

Readopt with amendments Env-A 1800, effective 5-5-17 (Document #12172), to read as follows:

CHAPTER Env-A 1800 ASBESTOS MANAGEMENT AND CONTROL

Statutory Authority: RSA 141-E:4, ~~I and H~~

PART Env-A 1801 PURPOSE; SCOPE; SUBMISSIONS; INCORPORATION OF FEDERAL REQUIREMENTS

Env-A 1801.01 Purpose.

(a) The purpose of this chapter is to protect the health of the general public by ensuring that asbestos is managed in a manner that prevents the release of asbestos fibers to the environment and human exposure thereto.

(b) It is intended that the rules in this chapter be used in conjunction with other federal, state, and local requirements for managing and controlling asbestos, including but not limited to:

(1) Administrative rules established by the department pursuant to RSA 149-M, ***including but not limited to Env-Sw 901 and Env-Sw 2100***; and

(2) Federal regulations, including those relating to worker safety, established by:

a. U.S. Occupational Safety and Health Administration (~~OSHA~~) in 29 CFR 1910 and 29 CFR 1926; and

b. U.S. Environmental Protection Agency (EPA) in 40 CFR 61 and 40 CFR 763.

Env-A 1801.02 Applicability. Subject to Env-A ~~1801.03 1803~~, this chapter shall apply to the following:

(a) Any person who owns or operates any facility that has ***asbestos-containing materials (ACM) or regulated asbestos-containing material (RACM)*** on the premises;

(b) Any person involved in asbestos abatement ~~activities~~, ***or disturbance of asbestos at an asbestos disposal site***, including, ***but not limited to***, analytical laboratories, consultants, ***industrial hygienists, supervisors*** ~~asbestos abatement contractors, and asbestos abatement workers~~;

(c) Any source, other than an inactive waste disposal site that ceased operating by July 10, 1981, subject to 40 CFR 61, Subpart M;

(d) Any structure, installation, or building previously subject to this chapter, regardless of its current use or function;

(e) Training, licensure, and certification of persons ~~who~~ ***engaged in***:

(1) Asbestos abatement ~~activities~~, as defined by RSA 141-E:2, II;

(2) School asbestos abatement planning ~~activities~~, as defined by RSA 141-E:2, VIII; and

(3) Activities involving the disturbance of asbestos at asbestos disposal sites, as defined by RSA 141-E:2, III; and

~~(f) Provisions for inspection, compliance monitoring, and enforcement by the department.~~

(f) Any person involved in a project with the potential to release asbestos fibers during building maintenance, construction, renovation, demolition or other similar activities; or processing, transport and disposal activities.

{Env-A 1801.03 “Homeowners” moved, renumbered as new PART Env-A 1803}

Env-A 1801.04 **03** Submissions To and Other Contact With ~~DES~~ *the Department*.

(a) Any application, request, report, notification, or other information required or allowed by this chapter to be provided to the department in writing shall be sent or delivered as specified in Table 1801-1:

Table 1801-1: Methods of Submission with Address/Other Contact Information

Method of Submission	Address
First-class mail	P.O. Box 95, Concord, NH 03302-0095
Delivery (commercial service or in-hand)	29 Hazen Drive, Concord, NH

(b) Any ***application, request, report, notification or other information*** required or allowed by this chapter to be provided to the department by telephone, ~~fax~~, or email shall be directed as specified in Table 1801-2:

Table 1801-2: Contact Information for Telephone and Electronic Communications

Method of Contact	Contact Information
Email <i>for Env-A 1803 - 1813</i>	asbestos@des.nh.gov
<i>Email for Env-A 1814 - 1820</i>	<i>Asbestos.licensing@des.nh.gov</i>
Telephone <i>for Env-A 1803 - 1813</i>	603-271- 4373 0820
<i>Telephone for Env-A 1814 - 1820</i>	<i>603-271-4609</i>
Fax	603-271-1381

Env-A 1801.05 **04** Federal Definitions Incorporated. Terms used in this chapter that are defined in 40 CFR 61.141 shall be as reprinted in Appendix D, except for the following:

- (a) Asbestos;
- (b) Emergency renovation operation;***
- ~~(b c)~~ Facility;
- ~~(e d)~~ ~~Regulated asbestos-containing material (RACM);~~ and
- ~~(d e)~~ Remove.

Env-A 1801.06 **05** National Emission Standards For Asbestos.

(a) Under the authority of RSA 141-E:4, XVI(c), the ~~0/0~~ ***owner or operator*** of a facility subject to this chapter shall comply with 40 CFR 61, subpart M, as in effect on July 1, ~~2015-2023~~ except for the following provisions of 40 CFR:

- (1) 61.145(c)(1)(i);
- (2) 61.145(c)(1)(ii);

- (3) 61.145(c)(1)(iv);
- (4) 61.149(c)(2);
- (5) 61.150(a)(4);
- (6) 61.150(a)(5);
- (7) 61.150(b)(3);
- (8) 61.151 with respect to disposal sites not operated after July 9, 1981;
- (9) 61.151(c);
- (10) 61.152(b)(3);
- (11) 61.154(c);
- (12) 61.154(d);
- (13) 61.155(a); and
- (14) 61.157.

Env-A 1801.07 ~~06~~ ***AHERA Regulations.*** ~~A person involved n individual who engages in any school asbestos abatement planning or contractor who engages in an asbestos abatement project in a school shall comply with~~ ***the requirements of this chapter and*** the provisions of 40 CFR 763, subpart E, as in effect on July 1, ~~2015~~ ***2023***, except for the provisions of 40 CFR 763.97 and 763.98.

PART Env-A 1802 DEFINITIONS

Env-A 1802.01 “Aggressive sampling” means air sampling which takes place while air is being physically agitated, which, upon analysis, is likely to give the highest airborne concentration of asbestos.

Env-A 1802.02 “Amended water” means ***“amended water” as defined in 29 CFR 1926.1101(b), as reprinted in Appendix D*** water to which a chemical wetting agent has been added to improve penetration.

~~Env-A 1802.03 “Analytical service” means any firm or individual who analyzes bulk or air samples in order to determine asbestos content, asbestos fiber counting, or total fiber counting.~~

~~Env-A 1802.04 “Approved training provider” means a training provider who offers asbestos abatement training courses that have been approved by the EPA, a state accreditation program which itself is accredited by the EPA, or by the department.~~

Env-A 1802.2503 “EPA approved ***Accredited*** training course” means any training course that has received EPA approval, as published in the “National Directory of AHERA Accredited Courses” (NDAAC), for the purposes of providing training to fulfill any license or certification requirement under these rules ***or an EPA-approved state accreditation program.***

Env-A 1802.04 “Approved training course” means any training course that meets the requirements of Env-A 1814.03, that is being offered by a training provider that meets the requirements of Env-A 1814.05.

Env-A 1802.05 “Asbestos” means “asbestos” as defined in RSA 141-E:2, I, as reprinted in Appendix C.

Env-A 1802.06 “Asbestos abatement” means “asbestos abatement” as defined in RSA 141-E:2, II, as reprinted in Appendix C.

Env-A 1802.07 “Asbestos abatement entity” means any ~~legal entity, including but not limited to any business concern, governmental unit or subunit, religious or social organization, or union, that has at least one officer, employee, or member~~ ***contractor, employer, or person*** involved in any major or minor asbestos abatement ~~project~~.

Env-A 1802.08 “Asbestos abatement project designer” means an individual who ~~is certified~~ ***has met the criteria in Env-A 1816.06 and been issued a certification*** pursuant to ~~RSA 141-E:11~~ ***Env-A 1815*** to:

- (a) Conduct, plan, design, and develop procedures for asbestos abatement ~~projects~~; or
- (b) Provide other substantive direction or criteria for asbestos abatement ~~projects~~.

Env-A 1802.09 “Asbestos abatement supervisor” means an individual who ~~is certified~~ ***has met the criteria in Env-A 1816.02 and been issued a certification*** pursuant to ~~Env-A 1810.14~~ ***1815*** to direct and control the asbestos abatement work of an asbestos abatement worker.

Env-A 1802.10 “Asbestos abatement worker” means an individual who ~~is certified~~ ***has met the criteria in Env-A 1816.03 and been issued a certification*** pursuant to ~~Env-A 1810.15~~ ***1815*** to perform asbestos abatement work under the supervision of an asbestos abatement supervisor.

Env-A 1802.11 “Asbestos-containing material (ACM)” means any material that contains any type of asbestos in an amount greater than one percent by weight, area, or volume, either alone or mixed with other fibrous or non-fibrous materials. ***As used in this chapter, this term includes asbestos-containing building materials, asbestos-containing waste materials and presumed asbestos containing materials.***

Env-A 1802.12 “Asbestos-containing building material (ACBM)” means “asbestos-containing building material” as defined in 40 CFR 763.83, as reprinted in Appendix D.

Env-A 1802.~~12~~ ***13*** “Asbestos disposal site” means “asbestos disposal site” as defined in RSA 141-E:2, III, as reprinted in Appendix C.

Env-A 1802.14 “Asbestos disposal site entity” means any contractor, employer, or individual seeking to disturb asbestos at an asbestos disposal site.

Env-A 1802.15 “Asbestos exposure” means exposure to airborne asbestos that would occur if an individual were not using respiratory protective equipment or other personal protective equipment.

Env-A 1802.~~13~~ ***16*** “Asbestos Hazard Emergency Response Act (AHERA)” means the Asbestos Hazard Emergency Response Act, Public Law 99-519, promulgated by the U.S. Congress on October 22, 1986.

Env-A 1802.~~14~~ ***17*** “Asbestos inspector” means an individual who ***has met the criteria in Env-A 1816.04, has been issued a certification pursuant to Env-A 1815, and*** is capable of identifying asbestos hazards in a commercial, private, or residential structure, ~~and who has completed, at a minimum, a training course for asbestos inspectors meeting the requirements of 40 CFR 763, subpart E, appendix C, section I:B.3.~~

Env-A 1802.~~15~~ ***18*** “Asbestos management planner” means an individual who ~~is certified~~ ***has met the criteria in Env-A 1816.05 and been issued a certification*** pursuant to ~~RSA 141-E:11~~ ***Env-A 1815*** to assess the health hazard posed by ACM, determine the appropriate response action, and develop a schedule for implementing a response action.

Env-A 1802.16 “Authorized representative” means ~~employees of the department, local government, or others as designated by the commissioner pursuant to RSA 141-E:13.~~

Env-A 1802.17 ~~19~~ “Building owner” means the person in whom legal or beneficial title to a facility is vested. The term includes a duly-authorized representative of the building owner.

