



Lincoln-Lancaster County  
Health Department

## Lincoln-Lancaster County Health Department Air Quality Program

### Asbestos Regulation Fact Sheet

**While this fact sheet serves to identify a variety of laws and regulations pertaining to asbestos, the primary purpose of this fact sheet is to identify requirements administered at the state and local levels in Nebraska.**

#### Who regulates asbestos?

- Asbestos is regulated at the federal, state, and local level. Federally, asbestos is regulated by the U.S. Environmental Protection Agency (US EPA) and the Occupational Safety and Health Administration (OSHA). Federal laws and regulations include, but are not limited to, the following:
  - 40 CFR Part 61, Subpart M – National Emissions Standard for Hazardous Air Pollutants for Asbestos (also referred to as the ‘Asbestos NESHAP’): The Asbestos NESHAP regulations apply to renovations and demolitions of commercial, public, industrial, and institutional facilities; asbestos manufacturing; milling; roadways; and disposal. Residential buildings having four or fewer dwelling units are exempt from most of the NESHAP regulations. The regulations specify notification requirements, work practices and disposal requirements.
  - The ‘Asbestos Hazard Emergency Response Act’ (AHERA): This law addresses asbestos in schools, requiring local educational agencies to inspect their school buildings for asbestos-containing building material, prepare asbestos management plans and perform asbestos response actions to prevent or reduce asbestos hazards.
  - The ‘Asbestos General Standard’ and ‘Asbestos Construction Standard’ are administered by OSHA. The Asbestos General Standard (found at 29 CFR §1910.1001) specifies permissible exposure limits, as well as requirements for engineering controls, worker training, labeling, respiratory protection, and disposal of asbestos waste. The Asbestos Construction Standard (found at 29 CFR §1926.1101) covers construction work involving asbestos, including work practices during demolition and renovation, worker training, disposal of asbestos waste, and also specifies permissible exposure limits.
- At the state level, the Nebraska Department of Environment and Energy (NDEE) and the Nebraska Department of Health and Human Services (NE DHHS) both administer regulations covering asbestos.
  - NDEE Regulations: The NDEE administers the US EPA’s ‘Asbestos NESHAP’ regulations within the state of Nebraska, with the exception of jurisdictions with locally-adopted programs, discussed in more detail below.
  - NE DHHS Regulations: The NE DHHS has also established state-wide regulations in Title 178, Chapter 22 of the Nebraska Administrative Code (178 NAC 22) for Asbestos Projects. This regulation is in addition to the NESHAP and AHERA regulations that must be followed by regulated parties in Nebraska. This regulation specifies certain work practices, accreditation, training, fees, and inspections that business entities must comply with when working on an asbestos project. The NE DHHS also oversees the administration of the AHERA requirements within the state of Nebraska.
- At the local level, the Lincoln-Lancaster County Health Department (LLCHD) Air Quality Program administers the US EPA ‘Asbestos NESHAP’ regulation throughout Lancaster County, while the Omaha Air Quality Control (OAQC) office administers the US EPA ‘Asbestos NESHAP’ regulation in the city of Omaha.

#### Are there other laws or regulations pertain specifically to asbestos?

- There are several other laws and regulations that pertain to asbestos, at least in part, at the federal level. While these regulations are not discussed in further detail in this document, a few of them are listed below for your information:
  - Asbestos Information Act (15 U.S.C. §2607(f))
  - Asbestos School Hazard Abatement Reauthorization Act (ASHARA)
  - Restrictions on Discontinued Uses of Asbestos Rule (40 CFR Part 9 and 721)
  - Asbestos-Containing Materials in Schools Rule (40 CFR Part 763, Subpart E)
  - EPA Asbestos Worker Protection Rule (40 CFR Part 763, Subpart G)

**If you have any questions about the rules and regulations pertaining to asbestos, please call the LLCHD Air Quality Program at (402) 441-8040.**

## **Asbestos NESHAP Summary and Requirements**

### **What are the NESHAP regulations?**

- The Clean Air Act (CAA) of 1970 gave the US EPA the authority to develop regulations that would minimize public exposure to a variety of chemical elements and compounds that were known to be toxic or carcinogenic to humans. Rules promulgated under 40 CFR Part 61 to regulate those pollutants were designated 'National Emission Standards for Hazardous Air Pollutants', or 'NESHAP' regulations.
- Asbestos was one of the first hazardous air pollutants regulated under the air toxics program. On March 31, 1971, EPA identified asbestos as a hazardous pollutant, and on April 6, 1973, EPA promulgated the Asbestos NESHAP, currently found in 40 CFR Part 61, Subpart M. The Asbestos NESHAP has been amended several times, most comprehensively in November 1990.

