



# Recently Adopted Asbestos Rule Significant Changes

Air Resources Division  
October 18, 2024





NEW HAMPSHIRE  
DEPARTMENT OF  
**Environmental  
Services**

# **Part 1 of 2 Asbestos Renovation/Demolition Project Requirements**



# PLEASE BE AWARE THAT:



- This presentation does not describe all the changes made to the Asbestos Management and Control rule, also known as Env-A 1800, effective November 1, 2024.
  - Please review Env-A 1800 to see all changes made to the rule. You can find Env-A 1800 on the NHDES website, at [www.des.nh.gov](http://www.des.nh.gov), by clicking on Permits, Rules and Regulatory, then selecting Administrative Rules. Under Filter by Keyword, type in “asbestos” then click on Refine Results.

Filter by Keyword:	Filter by Document Type:	Filter by Subcategory:	REFINE RESULTS >
asbestos	Please select... ▼	Please select... ▼	

- The changes described in this presentation are not the official requirements. You must comply with the requirements as specified in Env-A 1800.
- In case of a conflict between this presentation and Env-A 1800, the requirement in the rule must be followed.
- Words shown in bold in this presentation are terms defined in Env-A 1802. Please check the rule for those definitions.

# Revised Homeowner Requirements

## Env-A 1803



If you meet all of the following criteria:

- **Homeowner**
- Private, single-family property
- Property not used as a **rental dwelling**
- Personally perform asbestos abatement work or arrange for disposal of asbestos
- Work not done within 6 months of selling or renting



Then, the homeowner does not need to have an inspection done or submit a notification for the work on the property.

This part of the rule contains all homeowner requirements including:

- Removal, packaging, labeling and disposal of asbestos
- Notification for asbestos disposal
- Submittal of waste shipment records

**Please be aware that the homeowner must follow additional requirements, including inspection and notification, for any demolition activities.**

# Revised Inspection Requirements

## Env-A 1802.16/Env-A 1804.01



Anyone performing asbestos inspections in NH must be certified by NHDES.

- See the Part 2 video for more information about applying for an inspector certification.

An inspection is only valid if:

- There is a written report.
- The report has information on the type, category, condition, amount and location of asbestos.
- Samples are properly collected.
- An asbestos analysis service tests all samples except those that are presumed to be asbestos.

You must have the inspection report on-site at the project location and keep a copy of the report.

**Please be aware that you must submit a copy of the inspection report to NHDES within 3 business days of a request by NHDES.**



# Inspection Exemptions



Limited materials

If a property has four or fewer units, an inspection is not required if the facility component to be impacted only includes materials made solely of wood, stone, fiberglass, glass, plastic, metal, foam or rubber.

Ordered Demolition

If a **facility** is declared unsafe and structurally unsound by a state/local governmental agency, an inspection is not required and asbestos does not need to be removed prior to demolition if the owner or operator:

- Submits documentation from the agency; and
- Presumes that the facility contains asbestos and complies with all other applicable requirements of Env-A 1805 through Env-A 1812.

# Changes to Notification Requirements

## Env-A 1806



NHDES simplified the categories of projects to just **major** and **minor asbestos abatement**. No longer distinguish between class S and class N.

Change the single notification form into 3 separate forms:

- Asbestos Abatement Notification
- Demolition Notification
- Notification for Asbestos Disposal

For work at a school, you must submit a copy of the design plan with the notification.

Allow for either submittal of each form in paper or by **electronic means**, which is not yet available.

**A new electronic submittal system is under development. Stay tuned for more information!**



# Expanded Revised Notification Requirements

## Env-A 1806.04



After submitting an initial notification, the owner/operator must submit a revised notification if certain changes occur.

### Revision Type 1

You must submit a revised notification for the following:

- Entity changes
- Type of asbestos affected changes
- Completion date changes
- Unscheduled change, of more than 1 day, to dates/hours of operation
- Amount of asbestos changes by 20% or more
- Amount of asbestos affected increases resulting in increase in fee amount

### When to submit?

- Within 24 hours of when the change occurs by phone then submit the paper notification form and fee(s) within 48 hours after the call.



# Expanded Revised Notification Requirements (continued)



## Revision Type 2

You must submit a revised notification to change the start date (SD) for renovation or demolition:

- If earlier than original SD:
  - Submit the paper notification form and fee at least 10 working days before any work occurs.
- If later than original SD:
  - Notify within 24 hours of original SD by phone then submit the paper notification form within 24 hours after initial call.

## Revision Type 3

When asbestos removal locations within a facility are added:

- You must submit the paper notification form and fee at least 10 working days prior to beginning work in the new locations; and
- For project at school subject to AHERA, you must submit a revised design plan.

# Other Important Notification Information



Initial notification and any subsequent revised notifications expire on the completion date of the project unless a revision is received prior to that date.