Env-A 1802.20 “Certification holder” means the individual whose name appears on the certification.

Env-A 1802.18 ~~21~~ “Clean room” means an uncontaminated area or room which is part of the worker decontamination enclosure system and includes storage ~~of~~ ***for*** workers’ street clothes and clean protective equipment.

Env-A 1802.19 ~~22~~ “Contractor” means “contractor” as defined in RSA 141-E:2, IV, as reprinted in Appendix C.

~~Env-A 1802.20 “Crumb” means a particle that is large enough to be readily separately visible and reducible to loose powder or loose fibers by hand pressure.~~

~~Env-A 1802.21 “Department” means the department of environmental services.~~

Env-A 1802.23 “Electronic means”, as applied to the submittal of notifications, applications, reports or other documents to the department, means submission through an electronic reporting system, designed and intended to be used for submitting documents electronically to the department. For notifications pursuant to Env-A 1806, the department will ensure that the system complies with the requirements of Env-C 214 and 40 CFR 3, effective November 4, 2022.

Env-A 1802.22 ~~24~~ “Emergency asbestos abatement ~~project~~” means any asbestos abatement ~~activity, which was not planned but results from a sudden, unexpected event,~~ requiring immediate action ~~due to~~ ***address a*** public health reasons or safety reasons ***hazard or to avoid imposing an unreasonable*** economic hardship, ~~which was not planned but results from a sudden, unexpected event.~~ The term includes activities necessitated by non-routine failures of asbestos-containing equipment, the repair of which would require asbestos abatement.

Env-A 1802.23 ~~25~~ “Encapsulant” means a material that is applied to an ACM in order to prevent the ACM or any of its components from being exposed to ambient conditions.

Env-A 1802.24 ~~26~~ “Encapsulation” means the application of an encapsulant to ACM to control the release of asbestos fibers into the air, either by using bridging encapsulants, which create a membrane over the surface of the ACM, or by using penetrating encapsulants, which penetrate the ACM and bind its components together.

{Env-A 1802.25 “EPA-approved training course” renamed “Accredited training course amended and moved to Env-A 1802.03}

Env-A 1802.26 ~~27~~ “Equipment room” means a contaminated area or room which is part of the worker decontamination enclosure system and which ~~includes~~ ***provides for*** the storage of contaminated clothing and equipment.

Env-A 1802.27 ~~28~~ “Facility” means any institutional, commercial, ***industrial, residential,*** public, or private building, ***installation*** or structure, work place, ship, ~~installation,~~ utility infrastructure, active waste disposal site, inactive ~~waste~~ ***asbestos*** disposal site operated after July 9, 1981, or rental dwelling.

Env-A 1802.29 “Friable asbestos material” means “friable asbestos material” as defined in RSA 141-E:2, VI, as reprinted in Appendix C. The term includes “friable ACM.”

Env-A 1802.28 ~~30~~ “***High-efficiency particulate air (HEPA) filtration***” means “high-efficiency particulate air” ~~filtration~~ ***as defined in 40 CFR 763.83, as reprinted in Appendix D*** ~~capable of filtering all particles larger than 0.3 micron with 99.97 percent efficiency.~~

Env-A 1802.31 “Homeowner” means any individual who, alone or jointly and severally with others, has legal title to any single family property.

~~Env-A 1802.29 32~~ “License holder” means the ~~individual or legal~~ ***asbestos abatement entity or asbestos disposal site (ADS) entity, as applicable***, whose name appears on the license.

~~Env-A 1802.30 33~~ “Loose” means subject to movement by or in air, such as powder or fibers which can easily be blown or shaken from the hand.

~~Env-A 1802.34 34~~ “Maintenance worker” means an individual who engages in work activities designed or intended to contribute to the on-going routine maintenance of a facility, including but not limited to building maintenance, electrical work, plumbing, carpentry, masonry, custodial services, and heating services, and whose primary occupation is not asbestos abatement.

~~Env-A 1802.32 35~~ “Major asbestos abatement project—Class N” means any asbestos abatement project ***activity*** that affects ~~more than 260~~ ***10*** linear feet of ~~asbestos surface~~ ***RACM*** on pipes or ducts, ~~160~~ ***25*** square feet of ~~asbestos-containing building material~~ ***RACM*** on the surface of structures other than pipes or ducts, or ~~35~~ cubic feet ~~or more~~ of ***RACM on facility components where the length or area could not be measured, but that occurs within the context of renovation or demolition.***

~~Env-A 1802.33~~ “Major asbestos abatement project—Class S demolition” means any asbestos abatement project that affects less than 260 linear feet of asbestos surface on pipes or ducts, 160 square feet of asbestos-containing building material on the surface of structures other than pipes or ducts, or 35 cubic feet of RACM, and that occurs within the context of a demolition as defined by this part.

~~Env-A 1802.34~~ “Major asbestos abatement project—Class S renovation” means any asbestos abatement project involving less than 260 linear feet of asbestos surface on pipes or ducts, 160 square feet of asbestos-containing building material on the surface of structures other than pipes or ducts, or 35 cubic feet of RACM, but more than 10 linear feet, 25 square feet or 3 cubic feet, and that occurs within the context of a renovation as defined by this part.

~~Env-A 1802.35 36~~ “Manager” means any ~~person~~ ***individual*** who is responsible for the control, operation, or maintenance of a building, facility, school, or rental dwelling which is owned by another person.

~~Env-A 1802.36 37~~ “Minor asbestos abatement project” means any asbestos abatement renovation activity which encompasses not more than 10 linear feet of ~~asbestos surface~~ ***RACM*** on pipes or ducts, 25 square feet of ~~asbestos-containing building material~~ ***RACM*** on the surface of structures other than pipes or ducts, or 3 cubic feet of ***RACM on facility components where the length or area could not be measured that occurs within the context of a renovation or demolition.*** The term does not include larger projects that are divided into smaller segments.

~~Env-A 1802.37~~ “Model accreditation plan (MAP)” means the plan as adopted by the EPA in 40 CFR Part 763, subpart E, appendix C.

~~Env-A 1802.38 38~~ “Owner or operator (O/O)” for the purpose of this chapter means “owner or operator of a demolition or renovation activity” as defined in 40 CFR 61.141, as reprinted in Appendix D.

~~Env-A 1802.39 39~~ “Person” means ~~any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity~~ ***“person” as defined in RSA 125-C:2, X, as reprinted in Appendix C.***

Env-A 1802.40 “Presumed asbestos-containing material (PACM)” means “presumed asbestos containing material” as defined in 29 CFR 1910.1001(b), as reprinted in Appendix D.

~~Env-A 1802.40 “Private dwelling” means any residence, as defined in RSA 21:6-a, that is occupied by the owner.~~

Env-A 1802.41 “Regulated Asbestos-Containing Material (RACM)” means:—“regulated asbestos-containing material” as defined in RSA 141-E:2, VII, as reprinted in Appendix C.

Env-A 1802.42 “Removal” means the stripping of any RACM from surfaces or components within or at a facility.

Env-A 1802.43 “Rental dwelling” means any residence as defined in RSA 21:6-a ***property*** that is occupied by someone other than the ***homeowner or the homeowner’s spouse, partner, dependents or children.***

Env-A 1802.44 “Responsible person” means each individual ~~who is a license holder or~~ who has managerial, supervisory, or substantial decision-making authority and responsibility for the activities of a license holder, ~~or any combination thereof~~, including:

(a) For a corporation, the following:

(1) All officers and directors;

(2) All shareholders, if a privately held corporation, or all shareholders holding 10 percent or more of the corporation’s debt or equity, if a publicly traded corporation; and

(3) All management and supervisory personnel;

(b) For a partnership, all partners, whether general or limited, and all management and supervisory personnel;

(c) For an association or other organization, all principals, members, and participants, as applicable, and all management and supervisory personnel; and

(d) For a municipality or other political subdivision of the state, the individuals elected or appointed to oversee or manage the prudential affairs of the political subdivision, and the managers and supervisors of the department(s) that will perform work under the authority of the license.

Env-A 1802.45 “School” means any non-profit institution, whether private or public, day or residential, that provides elementary or secondary education, or both, including kindergarten but excluding day care centers.

Env-A 1802.46 “School asbestos abatement planning” means “School asbestos abatement planning” as defined in RSA 141-E:2, VIII, as reprinted in Appendix C.

Env-A 1802.47 “School building” means “school building” as defined in 40 CFR 763.83, as reprinted in Appendix D.

Env-A 1802.47 ~~48~~ “Sheeting” means any waterproof material which can be used to make air-tight barriers. The term includes “sheets”.

Env-A 1802.48 ~~49~~ “Shower room” means a room between the clean room and the equipment room in the worker decontamination enclosure with running water that is suitably arranged for complete showering during decontamination.

Env-A 1802.49 ~~50~~ “Small-scale, short-duration activities (SSSD)” means “small-scale, short-duration activities (SSSD)” as described in 40 CFR 763, subpart E, appendix C, July 1, 2015~~23~~ edition, as reprinted in Appendix D, ***provided that such activities affect no more than 3 linear feet of asbestos surface on pipes or***

ducts or 3 square feet of asbestos-containing building material on the surface of structures other than pipes or ducts.

Env-A 1802.50 ~~51~~ “Structural member” means “structural member” as defined in RSA 141-E:2, IX, as reprinted in Appendix C.

Env-A 1802.51 ~~52~~ “Tape” means a high quality duct tape or similar adhesive material that can resist both moisture and wear.

Env-A 1802.52 ~~53~~ “Utility infrastructure” means any active or abandoned above-ground or underground system intended to convey a service, such as electricity, or to remove a waste, such as sewage, or to store a material, such as fuel, that is either constructed or insulated with ACM, including but not limited to transite pipe, electrical line, water line, sewer line, heating line, roadway, or storage tank.

PART Env-A 1803 HOMEOWNER REQUIREMENTS FOR ASBESTOS ABATEMENT AND DISPOSAL

Env-A ~~1804.03~~ 1803.01 Homeowners-Requirements.

(a) The ***homeowner*** of a private, single-family ~~residence~~ ***property***, ~~occupied by the owner and not used as a rental dwelling, who performs asbestos abatement activities on, or disposes of ACM from, that residence~~ ***property*** shall ~~not~~ ***only*** be subject to ***the requirements in this Part*** ~~Env-A 1800~~, except as noted in (b), below, provided:

- (1) The ***homeowner*** personally performs the ~~work~~ ***asbestos abatement or disposes of the ACM***; and
- (2) The ~~work~~ ***asbestos abatement*** is not done within 6 months of selling ***or renting*** the ~~home~~ ***property***.

