

What LEAs Should Know About the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP)

In addition to the requirements under the Asbestos Hazard Emergency Response Act (AHERA), schools are also required to abide by the National Emission Standard for Hazardous Air Pollutants (NESHAP) under Section 112 of the Clean Air Act (CAA). In 1971, EPA listed asbestos as a hazardous air pollutant under the NESHAP provision of the CAA. Subsequently, on April 6, 1973, EPA promulgated an emission standard for asbestos (40 CFR Part 61, Subpart M). The asbestos NESHAP has been amended several times, most recently in 1990. The NESHAP regulates (1) asbestos mills, (2) asbestos product manufacturing, (3) building demolition and renovation (excluding residential buildings that have four or fewer dwelling units), (4) fabricating, (5) insulating materials, (6) waste disposal, and (7) the conversion of asbestos into nonhazardous materials (vitrification). The rule establishes work practice standards and sets the emission limit at “no visible emissions.”

Local education agencies (LEAs) (including those in control of charter schools) who perform renovations or demolitions are subject to the requirements under the asbestos NESHAP. For renovations, schools are required to submit a notice of renovation to the relevant EPA Regional Office (or delegated State) at least 10 days prior to the renovation if at least 80 linear meters (260 linear feet) of regulated asbestos-containing materials (RACM) on pipes, or 15 square meters (160 square feet) of regulated asbestos-containing materials on other facility components, or at least one cubic meter (35 cubic feet) off facility components (where the amount of RACM previously removed from pipes and other facility components could not be measured before stripping) is exceeded. For school demolitions, all LEAs must submit notices of demolition to the relevant EPA Regional Office (or delegated State) at least 10 days prior to the demolition, regardless of whether asbestos is present within the building (40 CFR Part 61, Subpart M).

Asbestos that is friable (meaning that it can be crumbled or pulverized to a powder through hand pressure), or asbestos that will become friable during a renovation or a demolition, must be removed prior to the renovation or demolition, if the amount of asbestos exceeds at least 80 linear meters (260 linear feet) of regulated asbestos-containing materials (RACM) on pipes, or 15 square meters (160 square feet) of regulated asbestos-containing materials on other facility components, or at least one cubic meter (35 cubic feet) off facility components where the amount of RACM previously removed from pipes and other facility components could not be measured before stripping. Asbestos removal must be done by properly accredited professionals using adequately wet techniques and personal protective equipment. Buildings that are in danger of imminent collapse may not require asbestos removal prior to demolition.