### **Who is subject to the Asbestos NESHAP regulations?**

- The Asbestos NESHAP applies to:
  - Any owner/operator of a 'facility' where an asbestos renovation or demolition project will result in the removal or disturbance of asbestos-containing material.
  - 'Facility' includes institutional, commercial, public, industrial, or residential structures, installations, or buildings, including any building used for a fire training exercise.
  - 'Facility' also includes ships, active waste disposal sites, inactive waste disposal sites, as well as asbestos milling, manufacturing, and fabricating operations.
- The Asbestos NESHAP does not apply to:
  - Residential buildings with 4 or fewer dwelling units, except that any residential building used for a fire training exercise remains subject to the Asbestos NESHAP requirement, because fire training is considered an 'institutional' use.

### **I'm planning on demolishing or renovating at a 'facility'...what do I need to do first?**

- Prior to any demolition or renovation at a structure that meets the criteria for a 'facility', project owners/operators must conduct a pre-work inspection or 'survey' to determine whether 'asbestos-containing material' (ACM) is present, how much ACM is present, and also what kinds of ACM are present. All suspect ACM must be sampled and laboratory analyzed, or assumed to contain asbestos and must be handled as such. Suspected ACM include but are not limited to: floor tile, linoleum, pipe and boiler insulation, heat duct wrap and joint tape, cementitious siding and roofing, asphalt-based roofing, ceiling tiles, joint compound, sprayed-on-texturing, etc.
- Failure to perform this survey is a violation of the Asbestos NESHAP. This survey should be performed at least 30 days prior to the planned start of any work to allow time for the preparation of a project notification, if required.

### **Am I required to submit a project notification? And if so, by when?**

- Notifications are required prior to conducting any demolition project, including demolitions performed as part of a fire training exercise. For demolitions, a notification must be submitted regardless of whether any asbestos-containing materials are present. The LLCHD has separate notification forms for demolition projects and fire training demolitions, available at the following links:
  - [Notification of Demolition & Renovation](#)
  - [Fire Training Demolition Notification](#)
- Notifications are also required prior to conducting renovation projects where the quantity of 'regulated asbestos-containing materials' (RACM) to be stripped, removed, dislodged, cut, drilled, or similarly disturbed meets or exceeds (a) 80 linear meters, or 260 linear feet, on pipes; (b) 15 square meters, or 160 square feet, on other facility components; or (c) 1 cubic meter, or 35 cubic feet, off facility components where the length or area could not be measured previously.
- The demolition, renovation, and fire training demolition notifications must be submitted at least 10 working days prior to commencing the demolition/renovation project, or 10 working days prior to asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material).
- For 'emergency' demolition and renovation projects (i.e. projects that have been ordered by a local or state government agency for facilities that have been deemed structurally unsound and in danger of imminent collapse, or as the result of a sudden, unexpected event necessitating renovation), the notification must be submitted as early as possible before, but not later than, the end of the working day following commencement of the project.

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### Who do I send the Asbestos NESHAP demolition/renovation notification to?