~~(b) The owner of a private, single family residence occupied by the owner who performs asbestos abatement activities on that residence shall comply with Env A 1804.08, Env A 1805.07, and Env A 1805.08(a), (c), and (d).~~

(b) After completing asbestos abatement pursuant to (a), above, a homeowner who wants to demolish a private, single-family property shall follow the applicable requirements specified in Env-A 1804 through Env-A 1812.

(c) The single-family property shall include any building or structure used or intended for human habitation, and all other buildings and structures, located within the same lot as designated on a municipal tax map.

Env-A 1803.02 General Homeowner Asbestos Removal Procedures.

(a) To prevent the release of fibers until properly packaged in accordance with Env-A 1803.05, the homeowner shall:

- (1) Adequately wet all ACM with amended water before removal; and***
 - (2) Maintain the ACM wet during and after removal.***
- (b) The homeowner shall carefully lower, not drop, throw or slide, all ACM to the ground or floor.***
- (c) The homeowner shall remove non-load supporting structural members not previously stripped of ACM as follows:***

- (1) *Intact or in large sections whenever possible; and*
 - (2) *By carefully lowering, not dropping, throwing or sliding, those structural members to the floor.*
- (d) *The homeowner shall remove ACM that is not associated with structural members as follows:*
- (1) *In small sections; and*
 - (2) *By not allowing the ACM to accumulate on the floor.*
- (e) *Following removal, the homeowner shall perform cleanup procedures using repeated HEPA vacuuming and wet cleaning techniques until no visible residue is observed in the work area.*

Env-A 1803.03 Disturbance of Asbestos-Containing Asphalt Roofing Materials. In addition to the requirements in Env-A 1803.02, homeowners who remove asbestos-containing asphalt roofing materials from the roof of a structure, shall comply with the following:

- (a) *Not sand, saw, grind, abrade, or otherwise treat the roofing material in a manner that might create a fine dust or particles; and*
- (b) *Protect the surrounding ground with poly drop cloths such that no roofing material will come into contact with the ground.*

Env-A 1803.04 Disturbance of Asbestos-Containing Cementitious Roofing or Siding Materials. In addition to the requirements in Env-A 1803.02, homeowners who remove asbestos-containing cementitious siding or roofing materials from the side or roof of the structure, shall comply with the following:

- (a) *Not sand, saw, grind, abrade, or otherwise treat the ACM in a manner that might create a fine dust or particles;*
- (b) *Protect the surrounding ground prior to removal with poly drop cloths such that no ACM will come into contact with the ground; and*
- (c) *Remove the cementitious ACM intact, to the extent possible, by prying out or cutting fasteners.*

Env-A 1803.05 Homeowner ACM Packaging and Labeling Procedures.

- (a) *Before completing asbestos abatement or disposing of ACM, the homeowner shall package ACM in accordance with Env-Sw 901.06, and as follows:*
 - (1) *For all loose ACM, take the following actions to prevent the release of fibers:*
 - a. *Adequately wet the ACM with amended water;*
 - b. *Place the ACM into leak-tight containers or double impermeable bags of at least 6 mil thickness each; and*
 - c. *Seal the containers or bags with tape, as applicable;*
 - (2) *Wrap large components or structural members that were removed intact in two leak-tight layers of 6 mil sheeting and seal the sheeting with tape; and*

- (3) ***Line the containers, into which bulk unwrapped asbestos waste is placed, with at least 20 mil of sheeting.***
- (b) ***The homeowner shall label ACM, in accordance with Env-Sw 901.06, and as follows:***
 - (1) ***Label the containers or wrapped materials using warning labels, as follows:***
 - a. ***Printed in letters of sufficient size and contrast so as to be readily visible and legible; and***
 - b. ***As specified in 29 CFR 1910.1001(j)(5) or 1926.1101(k)(8); and***
 - (2) ***For asbestos-containing waste material to be delivered to a permitted disposal facility, label containers or wrapped materials with the name of the homeowner and the location at which the waste was generated.***

Env-A 1803.06 Homeowner Notice of Asbestos Disposal.

(a) In addition to the requirements of Env-A 1803.05, the homeowner transporting ACM for disposal, or engaging a person or entity to dispose of the ACM, shall:

- (1) ***Complete and submit the “Homeowner Notice of Asbestos Disposal” form NHDES-A-01-029 dated December 21, 2023 and available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-029> or via the department’s website at www.des.nh.gov, containing the information as specified in (b) below;***
 - (2) ***Submit the form to the department by mail, hand-delivery or electronic means, such that the form is postmarked or received by the department no later than the day on which such transport for disposal begins;***
 - (3) ***Retain a copy of the form for at least 2 years from the date the notification was postmarked, delivered to or received by the department; and***
 - (4) ***Provide a copy of the form required in (1) above, to the person engaged to dispose of the ACM, at the time the ACM is collected.***
- (b) The form required in (a)(1), above, shall include the following:***
- (1) ***The homeowner’s name, mailing address, telephone number, and, if available, email address;***
 - (2) ***The physical address of the property where the ACM was generated;***
 - (3) ***The date when the ACM will be picked up;***
 - (4) ***The quantity(ies) of ACM to be transported and disposed:***
 - (5) ***The name, mailing address and contact information, including contact name, email address and telephone number, of the asbestos waste transporter;***
 - (6) ***The name, physical address and contact information, including contact name, email address and telephone number, of the asbestos waste disposal facility; and***

(7) A certification that:

- a. The homeowner has read and understands the New Hampshire asbestos management and control rules, Env-A 1800;***
- b. The homeowner prepared the notice in conformity with Env-A 1800; and***
- c. All information contained herein, including any supplements attached hereto, is true, complete and not misleading to the best of the homeowner's knowledge and belief.***

Env-A 1803.07 Homeowner ACM Disposal Procedures. After submittal of the notice specified in Env-A 1803.06, the homeowner shall remove packaged ACM from the work site as soon as practical, but no later than 30 days, following the completion of the abatement work by either:

- (a) Delivering the ACM to a permitted disposal facility; or***
- (b) Having the ACM picked up for disposal by a transporter.***

Env-A 1803.08 Homeowner Waste Shipment Records

(a) Within 30 days after delivering ACM to a permitted disposal facility, the homeowner shall submit a copy of the waste shipment record to the department by mail, hand delivery, or electronic means.

(b) If the ACM is picked up for disposal by a transporter, the homeowner shall submit, within 30 days of the pickup, to the department by mail, hand delivery or electronic means:

- (1) A copy of the waste shipment record signed by a representative of the permitted disposal facility; or***
- (2) A statement that the waste shipment record signed by a representative of the permitted disposal facility has not been received.***

(c) If a statement pursuant to (b)(2) above is submitted, then the homeowner shall:

- (1) Within 35 days of the date the ACM was accepted by the initial transporter, contact the transporter or the permitted disposal facility to determine the status of the waste shipment; and***
- (2) Within 10 business days of contacting the permitted disposal facility or transporter, submit a written report to the department, including the following information:***

- a. A copy of the waste shipment record for which a confirmation of delivery was not received; and***
- b. A cover letter signed by the homeowner explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.***

(d) Pursuant to 40 CFR 61.150, the waste shipment record shall include the following information:

- (1) Name, mailing address, and telephone number of the homeowner;***
- (2) Physical address where the ACM was generated;***

(3) Name and address of the state office responsible for administering the asbestos NESHAP program;

(4) Number of containers used to transport the ACM;

(5) Approximate quantity of each type of ACM in cubic meters or cubic yards;

(6) Name and telephone number of the permitted disposal facility representative;

(7) Name and physical site location of the permitted disposal facility;

(8) Date of transport;

(9) Name, address, and telephone number of the transporter(s); and

(10) A certification by each transporter of the contents of this consignment as follows:

a. They are fully and accurately described by proper shipping name;

b. They are classified, packed, marked and labeled; and

c. They are in all respects in proper condition for transport by highway according to applicable international and government regulations; and

(11) A certification of receipt of the ACM covered by the waste shipment record by the permitted disposal facility representative.

(e) If the homeowner delivers the ACM to a permitted disposal facility, the homeowner shall provide a copy of the waste shipment record to the permitted disposal facility at the same time as the delivery.

(f) The homeowner shall retain a copy of all waste shipment records for at least two years from the date that the ACM was received by the waste disposal facility.

PART Env-A 1803 04 INSPECTIONS AND RECORDKEEPING

Env-A 1803 04.01 Inspections Required Prior to Commencing Demolition or Renovation.

(a) Except as provided in (e) and (f), below, P prior to undertaking any demolition or renovation as defined by this chapter of any facility, the O/O owner or operator shall provide for an inspection, as required by 40 CFR 61.145(a) and 29 CFR 1926.1101(k)(2)(i), by an asbestos inspector of the affected portion(s) of the facility for the presence of ACM.

~~***(b) For an inspection of a school building required pursuant to (a), above, the inspection shall be performed by an asbestos inspector who is certified under Env A 1811 to perform asbestos inspections.***~~

(b) The owner or operator shall ensure that the inspection required by (a), above, meets the requirements of (c), below.

(c) The inspection required by (a), above, is valid only if:

(1) A written report summarizing the inspection findings is created and available as specified in (d)(3) and (h)(3); and

(2) All samples are collected and analyzed, as specified in (d)(2), below.

(d) The asbestos inspector shall:

(1) Conduct the inspection required by (a), above, in accordance with the requirements of (c), above;

(2) Have all samples, other than those samples assumed to be asbestos, from an inspection:

a. Collected in accordance with 40 CFR 763.86 and 29 CFR 1926.1101(a); and

b. Analyzed by an asbestos analysis service which meets the criteria set forth in Env-A 1813;

(3) Create a written inspection report including the type, category, condition, amount and location of ACM;

(4) Retain a copy of the inspection report for two years after the date the inspection was completed; and

(5) Submit to the department a copy of the inspection report within three business days of a request by the department.

(e) If a state or local government agency declares a facility or portion of a facility structurally unsound or in danger of imminent collapse, the requirement to conduct an inspection pursuant to (a), above, and to remove all asbestos prior to demolition pursuant to Env-A 1809.01, shall not apply if the owner or operator:

(1) Submits to the department a notification and documentation, as specified in Env-A 1806.05(e), from the state or local government agency that the facility was determined to be structurally unsound and in danger of imminent collapse; and

(2) Presumes that the facility contains asbestos and complies with all other applicable requirements of Env-A 1805 through Env-A 1812.

(f) For a renovation or demolition of a structure having four or fewer units, the owner or operator shall not be required to conduct an inspection pursuant to (a), above, if the facility component to be impacted by the renovation or demolition only includes materials made solely of wood, stone, fiberglass, glass, plastic, metal, foam, or rubber.

