

Department of Health

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Agency of Human Services

MEMORANDUM

TO: General Contractors/Building Owners/Architects
FROM: Asbestos & Lead Regulatory Program
DATE: February 2015
SUBJ: **Federal and State Regulations — Demolition & Renovation Activities**

STATE:

A “facility” is defined under Section 1.2.34 of the Vermont Regulations for Asbestos Control (VRAC) as follows:

*Any institutional, commercial, public building, industrial or residential structure, installation building, military or company housing, ships, railway, roadways grounds or property. This excludes owner occupied residential dwelling, but **includes any building vacated for demolition purposes.***

“Demolition” is defined under Section 1.2.25 of the VRAC as follows:

The total razing of a facility or 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” is defined under Section 1.2.52 of the VRAC as follows:

Altering in any way one or more facility or structural components.

Sections 9.1 (A) and 9.1 (B) of the VRAC state the following:

- A) *Prior to any demolition or renovation of a facility or portion of a facility, the facility owner shall determine, through an asbestos assessment, the presence of asbestos-containing materials. This assessment shall be conducted by a [Vermont] certified Asbestos Inspector. No person shall demolish or renovate a facility or portion of a facility without first obtaining confirmation from the facility owner that an asbestos assessment has been performed according to this section. **Even if no asbestos-containing materials are found in a facility which is to be demolished, the Department shall be notified 10 working days in advance of the demolition.***
- B) *If the assessment indicates the presence of asbestos-containing materials and these materials will be disturbed due to the demolition or renovation, then they shall be removed according to the requirements of Sections 2.4.1, 2.4.2, 2.4.3, 2.5.1, Section 6, and the USEPA 40 CFR Part 61 prior to the demolition or renovation activities commencing.*



Important Aspects To Consider:

- The asbestos assessment has to be specific only to areas in the facility where suspect asbestos-containing materials may be disturbed as a result of the renovation or demolition.
- Advance notification is required for all demolitions, regardless of building age or use.
- Private residences vacated for demolition are not exempt from these regulatory requirements.
- Salvaging building system components may disturb asbestos and should be properly coordinated to meet compliance with requirements of the VRAC.
- Private homeowners intending to conduct their own renovations or contractors intending to conduct renovations in private residences must be aware that some or all of the requirements of the VRAC may apply to the activity, even if the residence does not fit the strict definition of a “facility” – ***THERE ARE NO FULL EXEMPTIONS TO THE VRAC.***

How to Notify a Demolition:

1. Ensure that a Vermont-certified Asbestos Inspector has thoroughly assessed the building(s) slated for demolition and proper arrangements have been made for any necessary asbestos removal in accordance with the VRAC.
2. **Remember** - even if no asbestos was found during the assessment, notification is still required.
3. Demolition notifications must be done in writing using a Department provided form – the standard U.S. EPA Notification of Demolition and Renovation (a.k.a “NESHAP”) form satisfies the advance notification required under the VRAC. A PDF-fillable version of the NESHAP form can be found at this link:

http://www3.epa.gov/region10/pdf/asbestos/demolition-renovation-notification-form_fillable.pdf

Vermont-specific demolition notification forms are available upon request.

4. The completed demolition notification form along with a copy of the asbestos assessment report of findings must be mailed at least 10 working days in advance of the demolition to the following address:

Vermont Department of Health
Asbestos and Lead Regulatory Program
108 Cherry Street, P.O. Box 70
Burlington, VT 05402

Alternatively, the notification package can be faxed to (802) 863-7483 or may also be emailed (designated email address is available upon request).

Please call the Division of Environmental Health at 1-800-439-8550 if you have any further questions.

FEDERAL:

For some time now the U.S. EPA has required that they be notified of all renovation and demolition activities that fall under Section 61.145 of NESHAP (National Emission Standard for Hazardous Air Pollutants).

For more information about the EPA and asbestos related rules, regulations, and information, please visit:

<http://www.epa.gov/asbestos/asbestos-neshap>