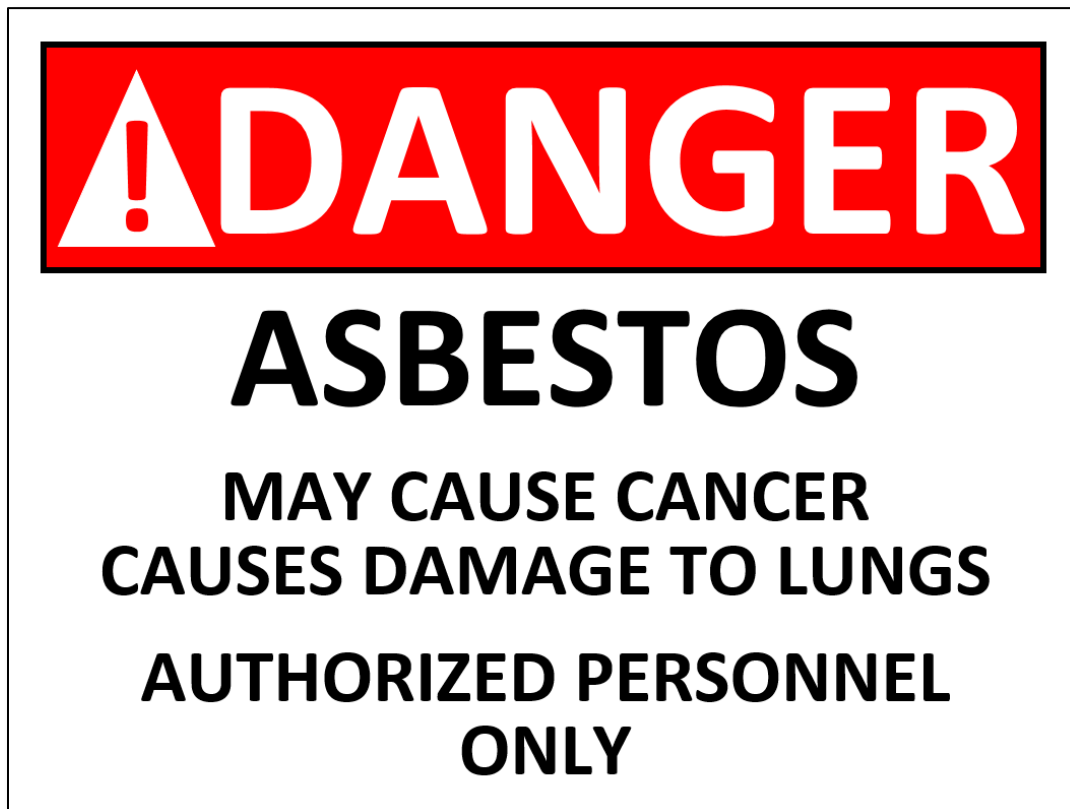
- Depending on where the project is located, you will need to send your notification to one of the following three agencies. The contact information for these agencies is provided at the end of this fact sheet.
  - Inside Lancaster County (including city of Lincoln) – LLCHD Air Quality Program
  - Inside city of Omaha city limits – Omaha Air Quality Control (OAQC)
  - Everywhere else within Nebraska – Nebraska Department of Environment and Energy (NDEE)

### Are there any other notifications that I'll need to submit?

- The regulations administered by the Nebraska Department of Health and Human Services (NE DHHS) also establish notification requirements pursuant to the state-wide regulations in Title 178, Chapter 22 of the Nebraska Administrative Code (178 NAC 22) for Asbestos Projects. Any business entity proposing to engage in an asbestos project affecting three or more square feet or three or more linear feet of ACM on or in a structure or equipment (or any appurtenances thereto) must submit a project notification to the NE DHHS. For more information, and to obtain the NE DHHS asbestos notification form, visit [dhhs.ne.gov](http://dhhs.ne.gov) and search for “asbestos”.