(g) For a demolition or renovation involving asbestos abatement, the owner or operator shall comply with the recordkeeping requirements specified in Env-A 1805.

(h) For a demolition or renovation not involving asbestos abatement, the owner or operator shall:

(1) Keep the inspection report, in paper or electronic format, on-site and readily available for review for the duration of the demolition or renovation activities;

(2) Retain the inspection report for two years after completion of the demolition or renovation; and

- (3) ***Submit to the department a copy of the inspection report within three business days of a request by the department.***

{Env-A 1803.02 through Env-A 1803.04 moved and renumbered to Env-A 1805.01 through Env-A 1805.03, new PART 1805 RECORDKEEPING}

Env-A 1803~~04~~.0502 Compliance Inspections and Production of Records.

(a) Upon the request of the department, in conjunction with any inspection pursuant to RSA 141-E:8 or RSA 141-E:13, ***the owner or operator***, building owners, or managers shall review building records for references to ACM used in construction or repairs and provide all information found to the department in writing ***within 10 business days of the request.***

(b) If, during an inspection pursuant to RSA 141-E:8 or RSA 141-E:13, the ~~authorized representative~~ ***department*** observes material suspected of being friable ACM, ~~then: the authorized representative shall touch or rub the suspect material to determine friability.~~ ***then: the authorized representative shall touch or rub the suspect material to determine friability.***

- (1) ***The department shall provide written notification to the owner or operator, building owner, or manager; and***
- (2) ***The owner or operator, building owner, or manager shall have an inspection as specified in Env-A 1804.01 conducted within 15 business days after the date of the notification in (1), above.***

(c) If ~~the suspect material is friable~~ ***ACM is found during the inspection***, the ~~authorized representative~~ ***owner or operator, business owner, or manager*** shall ***have an asbestos inspector:***

- (1) Collect 3 bulk samples of the material;
- (2) Collect air samples; and
- (3) Have the samples analyzed by an asbestos analysis service which meets the criteria set forth ~~under~~ ***in Env-A 1809 1813.***

(d) The ~~department~~ ***owner or operator, building owner, or manager*** shall:

- (1) ***Keep a copy of the inspection report and analytical results for at least two years after the sampling is completed; and***
- (2) ***Provide a copy of the inspection report and analytical results to the O/O, building manager, department or other interested parties upon within five business days of receipt of a written request.***

Env-A 1803 ~~04.06~~ 03 Determination of Damage or Deterioration. ***For purposes of RSA 141:8, F friable ACM shall be deemed to be deteriorated or damaged if:***

- (a) The material has pulled away from the underlying surface; or
- (b) Evidence of physical damage exists, such as gouges or cuts in the material or debris matching the material is on the surface below the material.

Env-A 1803 ~~04.07~~ 04 Determination of the Potential for Significant Human Exposure. As a result of an inspection under RSA 141-E:8 or RSA 141-E:13, the department shall determine that there is a potential for significant human exposure if:

- (a) There is an increase in the proximity of friable ACM to an air plenum or direct air stream;
- (b) There is an increase in the visibility and accessibility of friable ACM to building occupants and maintenance workers; or
- (c) An increase or change in the degree of activity in or around the building increases the risk the friable ACM will be released into the air, including air movement, vibration, installing new machinery, and moving of building occupants.

~~Env A 1803.08 Inspections of Private Dwellings.~~

- ~~—(a) As provided in RSA 141-E:8, III:
 - ~~(1) The owner of a private dwelling may request the department to inspect the dwelling for the presence of RACM;~~
 - ~~(2) If the department finds RACM, the department shall make recommendations to the owner for the abatement of the RACM; and~~
 - ~~(3) The department shall charge a fee for such inspections.~~~~
- ~~—(b) The fee required by RSA 141-E:8, III shall be calculated in accordance with Env A 1803.09(b).~~
- ~~—(c) The owner of a private dwelling who wishes to request an inspection may first request the department to provide an estimate of the fee.~~
- ~~—(d) If an estimate is requested pursuant to (c), above, the estimate shall be:
 - ~~(1) Based on the best professional judgment of the department; and~~
 - ~~(2) Provided by the department to the owner in writing.~~~~
- ~~—(e) The final fee assessed shall reflect the actual costs as determined pursuant to Env A 1803.09(b), and so might be higher or lower than the estimate provided in advance of the inspection.~~
- ~~—(f) The department shall send a bill for the fee to the owner, who shall pay the fee within 30 days of the date of the department's bill.~~

Env-A 1803 ***04.09 05*** Inspection and Compliance Monitoring Fees.

- (a) Whenever the department conducts an inspection under ***RSA 141-E:7***, RSA 141-E:8 or RSA 141-E:13, with or without collecting and analyzing samples, in order to evaluate compliance with RSA 141-E, the department shall charge a fee for the inspection ~~and any sample collection and analysis.~~
- (b) The fee charged shall be the sum of the individual personnel testing and monitoring fee as specified in (c), below, ~~and the fees for sample analysis as specified in (d), below.~~
- (c) The individual personnel testing and monitoring fee shall be the sum of the following for each department employee who participates in the inspection:
 - (1) Travel costs, based on the state of New Hampshire's standard mileage reimbursement rate;
 - (2) Lodging costs, if lodging is or becomes necessary due to the amount of time needed for travel and the inspection, the distance from Concord, and weather conditions;

- (3) Cost of meals, if the time needed for the inspection and travel exceeds 4 hours;
- (4) Costs of specialty equipment and consumable supplies, where these costs were incurred specifically in order to carry out the specific inspection; and
- (5) The product of the number of hours or portion thereof which the employee spent traveling and inspecting, multiplied by the hourly rate, including benefits, of that employee.

~~(d) The schedule of fees for sample analyses shall be as follows:~~

- ~~(1) Bulk samples shall be \$75 per sample analyzed by polarized light microscopy (PLM);~~
- ~~(2) Air samples shall be \$50 per sample when analyzed by phase contrast microscopy (PCM); and~~
- ~~(3) Air samples shall be \$250 per sample when analyzed by transmission electron microscopy (TEM).~~

~~(e d)~~ The department shall send the ~~bill~~ ***invoice*** for the fee to the ~~O/O~~ ***owner or operator*** of the facility.

~~(e)~~ The ***owner or operator shall pay the*** fee shall be paid within 30 days of the date of the department's ~~bill~~ ***invoice***.

PART Env-A 1805 RECORDKEEPING

Env-A 1803 05.02 01 Documents To Be Retained On-Site.

~~(a)~~ During asbestos abatement, each ~~O/O~~ ***asbestos abatement entity*** ~~of~~ ***at*** a facility where an ***major or minor*** asbestos abatement project is occurring shall ~~retain~~ ***keep*** the following documents on-site ***and readily available for review, as applicable***, in electronic or paper format, for the duration of the asbestos abatement project:

- ~~(a 1)~~ A current copy of this chapter;
- ~~(b 2)~~ Copies of the decontamination procedures used for the decontamination enclosure system required by Env-A ~~1805.06~~ ***1808.05*** or any other procedures which have been established to prevent contamination of areas outside the work area;
- ~~(c 3)~~ Copies of procedures to be followed during medical or fire emergencies, including phone numbers of the nearest emergency facilities;
- ~~(d 4)~~ Copies of all ~~licenses~~, ~~certificate~~***ions***, and proof of current training ***certificates*** held by all ***asbestos abatement*** supervisors and workers engaged in the asbestos abatement project;
- ~~(e 5)~~ Records of all ~~project~~ ***asbestos abatement***-related air sampling results;
- ~~(6)~~ ~~and~~ ~~a~~ A copy of the inspection report prepared by the asbestos inspector;
- ~~(f 7)~~ A copy of any written notification concerning the asbestos abatement project submitted to the department pursuant to Env-A ~~1804~~ ***1806***; ~~and~~
- ~~(g 8)~~ The work plan for the asbestos abatement project;
- ~~(9)~~ ***A copy of the asbestos abatement entity license;***
- ~~(10)~~ ***A copy of any alternative procedure and approval pursuant to Env-A 1811.02; and***

(11) Daily temperature records as specified in Env-A 1805.02(a).

(b) The requirement in (a), above, shall not apply to SSSD activities.

Env-A 1803 05.03 02 Required Records.

(a) Pursuant to 40 CFR 61.145(c)(7)(iii), the asbestos abatement entity shall record the temperature at the beginning, middle and end of each workday for any periods when wetting operations are suspended pursuant to Env-A 1812.01(g).

(b) After the project asbestos abatement is complete, each ~~an~~ asbestos abatement entity ~~of~~ for a facility where a major or minor asbestos abatement project has occurred shall record and maintain the following information, as applicable, in electronic or paper format, for each project asbestos abatement:

(a 1) The name, title, and address of each asbestos abatement supervisor and worker who participated in the project asbestos abatement;

(b 2) The address of the project asbestos abatement;

(c 3) The work plan for the project asbestos abatement;

(d 4) All notifications and revisions submitted to the department pursuant to Env-A 1804 1806;

(e 5) Waste shipment records and disposal site slips for all RACM taken from the project asbestos abatement site;

(f 6) The estimated amount of RACM involved in the project asbestos abatement;

(g 7) The scheduled and actual starting and completion dates and, if an actual date differs from the date originally scheduled, a statement of reasons for the difference(s);

(h 8) Documentation of compliance with all applicable requirements of this chapter;

(i 9) Copies of all asbestos-related correspondence with the department and other state and federal agencies concerning the project, including but not limited to building or demolition permits, notices of violation, or other documents relating to permits;

(j 10) The name and address of the asbestos disposal facility to which the RACM was taken;

(k 11) Information regarding any ~~The methodology and results of all~~ air sampling, including:

a. Methodology and results of clearance testing pursuant to Env-A 1808.06, conducted during the abatement process;

b. Fiber concentration methodology and results pursuant to Env-A 1808.04(e);

c. ~~The~~ name and address of any consultant(s) hired to perform such sampling; and

d. ~~The~~ name and address of any asbestos analytical service(s) employed to analyze such samples, pursuant to Env-A 1813; and

(l 12) Descriptions of worksite accidents and ~~unplanned or planned~~ exposures to asbestos exposure-;

(13) A copy of the report summarizing the findings of the inspection, as required by Env-A 1804.01(c)(1); and

(14) Documentation regarding any alternative procedure used and approval received, pursuant to Env-A 1811.02.