No fees for:

- Minor asbestos abatement,
- Demolition, or
- Transport for disposal

No change to fee amount for major asbestos abatement:

- \$300 for projects involving 260 linear feet, 160 square feet, 35 cubic feet or more
- \$50 for projects involving less than those amounts but greater than 10 linear feet, 25 square feet or 3 cubic feet

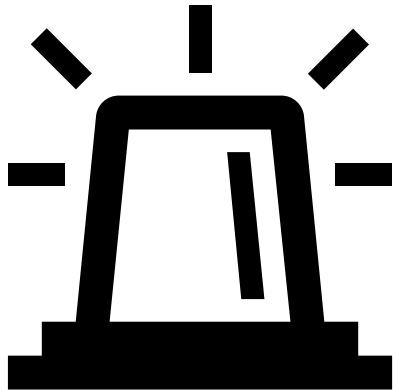
No change to revised notification fee, which is still \$25 per revision.

**Please be aware that all notification fees are now non-refundable.**



# Emergency Abatement Requirements

## Env-A 1806.03 and 1806.06



### For an emergency asbestos abatement, you must:

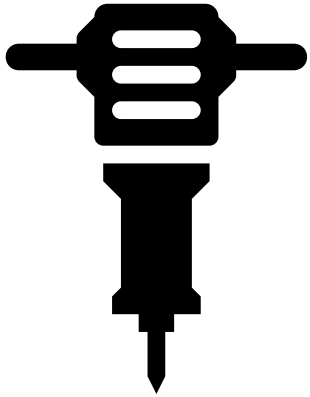
- Have an inspection performed by a certified inspector; and
- Include a written explanation on the paper Asbestos Abatement Notification form.

### The explanation must include a description of:

- The sudden, unplanned event or failure of equipment which requires immediate abatement; and
- The reason(s) that immediate abatement is necessary to:
  - Prevent hazard to safety or public health,
  - Protect equipment from damage, or
  - Prevent unreasonable financial burden.

# Ordered Demolition Requirements

## Env-A 1806.05



### For an **ordered demolition**:

- The facility must be determined to be structurally unsound **and** in imminent danger of collapse by a state/local governmental agency.
- You must submit a paper Demolition Notification form ASAP before, but no later than, the following workday after demolition begins.
- You must attach a copy of the order from the agency to the form.
- Notification is required even if no asbestos in the facility.



# Glovebag Requirements

## Env-A 1811.01

You must follow specific requirements in other sections of the rule if glovebags are used.

You need a single layer of plastic under the glovebag.

Clearance testing must be done for major projects when a glovebag procedure is completed.

# Alternative Procedures

## Env-A 1811.02

If you cannot meet a specific work practice requirement in the rules, you will need to submit a request for an alternative procedure as follows:

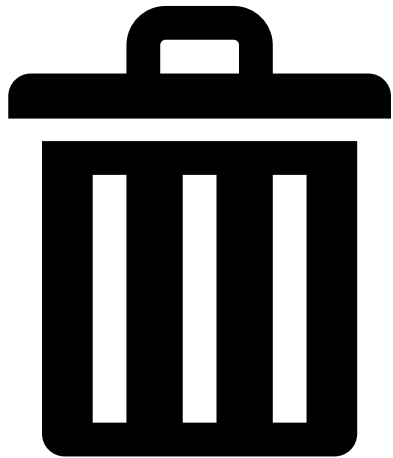
- Submit to both NHDES and the U.S. Environmental Protection Agency (EPA), if the requirement is included in federal asbestos regulation under 40 CFR 61, Subpart M.
- Submit just to NHDES, as a waiver described in Env-A 1820, if the requirement is only in the NH asbestos rules.

NHDES must find that the alternative will result in equivalent or lower potential hazard.

**Please be aware that when the temperature at the point of wetting is below freezing, you no longer need to request an alternative procedure. Instead, you may suspend wetting and keep temperature records.**

# Waste Shipment Record Requirements

## Env-A 1812.03



The owner or operator must submit a waste shipment record (WSR) within 30 days of either delivery of asbestos to a permitted facility or asbestos being picked up by transporter.

You must follow specific procedures if a copy of the WSR signed by the permitted disposal facility is not received by the owner/operator.

You are required to keep WSRs for 5 years from the date the asbestos is received at the disposal facility.



## For more information

Get a copy of the updated rule online at [www.des.nh.gov/rules-and-regulatory/administrative-rules](http://www.des.nh.gov/rules-and-regulatory/administrative-rules) or contact the NHDES Public Information and Communications Unit for a paper copy by email at [info@des.nh.gov](mailto:info@des.nh.gov) or by phone at (603) 271-3503.

Contact the Asbestos Management Section by phone at (603) 271-0820 or by email at [asbestos@des.nh.gov](mailto:asbestos@des.nh.gov).

Go online to [www.des.nh.gov/waste/asbestos](http://www.des.nh.gov/waste/asbestos).