### What are some important things to know during the demolition/renovation project?

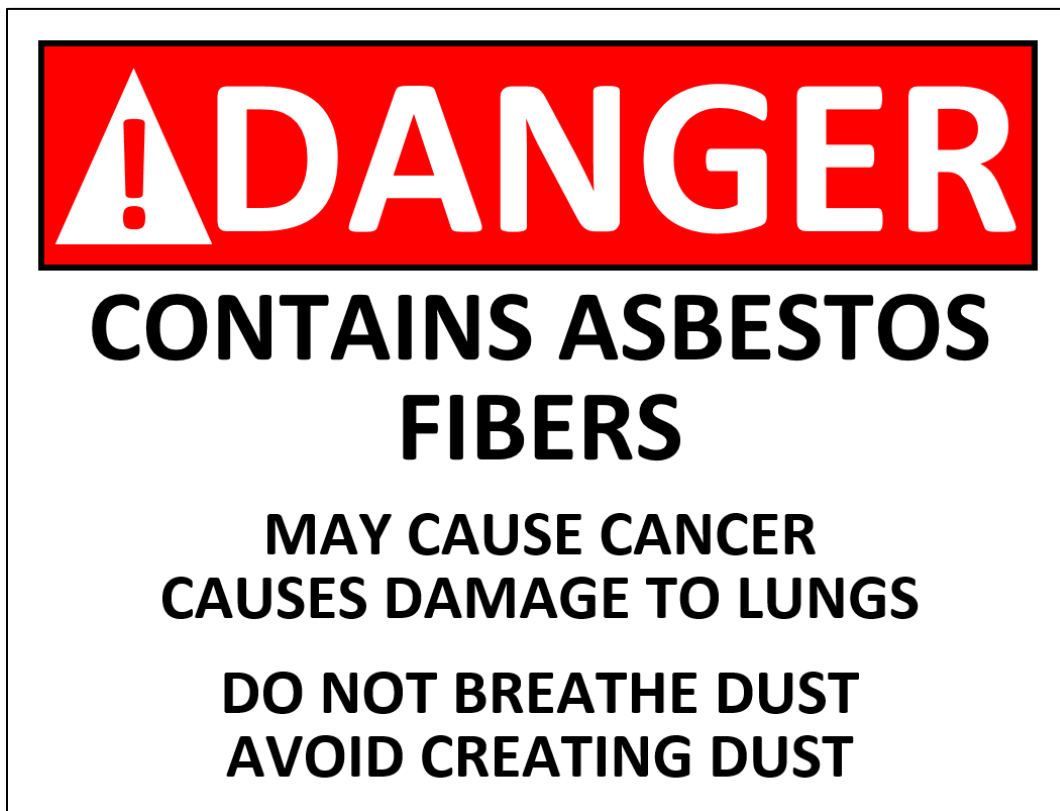
- Asbestos must be removed prior to demolition or prior to any activity that would break up, dislodge, or disturb the asbestos material. Although the Asbestos NESHAP regulations do not always require that the asbestos be removed, the NE DHHS Asbestos Project regulations (178 NAC 22) does require asbestos removal in almost every instance.
- The Asbestos NESHAP requires that at least one on-site representative, such as a foreman or management-level person, be trained in the regulations when handling, stripping, removing or disturbing RACM. The NE DHHS has specific certification, training, and work practice requirements established pursuant to the Asbestos Project regulations (178 NAC 22). For more information, call (402) 471-0386, or visit [dhhs.ne.gov](http://dhhs.ne.gov) and search for “asbestos”.
- Visible emissions during collection, processing, packaging, or transporting ACM are prohibited. All RACM must be adequately wetted while being removed, disturbed, or stripped and remain adequately wet until it is properly disposed.
- While not required for all asbestos projects, the LLCHD Air Quality Program recommends posting signs at project work areas to alert others to the potential for asbestos exposure with signs like the one shown below.



If you have any questions about the rules and regulations pertaining to asbestos, please call the LLCHD Air Quality Program at (402) 441-8040.

## How do I dispose of asbestos waste?

- Depending on what regulations and requirements your asbestos removal project is subject to, there are several different disposal requirements that may apply.
- For projects that are regulated under the Asbestos NESHAP, disposal of asbestos must be conducted according to the following. This list provides the main points of the Asbestos NESHAP waste disposal requirements, but additional requirements may apply. Refer to 40 CFR Part 63, Subpart M §61.150 for a full listing of requirements.
  - With the exceptions of 'Category I nonfriable ACM waste' and 'Category II nonfriable ACM waste' that has not been crumbled/pulverized/reduced to powder, ACM waste must be handled as follows:
    - ACM waste materials must be adequately wetted during handling and containerizing;
    - Prevent the visible discharge of emissions through wetting, or utilize an air cleaning control device to prevent emissions to the outside air;
    - Seal all ACM waste material in leak-tight containers while wet, or for materials that will not fit into containers without additional breaking, put materials into leak-tight wrapping; and
    - Label all ACM waste containers or wrapped ACM waste materials with warning labels that meet OSHA standards. The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible. The example label below conforms to OSHA standards.
    - Before transporting off-site label all ACM waste containers with the name of the waste generator (typically the removal contractor), as well as the location (address) at which the waste was generated.



- With the exception of 'Category I nonfriable ACM waste' that is not RACM, ACM waste materials must be deposited as soon as is practical at a waste disposal site (landfill) operated in accordance with the provisions of the Asbestos NESHAP.
- Mark vehicles used to transport asbestos-containing waste material during the loading and unloading of waste so that the signs are visible. Signs used to mark vehicles must comply with 40 CFR Part 61, Subpart M §61.149(d).
- Complete an 'Asbestos Waste Shipment Record' form, available as part of the LLCHD Air Quality Program's [Asbestos Disposal Procedures](#). This completed form must be presented to the landfill owners/operators at the time of delivery. Copies of these records must be maintained by the waste generator for at least 2 years.
- Owners/operators of Asbestos NESHAP projects must also comply with the waste disposal requirements of the NE DHHS Asbestos Project regulations (178 NAC 22), which are covered on the following page.