(c) After asbestos abatement is complete, each owner or operator of a facility where major or minor asbestos abatement has occurred shall record and maintain the following information, as applicable, in electronic or paper format, for each asbestos abatement:

(1) A copy of all notifications and revisions submitted to the department pursuant to Env-A 1806;

(2) A copy of the waste shipment records and disposal site slips for all RACM taken from the asbestos abatement site; and

(3) A copy of the clearance air sampling and clearance determination; and

(4) A copy of the report summarizing the inspection findings required by Env-A 1804.01(c)(1).

(d) The requirements of (b) and (c), above, shall not apply to SSSD activities.

Env-A ~~1803~~ **05.04 03** Retention of Records.

*(a) Upon request by the department, ~~t~~The ~~Θ/Θ~~ asbestos abatement entity and owner or operator shall make the records described in Env-A ~~1803-03~~ **1805.02** available to the department ~~upon request~~ **within five business days.***

*(b) Except as provided in (c), below, the asbestos abatement entity and owner or operator ~~Records~~ shall not ~~be destroyed~~ **records** unless they are more than 30 years old, dated from the completion of the asbestos abatement ~~project~~.*

(c) For an asbestos abatement at a school, the owner or operator shall maintain records for three years after each triennial inspection.

PART Env-A ~~1804~~ **1806** NOTIFICATION **REQUIREMENTS** AND FEES

~~~{renumbered current 1804.02 as 1806.01 and made current introduction paragraph into new paragraph (a)}

Env-A 1804 ~~06.02~~ **01** Notification for Minor Asbestos Abatement ~~Projects~~.

(a) Except as provided in (b) and (c), below, the owner or operator of minor asbestos abatement shall ~~not be required to notify~~Notification to the department shall not be required for any minor asbestos abatement ~~regarding that~~ projects.

(b) If the minor asbestos abatement is being done as part of a demolition, then the owner or operator shall submit an “Asbestos Demolition Notification” Form as required by Env-A 1806.05.

(c) The owner or operator of a minor asbestos abatement project shall submit an “Asbestos Transport for Disposal Notification” form as required by Env-A 1806.07.

Env-A 1804 ~~06.01~~ **02** Notification ~~Requirements~~ for Major Asbestos Abatement ~~Projects~~.

(a) ~~Except as provided in Env-A 1804.04, t~~ The owner or operator (~~Θ/Θ~~) shall provide ***the following***:

(1) ~~written n~~ Notification to the department and the local government official, as applicable, ***and as specified in Env-A 1806.03 and Env-A 1806.04***, for ~~the~~ ***each major*** asbestos abatement project worksite location;

(2) ***If the asbestos abatement is being done as part of a demolition, an “Asbestos Demolition Notification” form, as required by Env-A 1806.05; and***

(3) ***An “Asbestos Transport for Disposal Notification” form for the transport for disposal as required by Env-A 1806.07.***

(b) ***The owner or operator shall create a work plan containing engineering controls and work practices necessary to comply with all applicable asbestos requirements.***

(c) ***Upon request by the department, the owner or operator shall submit by mail, hand delivery or electronic means to the department, within two business days of the request, a copy of the work plan for each asbestos abatement conducted.***

~~~{Env-A 1804.01(b) moved to 1806.03(c)}

~~~{Env-A 1804.01(c) moved to 1806.04(a)}

~~~{Env-A 1804.03 moved to 1806.05}

Env-A 180406.0603 ~~Information Required~~ **Notification Requirements for Major Asbestos Abatement.**

(a) In any notification ~~required by this part~~ ***specified in Env-A 1806.02(a)(1)***, the ~~Θ/Θ~~ owner or operator shall:

(21) ~~Present that information in the format specified in 40 CFR 61.145(b)(5), available as the~~ ***Complete and submit the “Asbestos Demolition/Renovation Abatement Notification Form”, form 2016-05-31/NHDES-A-01-016, dated December 15, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-016> or via the department’s website at [www.des.nh.gov](http://www.des.nh.gov); and***

(42) Provide the ***following*** information: ~~required by 40 CFR 61.145(b)(4); and~~

- a. ***An indication of whether the notice is a new or revised notification;***
- b. ***The amount of the fee included with the form;***
- c. ***An indication of whether the project is an emergency asbestos abatement;***
- d. ***For emergency asbestos abatement, the following:***
  1. ***Date and hour that the emergency occurred;***
  2. ***A description of the sudden, unexpected event; and,***
  3. ***An explanation of why immediate action is needed to address a public health or safety hazard or to avoid imposing an unreasonable economic hardship;***

- e. Name, physical address, county and floor or room number, if applicable, of the facility being demolished or renovated;*
- f. Description of the facility or affected part of the facility including the size in square feet, number of floors, year constructed, current use and prior use of the facility;*
- g. Date of the inspection and name of the person who conducted the inspection;*
- h. Type of inspection, including visual and analytical methods, employed to detect the presence of ACM;*
- i. If analytical methods were used, describe those;*
- j. List the types of asbestos and location in the facility;*
- k. An estimate of the approximate amount of RACM to be removed from the facility in terms of length of pipe in linear feet, surface area in square feet on other facility components, or volume in cubic feet if off the facility components;*
- l. Scheduled start and completion dates of asbestos removal work or any other activity, such as site preparation that would break up, dislodge, or similarly disturb asbestos material in a demolition or renovation;*
- m. Weekly work schedule including days of the week and time of day of work;*
- n. Description of planned asbestos abatement work to be performed and method(s) to be employed, including demolition or renovation techniques to be used and description of affected facility components;*
- o. Description of work practices and engineering controls to be used, including asbestos removal and waste-handling emission control procedures;*
- p. Name and mailing address of the facility owner and asbestos abatement entity;*
- q. Contact information, including name, email address and telephone number for the facility owner or designee;*
- r. Contact information, including name, email address and telephone number for the asbestos abatement entity;*
- s. Description of procedures to be followed if unexpected RACM is found or Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder;*
- t. A certification that at least one person certified as required by Env-A 1816.02 relative to asbestos abatement supervisor certification requirements will, at all times, supervise the asbestos abatement described by this notification; and*
- u. A certification that:*
  - 1. The owner or operator has read and understands the New Hampshire asbestos management and control rules, Env-A 1800;*



***2. The notification is prepared in conformity with Env-A 1800; and***

***3. All information contained in the notification, including any supplements attached, is true, complete, and not misleading to the best of the owner or operator's knowledge and belief.***

~~(b) The O/O shall provide any additional information that is not specifically required by this part but that is necessary to completely describe the scope of the project to the department separately from the required information by first-class USPS mail, commercial delivery service, or hand-delivery as specified in Env-A 1801.04(a).~~

***(b) For asbestos abatement at a school subject to AHERA, attach a copy of the design plan to the notification submitted, pursuant to (a), above.***

~~(c) Hours of operation on site shall be included on the notification document for purposes of inspection.~~

*{(c) below was formerly Env-A 1804.01(b)}*

~~(b c)~~ The ***initial notice notification*** required by ~~(a), above,~~ ***Env-A 1806.02 and the notification fee, as required by Env-A 1806.08,*** shall:

(1) Contain the information specified in ~~Env-A 1804.06~~ ***(a) and (b), above, as applicable;***

(2) Be sent ***submitted to the department*** by first-class mail, through the U.S. postal service (USPS), delivered by a commercial delivery service, or ***hand*** delivered-y in-hand or ***electronic means*** as specified in ~~Env-A 1801.04(a)~~; and

(3) Be sent or delivered ***submitted*** such that the department receives the notice ***and fee are postmarked or received by the department*** at least 10 working days before any asbestos abatement activity begins.

~~Env-A 1804.07~~ ***1806.04 Revised Notifications for Major Asbestos Abatement.*** Asbestos abatement activities occurring outside the starting and completion dates shall be a violation of this notification requirement unless a revised notification is received by the department prior to the revised or original start date, whichever is earlier, or prior to the original completion date in the event of an extension or overrun.

*~~~{(a) below was moved from 1804.01(c). Current 1804(c)(1) was renumbered at (b) below; current 1804.01(c)(2) was renumbered as (b)(2) below }*

~~(e a)~~ The ~~O/O~~ ***owner or operator*** shall ~~provide~~ ***submit*** a revised notification to the department, ***as specified in (b) through (i) below, if any of the following occurs during an asbestos abatement:***

***(1) The asbestos abatement entity assigned to the asbestos abatement changes;***

***(2) The type of asbestos affected changes;***

***(3) † The completion date of the asbestos abatement changes;***

***(4) An unscheduled change, of more than one day, to the dates or hours of operation occurs;***

*(5) The amount of asbestos affected changes by 20% or more;*

*(6) The amount of asbestos increases resulting in an increase in the notification fee required under Env-A 1806.08(b);*

*(7) ~~if~~ The start date of the asbestos abatement changes; or*

*(8) ~~both the start date and completion date change, or a break in operation occurs, as follows: Additional locations within a facility where asbestos is to be removed are added to the asbestos abatement.~~*

*(b) The ~~O/O~~ owner or operator shall submit a revised notification for changes specified in (a)(1) through (a)(8) by:*

*(1) ~~notify~~ the department within 24 hours of changing the date ~~(s)~~ or interrupting the operation via telephone *as specified in Env-A 1801.03(b)*, fax, or email *electronic means* ~~as specified in Env-A 1801.04(b)~~; and*

*(2) The ~~O/O~~ shall provide *Completing* a paper copy of the revised notification form *as specified in Env-A 1806.03(a)*; and*

*(3) Submitting the form and revised notification fee, as specified in Env-A 1806.08, to the department by sending or delivering it within one business day by first class USPS mail, commercial delivery service, or hand delivery *or electronic means*; and*

*(4) Ensuring that the form and fee are postmarked, delivered to the department or received by the department within 48 hours of notifying the department pursuant to (b)(1) above ~~as specified in Env-A 1801.04(a)~~.*

*(c) For changes specified in (a)(6), above, the owner or operator shall also submit the notification fee required in Env-A 1806.08(b)(1) minus any amount already paid, pursuant to Env-A 1806.08(b)(2).*

*(d) If the revised start date of the asbestos abatement, pursuant to (a)(7) above, is earlier than the original start date of the asbestos abatement, the owner or operator shall:*

*(1) Complete the revised notification form as specified in Env-A 1806.03(a), above;*

*(2) Submit the revised notification form and notification fee, as specified in Env-A 1806.08, to the department by mail, hand delivery or electronic means; and*

*(3) Ensure that the revised notification form is postmarked, delivered to the department or received by the department at least 10 working days before the revised start date of the asbestos abatement.*

*(e) If the revised start date of the asbestos abatement, pursuant to (a)(7) above, is later than the original start date of the asbestos abatement, the owner or operator shall:*

*(1) Notify the department by telephone or electronic means at least 24 hours before the original start date; and*

*(2) Submit the revised notification form, as specified in Env-A 1806.03(a), and the revised notification fee, as specified in Env-A 1806.08, to the department by mail, hand delivery or*

*electronic means such that the form and fee are postmarked, delivered to the department or received by the department within 24 hours of notifying the department, pursuant to (1) above.*

*(f) At least 10 days before work begins in a new location, as specified in (a)(8) above, the owner or operator shall mail, hand-deliver or submit by electronic means, the following to the department:*

*(1) The revised notification form as specified in Env-A 1806.03(a) and revised notification fee, as specified in Env-A 1806.08; and*

*(2) For a project at a school subject to AHERA, a revised design plan showing that the new location has been properly inspected for asbestos, in accordance with Env-A 1804.01.*

*(g) For asbestos abatement, an initial notification and any subsequent revised notifications shall expire on the completion date specified in the notification, unless a revision is received by the department as specified in (b) through (f) above, as applicable.*

*(h) For any revisions to be made to a notification other than those listed in (a), above, the owner or operator shall submit, by mail, hand delivery or electronic means, a revised notification form, as specified in Env-A 1806.03(a), and revised notification fee as specified in Env-A 1806.08, to the department within 2 business days of discovering the need to revise the form or of being requested by the department to revise the form.*

*(i) To cancel a previously submitted notification which has not expired pursuant to (g), above, the owner or operator shall submit, by email or electronic means, a request to cancel the notification to the department including:*

*(1) The facility address; and*

*(2) The start and completion dates of the asbestos abatement.*

Env-A 1804 ~~06.03~~ **05** Notification for Demolitions.

