Subpart M) addresses milling, manufacturing and fabricating operations, demolition

¹Demolition, means the wrecking or taking out of any load supporting structural member of a facility together with any related handling operations or intentional burning of the facility.(40 CFR 61.141)

²Renovation means 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. (40 CFR 61.141)

³Facility means 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 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 this subpart is not excluded, regardless of its current use or function. (40 CFR 61.141)

and renovation activities, waste disposal issues, active and inactive waste disposal sites and asbestos conversion processes.

The State of Delaware has adopted 40 CFR 61, Subpart M and its subsequent revisions, under the State of Delaware Regulations Governing the Control of Air Pollution®, Regulation No. 21, '10, '10.1.

NOTE: Asbestos abatement requirements for all buildings not subject to 40 CFR Part 61, are covered in Regulations Governing the Control of Air Pollution®, Regulation No. 21, '10, '10.9.

Any public or private asbestos abatement project, except for work in an owner-occupied single family dwelling performed by the owner of such dwelling, shall be performed by a contractor and/or contractors who have been certified by the department.

If you have any questions regarding the above-mentioned requirements, please feel free to contact me in the New Castle Office at (302) 323-4542, 715 Grantham Lane, New Castle, Delaware 19720.

Sincerely,

Howard L. Morrison, III
Senior Environmental Compliance Specialist
Department of Natural Resources & Environmental Control