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- For **ALL** asbestos removal projects in the state of Nebraska, with the exception of asbestos removed by homeowners or unpaid volunteers, the NE DHHS Asbestos Project regulations (178 NAC 22) has established the following asbestos waste disposal procedures, which are required for any licensed or waived business entity, or any licensed individual, to dispose of asbestos waste:
  - Handle each waste container carefully to prevent damage, breakage or opening. If a waste container breaks or becomes unable to contain the waste, immediately transfer waste to another compliant container, saturate any material that escapes, and clean contaminated areas of all visible residue.
  - Any ACM stored at the project site prior to transportation should be placed in a secure holding area accessible only to persons licensed in an asbestos occupation.
  - Asbestos waste must be transported in a vehicle that is either operated by, or escorted by, a licensed asbestos worker or supervisor. Vehicles must have completely enclosed cargo areas, or the cargo area must be completely enclosed with two layers of 6-mil thick (or heavier) plastic sheeting.
  - Either line the cargo area with a disposable plastic liner at least 6-mil thick and dispose of the liner as ACM, or clean the cargo area immediately following ACM disposal by using a HEPA vacuum or by wet cleaning methods.
- For asbestos removal projects performed by homeowners or unpaid volunteers, in Lancaster County, the only landfill certified for asbestos disposal is the City of Lincoln’s Bluff Road Landfill. All asbestos disposed of at the Bluff Road Landfill must meet the following requirements:
  - Wrap the asbestos containing material in 6-mil thick clear plastic bags or sheeting. If there is a possibility of the material cutting through the plastic, support the plastic bags or sheeting with a cardboard box, canister, barrel, or other suitable packaging;
  - Seal the plastic bags or sheeting with duct tape or similar material;
  - Label the bags or sheeting with the word “ASBESTOS” or “ASBESTOS-CONTAINING WASTE” (a permanent marker works best for this step); and
  - Complete an ‘Asbestos Waste Shipment Record’ form. This completed form must be presented to the landfill owners/operators at the time of delivery.

**Who can I contact to learn more about the asbestos regulations in Nebraska?**

- The following table contains contact information for the various regulatory agencies in Nebraska, based on the regulatory authorities and pertinent subject matters handled by each agency.

<b>For Asbestos NESHAP information:</b>		
<b>Nebraska Dept. of Environment &amp; Energy – Regional Offices</b> Lincoln – (402) 471-2186 Omaha – (402) 679-1429 North Platte – (308) 530-0874 Holdrege – (308) 991-1972 Scottsbluff – (308) 641-7273	<b>Lincoln-Lancaster County Health Department (LLCHD)</b> Air Quality Program – (402) 441-8040 3130 O Street, Lincoln, NE 68510 * Lancaster County residents only	<b>City of Omaha Public Works – Omaha Air Quality Control</b> Air Quality Hotline – (402) 444-6015 5600 S 10 <sup>th</sup> Street, Omaha, NE 68107 * Omaha residents only

<b>AHERA &amp; Nebraska Asbestos Control Program:</b>	<b>OSHA Regulations</b>
<b>Nebraska Dept. Health &amp; Human Services</b> Office of Environmental Health Hazards & Indoor Air P.O. Box 95026 Lincoln, Nebraska 68509-5026 Main Number – (402) 471-0386 Toll Free – (888) 242-1100	<b>Occupational Safety and Health Administration</b> Omaha Area Office Building 444 Regency Parkway Drive, Suite 303 Omaha, NE 68114 Main Number – (402) 553-0171 Toll Free – (800) 642-8963

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**Additional note for homeowners...**

- All questions about asbestos and asbestos removal should be directed to the NE DHHS Asbestos Control Program. Their contact information is provided on the previous page.
- If a homeowner hires a contractor to remove ACM in their home, the contractor may be subject to the NE DHHS Asbestos Project regulations (178 NAC 22).
- Asbestos does not have to be removed. If ACM is in good condition, is nonfriable and is not disturbed, the risk of asbestos exposure is minimal. Please note that there is no safe level of asbestos exposure. ACM can be covered, sealed, repaired or left in place.
- It is best to wear a respirator and proper protective clothing when disturbing asbestos material. Keep the material wet while handling it and dispose of the material in a leak-tight container. Call your local MSW landfill or garbage hauler for further handling instructions prior to disposal.

**To view this, and other information related to our agency, visit our web site at:**

<https://www.lincoln.ne.gov/City/Departments/Health-Department/Environmental/Air>

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