*(a) The ~~OO~~ owner or operator shall provide written notification to the department and to the local government official, as applicable, for the each demolition project worksite location by completing and submitting the “Asbestos Demolition Notification” form, NHDES-A-01-023, dated December 13, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-023> or via the department’s website at [www.des.nh.gov](http://www.des.nh.gov).*

*(b) The notice required by (a), above, shall:*

*(1) Provide the following information:*

*a. An indication of whether the notice is new or revised;*

*b. An indication of whether the project is an ordered demolition;*

*c. For facilities where ordered demolition will occur, include:*

*1. The name of the state or local government;*

*2. The name and title of the state or local government representative who has ordered the demolition;*

3. *The date that the order was issued;*
4. *The date on which the demolition was ordered to begin; and*
5. *The name, mailing address, contact information, email address and telephone number of the asbestos abatement entity;*
- d. *Name, county and physical address of the facility being demolished;*
- e. *Description of the facility or affected part of the facility including the size in square feet, number of floors, year constructed, current use and prior use of the facility;*
- f. *Except as specified in Env-A 1804.01(e) and (f), date of the inspection and name of the person who conducted the inspection;*
- g. *Type of inspection, including visual and analytical methods, employed to detect the presence of ACM;*
- h. *If analytical methods were used, describe those;*
- i. *If applicable, an indication that there is no ACM present;*
- j. *If applicable, an indication of whether ACM or RACM was present, as follows:*
  1. *The amount of ACM or RACM;*
  2. *The name of the individual or entity that conducted the asbestos abatement, if required; and*
  3. *The date the asbestos abatement was completed;*
- k. *Scheduled start and completion dates of demolition;*
- l. *Weekly work schedule including days of the week and time of day of work;*
- m. *Description of planned demolition work to be performed and method(s) to be employed, including demolition techniques to be used and description of affected facility components;*
- n. *Description of work practices and engineering controls to be used including asbestos removal and waste-handling emission control procedures;*
- o. *Name and mailing address of the facility owner and demolition contractor;*
- p. *Contact information, including name, email address and telephone number for the facility owner or designee;*
- q. *Contact information, including name, email address and telephone number, for the demolition contractor;*

*r. Description of procedures to be followed if unexpected RACM is found or Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder; and*

*s. A certification that:*

*1. The owner or operator has read and understands the New Hampshire asbestos management and control rules, Env-A 1800;*

*2. The notification is prepared in conformity with Env-A 1800; and*

*3. All information contained herein, including any supplements attached hereto, is true, complete and not misleading to the best of the owner or operator's knowledge and belief.*

~~(bc)~~ *Except as provided in (e), below, the notice notification* required by (a), above, shall:

*(1) Contain the information specified in (b), above;*

*(2) Be sent ~~submitted~~ by first-class mail through the U.S. postal service (USPS), delivered by a commercial delivery service, or delivered in hand ~~delivery or electronic means~~ as specified in Env-A 1801.04 (a); and*

*(3) Be sent or delivered ~~submitted to the department~~ such that the notice is *postmarked, delivered to the department or received by the department* at least 10 working days before any demolition activity begins.*

~~(e d)~~ *The owner or operator shall provide N notification* under (a), above, ~~shall be provided~~ even if:

*(1) N No ACM is contained in the facility; or*

*(2) The project is a minor asbestos abatement.*

*(e) As specified in Env-A 1804.01(e), if a state or local government declares that a facility or portion of a facility is structurally unsound or in imminent danger of collapse, then the owner or operator shall:*

*(1) Submit the notification required by (a), above;*

*(2) Submit the notification such that it is postmarked or received by the department as early as possible before, but not later than, the following working day after beginning an ordered demolition; and*

*(3) Attach a copy of the documentation from the state or local government regarding the facility, that includes:*

*a. Name and title of the person who made the determination that the facility or portion of the facility is unsafe or structurally unsound;*

*b. A description of the person's qualifications to make the determination;*

*c. The date when the determination was made; and*

***d. A description regarding the reason that the facility or portion of the facility is unsafe or structurally unsound.***

***(f) If the start date of a demolition under this section changes, the owner or operator shall:***

***(1) Notify the department by telephone or electronic means at least 24 hours before the original completion date; and***

***(2) Submit the revised notification form, as specified in (a) above, to the department by mail, hand delivery or electronic means such that the form is postmarked or received by the department within 24 hours of notifying the department, pursuant to (f)(1) above.***

***(g) To cancel a previously submitted notification, the owner or operator shall submit, by email or electronic means, a request to cancel the notification to the department, including:***

***(1) The facility address; and***

***(2) The start and completion dates of the demolition.***

~~~~{Env-A 1804.04 moved to Env-A 1806.09}

Env-A 1804 ~~06.0506~~ Notification for Emergency Asbestos Abatement Projects. For emergency asbestos abatement projects, the ~~O/O~~ ***owner or operator*** shall:

(a) Notify the department by telephone, fax, or email as specified in Env-A 1801.04(b) ~~electronic means with the information required by Env-A 1806.03(a)~~, as follows:

(1) ~~a~~ As early as possible prior to abatement; or,

(2) ~~¶~~ If prior notice is not possible, within 24 hours of the beginning of each emergency asbestos abatement activity with information required under this part; and

(b) ~~Provide written~~ Submit the notification form, as specified in Env-A 1806.03(a), and notification fees, if applicable, as specified in Env-A 1806.08, in accordance with this part to the department no later than 48 hours after beginning an emergency asbestos abatement.

~~~{Env-A 1804.06 moved to Env-A 1806.03}

~~~{Env-A 1804.07 moved to Env-A 1806.04}

Env-A 1804 ~~06.08~~ 07 Notification for ***Transport for Disposal Only***.

(a) In addition to the requirements in Env-A 1812.02, the owner or operator ~~Each person hired or otherwise engaged by an O/O or homeowner only to transporting and dispose of ACM for disposal or engaging a person or entity to dispose of the ACM~~ shall:

(1) Complete and submit the “Asbestos Transport for Disposal Notification”, form NHDES-A-01-024 dated December 13, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-024> or via the department’s website at www.des.nh.gov, containing the information specified in (b), below;

(2) ~~Provide the information specified in (c), below, in writing~~ Submit the notification form to the department ~~prior to~~ by mail, hand-delivery or electronic means such that the notification form is

~~*postmarked or received by the department no later than the day on which*~~ such transport ~~and~~ *for disposal begins*; and

(23) Provide a copy of the ~~information~~ ***notification form*** required by (1), above, to the ~~O/O or homeowner~~ ***person or entity engaged to dispose of the ACM***, as applicable, at the time the ACM is collected.

~~~*{(b) moved to PART 1803}*

~~(b) If a homeowner transports the ACM for disposal directly, the homeowner shall provide the notice required by (a)(1), above, and shall retain a copy of the notice.~~

(e b) The ~~information~~ ***notification form*** required by (a)(1), above, shall be as follows ***include***:

***(1) Whether the material to be transported is ACM or RACM;***

~~(1) The person's name, mailing address, and daytime telephone number, and, if available, an e-mail address;~~

(2) The name and mailing address of the ~~O/O or homeowner~~, as applicable ***facility owner***;

(3) The physical address where the ACM is located;

(4) The date when the ACM will be picked up;

(5) The name, ***telephone number*** and physical address of the disposal site; ~~and~~

(6) The quantity(ies) of ACM to be ***transported and*** disposed;

***(7) Facility information including name and mailing address;***

***(8) Contact information, including contact name, email address and telephone number, for the facility owner or designee;***

***(9) The name, mailing address and contact information, including contact name, email address and telephone number, of the asbestos waste transporter;***

***(10) The name, physical address and contact information, including contact name, email address and telephone number, of the asbestos waste disposal facility; and***

***(11) A certification that:***

***a. The owner or operator has read and understands the New Hampshire asbestos management and control rules, Env-A 1800;***

***b. The notification is prepared in conformity with Env-A 1800; and***

***c. All information contained herein, including any supplements attached hereto, is true, complete and not misleading to the best of the owner or operator's knowledge and belief.***

~~~*{Env-A 1804.09 renumbered to 1806.08}*

Env-A 1804 ~~06.09 08~~ Notification Fees.

(a) The ~~person~~ ***owner or operator*** providing ~~written~~ notification to the department shall ***also submit*** ~~send~~ the ***nonrefundable*** fee specified in (e b), below, as applicable, with the notification.

~~(b) Payment shall be in the form of cash, company check, certified check, or money order. A company check or certified check or money order shall be made payable to "Treasurer, State of New Hampshire".~~

(e b) Notification fees shall be ***nonrefundable and*** as follows:

(1) For a notification of a major asbestos abatement project ~~class N~~, ***involving 260 linear feet or more of RACM on pipes or ducts, 160 square feet or more of RACM on the surface of structures other than pipes or ducts, or 35 cubic feet or more of RACM on facility components where the length or area could not be measured,*** \$300;

(2) For a notification of a major asbestos abatement project ~~class S~~ ***involving less than 260 linear feet of RACM on pipes or ducts, 160 square feet of RACM on the surface of structures other than pipes or ducts, or 35 cubic feet of RACM on facility components where the length or area could not be measured,*** \$50;

(3) For an annual notification pursuant to Env-A 1804.04, \$1,500; and

(4) For a revised notification pursuant to Env-A 1804 ~~06.07~~ ***04(a)(1) through (a)(8)***, \$25.

(c) ***The following activities shall not be assessed a fee:***

(1) ***Minor asbestos abatement, pursuant to Env-A 1806.01;***

(2) ***Demolition, pursuant to Env-A 1806.05;***

(3) ***Ordered demolition, pursuant to Env-A 1806.05(e); and***

(4) ***Transport for disposal, pursuant to Env-A 1806.07.***

Env-A 1804~~06.04~~ ***09*** Annual Notification.

(a) In lieu of the ***separate*** notification required pursuant to Env-A 1804 ~~06.04~~ ***02***, and subject to (d), below, the ~~owner or operator~~ ***owner or operator*** of a facility expected to undergo a ~~Class S~~ major asbestos abatement in the next calendar year may file an annual notification to cover the period from January 1 of the new calendar year to December 31 of the same year.

(b) ***The owner or operator shall complete and submit:***

(1) ***The "Annual Asbestos Notification" form NHDES-A-01-0028 dated December 13, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-0028> or via the department's website at www.des.nh.gov, containing the information specified in (e) below;***

(2) ***The notification form to the department by mail, hand delivery or electronic means; and***

(3) ~~Such annual~~ ***The notification form and associated fee, shall be made in writing as specified in Env-A 1804 ~~06.04~~ 08(ab)(3), so as to be such that the form and fee are postmarked or received by the department at least 10 working days prior to the start of the new calendar year.***

(c) ***This section shall only apply to individual projects at the facility involving major asbestos abatement, with less than the following amounts of RACM as follows:***

- (1) *260 linear feet on pipes or ducts;*
- (2) *160 square feet on the surface of structures other than pipes or ducts; or*
- (3) *35 cubic feet on facility components where the length or area could not be measured.*

(d) The ~~owner or operator~~ shall ~~give~~ ***submit*** separate, individual notifications ***and fees*** as specified in Env-A 180406.01 03 and Env-A 1806.08 for each major asbestos abatement project ***that occurs at the facility, involving the following amounts of RACM:***

- (1) *260 linear feet or more on pipes or ducts;*
- (2) *160 square feet or more on the surface of structures other than pipes or ducts; or*
- (3) *35 cubic feet or more on facility components where length or area could not be measured. –*
~~Class N that occurs at the facility, regardless of whether an annual notification has been filed for Class S major asbestos abatement projects at the facility.~~

(e) ***The notification form required by (b)(1), above, shall include:***

- (1) *Name, physical address and county of the facility being demolished or renovated;*
- (2) *Description of the facility or affected part of the facility including the size in square feet, number of floors, year constructed, current use and prior use of the facility;*
- (3) *Name and mailing address of the facility owner;*
- (4) *Contact information, including name, email address and telephone number for the facility owner or designee;*
- (5) *A certification that at least one person certified, in accordance with Env-A 1816.02, will supervise the asbestos abatement described by this notification at all times; and*
- (6) *A certification that:*

a. The owner or operator has read and understands Env-A 1800, the New Hampshire asbestos management and control rules, Env-A 1800;

b. The notification is prepared in accordance with Env-A 1800; and

c. All information contained herein, including any supplements attached hereto, is true, complete and not misleading to the best of the owner's or operator's knowledge and belief.

(f) ***Upon request by the department, the owner or operator shall submit by mail, hand delivery or electronic means to the department within five business days of the request, a copy of the work plan or inspection report for each asbestos abatement conducted under an annual notification.***

(e g) After filing an annual notification, the ~~owner or operator~~ shall ~~provide~~ ***submit quarterly reports by mail, hand delivery or electronic means to the department with quarterly reports of activities stating one of the following:***

(1) That no activities have been performed; or

(2) Detailing each asbestos abatement performed under such annual notification, as follows:

a. Name of the asbestos abatement entity;

b. ~~that include~~ Start and completion dates of removal; ;

c. Description of inspection conducted, including date, type and name of the person or entity who performed the inspection;

d. Name of the asbestos abatement supervisor and certification number;

e. Description of activity including location, amounts and ~~kinds-type~~ of RACM removed, ; and

f. Name of the person or entity who provided a clearance determination and dates when clearance determinations were done. ~~and disposal site used.~~

(h) The owner or operator shall submit quarterly reports required by (g) within 30 days of the end of each quarter.

PART Env-A 1807 WORK PRACTICE REQUIREMENTS FOR MINOR ASBESTOS ABATEMENT

Env-A 1805 07.13 01 Minor Asbestos Abatement Projects Work Practices.

(a) The owner or operator shall ensure that any ~~P~~ personnel involved in minor asbestos abatement projects shall be certified in accordance with this chapter, unless exempt under the provisions of Env-A 1810.02 Env-A 1815 and Env-A 1816.

(b) Any person involved in minor asbestos abatement shall be certified in accordance with Env-A 1815 and Env-A 1816, unless exempt under the provisions of Env-A 1815.02.

(~~b~~ c) Any person performing a minor asbestos abatement project shall ~~take~~ do the following:

(1) ~~precautions at a minimum to p~~ Prevent the release of asbestos fibers into the ambient air; ; and

(2) Implement the following, minimum work practices and engineering controls:

(~~1~~) a. Install ~~B~~ barriers including such as glovebags shall be installed for minor asbestos abatement projects to assure that fibers released during abatement activities are contained within the work area;

(~~2~~) All RACM shall be wetted prior to being disturbed, and shall be kept wet until it is containerized;

(~~3~~) b. Use HEPA vacuum equipment and wet cleaning techniques shall be used to clean up the work area following abatement until no visible residue is observed; and

c. Follow the removal, disposal, and waste shipment requirements specified in Env-A 1812.01 through 1812.03.

~~(4) Prior to disposal, RACM shall be containerized in accordance with Env A 1805.08 in air tight containers and labeled in accordance with 40 CFR 61.150(a); and~~

~~(5) The containerized waste shall be transported and disposed of in accordance with Env Sw 901.~~

PART Env-A 180508 ***GENERAL WORK PRACTICE REQUIREMENTS FOR MAJOR ASBESTOS ABATEMENT***

Env-A 180508.01 Requirements for All Major Asbestos Abatement Projects. ***Except as provided in Env-A 1810.01, E each O/O owner or operator*** of a facility at which any type of major asbestos abatement project is or may be undertaken shall ensure compliance with this part ***and part Env-A 1812***.

Env-A 1805 08.02 Asbestos Abatement Project Entity and Personnel.

(a) The ~~contractor(s)~~ ***owner or operator shall ensure that the asbestos abatement entity*** and personnel involved in a major asbestos abatement project ~~shall be~~ ***are*** licensed and certified, respectively, in accordance with Env-A 1810 15 ***and Env-A 1816***.

(b) ***Prior to performing any of the activities described in Env-A 1808.03 through 1808.05, any asbestos abatement entity or personnel involved in major asbestos abatement shall be licensed or certified pursuant to Env-A 1815 and Env-A 1816.***

~~Env A 1805.03 Records Maintained On Site. The O/O shall maintain records specified in Env A 1803 on site.~~

Env-A 180508.0403 Site Preparation.

(a) Prior to the start of the abatement, the ~~O/O~~ ***owner or operator*** shall prepare each work area as follows:

(a1) Post telephone numbers of the nearest emergency facilities in a location that is visible from the work area;

~~(b2) Turn off~~ ***Ensure that all heating, ventilation and air conditioning (HVAC) systems in or passing through the work area are turned off***, and take ***other*** measures, such as taping over on/off switches, to prevent accidental start-ups ***of the HVAC system***;

(e3) Isolate contaminated areas from uncontaminated areas with air-tight barriers over all openings between the work area and uncontaminated areas, including but not limited to windows, doorways, elevator openings, corridor entrances, ventilation openings, drains, ducts, grills, grates, diffusers and skylights, but excluding the decontamination enclosure system doorways, using sheeting having a minimum thickness of 6 mil;

~~(d4)~~ Post warning signs, ***as specified in 29 CFR 1910.1001(j)(4)***, at all entrances to the work area;

~~(e5) Remove all uncontaminated~~ ***For*** movable objects ~~from~~ ***in*** the work area:-

a. Remove all uncontaminated objects;

b. For all contaminated objects:

i. Decontaminate the object; or

ii. Prepare the object for disposal as asbestos waste prior to removal from the work area: and

c. Remove objects specified in b. from the work area;

~~(f) Clean or dispose of as asbestos waste all contaminated items not removed from the work area;~~

~~(g6) Clean all~~ ***For*** non-movable objects in the work area:

~~(1)a.~~ ***Decontaminate all contaminated objects; and***

~~(2)b. then e~~ Cover with sheeting having a minimum thickness of 4 mil secured in place; and

~~(h7) Install sheeting as follows:(1)—~~***Except as provided in (b), below, completely cover all uncontaminated floors, walls, and ceiling surfaces and HVAC system components in the work area with sheeting as follows:***

~~(1) a.~~ ***specified in (3) through (6), below, as applicable, s*** Sized and installed so as to minimize seams;

~~(2) b.~~ Do not locate sheeting seams at any floor/wall, ***wall/wall*** or ceiling/wall corners;

~~(3) c.~~ Cover the floor with ***a minimum of 2*** layers of ***at least 6*** mil sheeting and extend the sheeting at least 12 inches up each wall;

~~(4) d.~~ Cover the walls with ***a minimum of*** one layer of ***at least 4 6*** mil sheeting and extend the sheeting at least 12 inches across the floor;

~~(5) e.~~ Cover the ceiling with ***a minimum of*** one layer of ***at least 4 6*** mil sheeting and extend the sheeting at least 12 inches down each wall; and

~~(6) f.~~ Cover all intake and exhaust openings and any seams in all HVAC system components with ***a minimum of 2 layers of at least 6*** mil or thicker sheeting or with tape.

(b) For vinyl asbestos floor tile or vinyl asbestos floor sheeting that has mastic or felt backing, protective sheeting shall be used as follows:

(1) Ceiling sheeting as specified in (a)(7)e. shall not be required; and

(2) Wall sheeting as specified in (a)(7)d. shall be 4 mil or thicker and cover the bottom 4 feet of each wall.

Env-A 1805 ~~08.05~~ ***04*** Work Area Ventilation.

(a) Prior to the disturbance of asbestos, the owner or operator shall establish proper work area ventilation as required by (b) through (e), below, in the containment area established pursuant to Env-A 1808.03(a)(3).

~~(a b)~~ The work area shall be served by a sufficient number of negative pressure ventilation units with HEPA filtration to provide one containment area air change every 15 minutes.

~~(b c)~~ The unit(s) shall be operated to maintain a ***minimum*** static pressure differential of 0.02 inches ***of*** water ~~gauge~~ from the time that barrier construction is completed through the time acceptable final clean air monitoring results are obtained.

(~~e~~ **d**) The negative pressure ventilation units shall exhaust filtered air to the outside of the facility wherever practical.

(~~d~~ **e**) If exhausted to interior spaces, the exhaust shall be monitored for fiber release by:

(1) Using a continuous, direct reading instrument equipped with a ~~chart~~ **data** recorder located at the exhaust **to record the concentration of fibers in the air being measured**; or

(2) Taking daily air samples at the exhaust and having them analyzed **to determine fiber concentration in the known volume of air that was sampled** using one of the techniques specified in Env-A 1808.03, as expeditiously as practical but no more than 24 hours after sampling.

Env-A 180508.0605 Worker Decontamination Enclosure System.

(~~a~~ **a**) **Prior to the disturbance of asbestos, the owner or operator shall establish proper worker decontamination as required by (b) through (i), below, in the containment area established pursuant to Env-A 1808.03(a)(3).**

(~~a~~ **b**) Each asbestos abatement site shall have a **three-stage** worker decontamination enclosure system contiguous to the work area.

(~~b~~ **c**) The worker decontamination enclosure systems shall consist of a clean room, shower room, and equipment room, separated from each other by doorways with at least 2 overlapping sheets.

(~~e~~ **d**) The shower room shall have running water that is at least 85° F or can be mixed at the tap to achieve 85° F.

(~~d~~ **e**) Shower **room** waste water shall be collected and disposed of as asbestos waste or filtered through a 5 micron filter.

(~~e~~ **f**) Except for the doorways, the worker decontamination enclosure system shall be airtight.

(~~f~~ **g**) All **personnel** entrances to and exits from the work area shall be through the decontamination enclosure system.

(~~g~~ **h**) Each worker exiting from the work area shall thoroughly shower so as to remove all asbestos fibers before entering the clean room.

(~~h~~ **i**) No asbestos-contaminated individual or item shall enter the clean room.

{Env-A 1805.07 and Env-A 1805.08 moved to new PART Env-A 1812.01 and Env-A 1812.02}

Env-A 180508.0906 Clearance Testing.

(a) At the completion of an asbestos abatement ~~project~~, **or phase of that abatement**, but prior to dismantling the containment and decontamination system, the ~~owner or operator~~ shall obtain the services of an independent industrial hygienist to conduct clearance air sampling.

(b) Prior to clearance sampling, the independent industrial hygienist shall conduct a thorough visual inspection of the work area for the presence of visible residue.

(c) If visible residue is found by the independent industrial hygienist, the ~~owner or operator~~ shall continue cleaning the work area as specified in Env-A ~~1805.07(e)~~ **1812.01(f)**.

(d) After determining that no visible residue remains in the work area, the independent industrial hygienist shall take sufficient volumes of air for clearance sampling to accurately determine, to a 95 percent probability, fiber concentrations to 0.010 fibers/cubic centimeter (f/cc) of air.

(e) ***The independent industrial hygienist shall conduct*** ~~C~~ clearance air sampling ~~shall be done~~ no sooner than the earlier of 6 hours from the time the cleanup procedures of wet wiping and HEPA vacuuming are completed, or such time as all surfaces in the work area have dried. If all work area surfaces are dry at the completion of the cleanup procedures, no waiting period shall be required prior to beginning air sampling.

(f) ***The independent industrial hygienist shall use*** ~~A~~ aggressive sampling ~~shall be used~~:

(1) To ensure that any fibers deposited on surfaces within the work area are included in the sample;
~~and~~

(2) For all clearance sampling in schools and school buildings; ~~and~~

(3) ***In all areas where uncontaminated wall, ceiling, and floor surfaces in the work area are covered with sheeting.***

~~(g) Except for schools and school buildings, non-aggressive sampling shall be used in areas where all uncontaminated wall, ceiling, and floor surfaces in the work area are not covered with sheeting.~~

~~(h g)~~ The ***owner or operator shall ensure that the asbestos abatement entity does not dismantle the*** containment and worker decontamination system ~~shall not be dismantled~~ until clearance air sampling demonstrates the presence of no more than 0.010 fibers of length greater than 5 microns per cubic centimeter of air as determined by phase contrast optical microscopy, performed as described in “Asbestos and Other Fibers by PCM: Method 7400, Issue 2 3”, National Institute of Occupational Safety and Health (NIOSH) Manual of Analytical Methods (NMAM), ~~Fourth~~ ***5th Edition, 8/15/94 June 14, 2019***, available as noted in Appendix B.

~~(i h)~~ The industrial hygienist shall ~~provide~~ ***submit*** copies of the clearance air sampling results to the ***owner or operator, and the department, by mail, hand delivery or electronic means***, within 30 days of the date of ~~the~~ clearance air sampling.

PART Env-A 1809 SPECIFIC WORK PRACTICE REQUIREMENTS FOR DEMOLITION, ENCLOSURE AND ENCAPSULATION

Env-A 180509.4001 Specific Requirements for Demolition.

(a) ***Except as provided in Env-A 1804.01(e) and 40 CFR 61.145(c)(1)(iii), P*** prior to any demolition, including by intentional burning, of a structure or portion of a structure, ***the owner or operator shall remove*** all ACM ~~shall be removed~~ in accordance with the applicable provisions of this chapter, subject to (b) below ***and part Env-A 1812.***

(b) ***If a major asbestos abatement is performed as part of a demolition, then the owner or operator shall not dismantle the containment and worker decontamination system until*** ~~For~~ clearance air sampling as described in Env-A 1805.09, an acceptable result shall be ***demonstrates the presence of no more than*** 0.10 fibers of length greater than 5 microns per cubic centimeter of air as determined by phase contrast optical microscopy, performed as described in “Asbestos and Other Fibers by PCM: Method 7400, Issue 2 3”, NIOSH Manual of Analytical Methods (NMAM), ~~Fourth~~ ***5th Edition, 8/15/94 June 14, 2019***, available as noted in Appendix B.

(c) If a structure is being moved intact from one location to another, the owner or operator shall not be required to remove ACM prior to moving the structure if the ACM in the structure will not be disturbed and meets the requirements in 40 CFR 61.145(c)(1)(i) and (c)(1)(iv).

(d) For an ordered demolition, pursuant to Env-A 1804.01(e), the owner or operator shall:

(1) Prevent the release of asbestos fibers by adequately wetting ACM with amended water and maintaining ACM wet during demolition;

(2) Handle all debris in accordance with Env-A 1812.02(a), (b) and (d); and

(3) Submit a waste shipment record in accordance with Env-A 1812.03.

Env-A 180509.4402 Specific Requirements for Enclosure of RACM. When an ~~owner or operator~~ chooses to ~~enclose~~ ***abate*** RACM ***via enclosure***, the ~~owner or operator~~ shall ***comply with the requirements of Env-A 1808 and the following:***

~~(a) Notify and pay the fee in accordance with Env-A 1804.09(c)(1) or (2), as applicable;~~

~~(b) Prior to enclosure, remove loose and hanging RACM in accordance with Env-A 1805;~~

(ea) Ensure that enclosures are airtight and of permanent construction, such that the area being enclosed is inaccessible;

(eb) Prior to commencing work, wet all RACM that has the potential to be disturbed during the installation of hangers, brackets, or other portions of the enclosure; and

(ec) Designate enclosures for RACM by ***posting permanent*** signs, labels, color coding, or some other readily visible mechanism on the enclosure to warn individuals who may be required to disturb the enclosure.

Env-A 1805 09.42 03 Specific Requirements for Encapsulation of RACM. When an ~~owner or operator~~ chooses to ~~encapsulate~~ ***abate*** RACM ***via encapsulation***, the ~~owner or operator~~ shall ***comply with the requirements of Env-A 1808 and the following:***

~~(a) Notify and pay the fee in accordance with Env-A 1804.09(c)(1) or (2), as applicable;~~

(ba) Ensure that filler material applied to gaps in existing material contains no asbestos, adheres well to the substrate, and provides a suitable base for the encapsulant;

~~(c) Prior to encapsulation, remove loose and hanging RACM in accordance with all applicable provisions in Env-A 1805;~~

(db) Apply encapsulants using only low pressure airless spray equipment with nozzle pressure and tip size set according to the manufacturer's recommendations; and

(ec) Specifically designate encapsulated RACM by ***placing permanent*** signs, labels, color coding, or some other readily visible mechanism on the encapsulated RACM to warn individuals who may in the future be required to disturb the material.

{Env-A 1805.13 moved to new Part Env-A 1807}

PART Env-A 1806 ***10*** ALTERNATIVE ***WORK PRACTICE*** REQUIREMENTS FOR SPECIFIC ACM

Env-A 1806***10.01*** Applicability.

~~(a) Facility O/Os who performing asbestos abatement activities on~~ ***(a) The owner or operator of a facility O/Os who removes vinyl asbestos floor tile, vinyl asbestos floor sheeting, asbestos roofing materials, asbestos siding, and other preformed cementitious asbestos materials shall comply with Env A 1805, except as modified by this Part.***

(b) If the conditions specified in this Part are not met, then the owner or operator shall be subject to the requirements of Env-A 1808.

{Env-A 1806.02 moved to new Env-A 1808.03(b)}

~~Env A 1806.02 Abatement of Vinyl Asbestos Containing Floor Coverings and Mastic. The following provisions of Env A 1805.04 (h) shall be modified as noted for facility O/Os who do not saw, grind, or abrade a vinyl floor and who do not separate sheet vinyl flooring from its backing:~~

~~— (a) Ceiling sheeting as specified in Env A 1805.04(h)(1) and (5) shall not be required; and~~

~~— (b) Wall sheeting as specified in Env A 1805.04(h)(1) and (4) shall be 4 mil or thicker and cover the bottom 4 feet of each wall.~~

Env-A 1806***10.03 02*** Abatement of Asbestos-Containing Asphalt Roofing Materials.

~~(a) Facility O/Os~~ ***The owner or operator*** who removes ***non-friable ACM asbestos-containing asphalt roofing material*** from a sloping roof and does not sand, saw, cut, drill ***grind, abrade***, or otherwise treat the ***ACM roofing material*** in a manner that might create a fine dust or particles, ~~may abate such materials by~~ ***shall*** complying with the following ~~in lieu of complying with Env A 1805.01 through Env A 1805.07 and Env A 1805.09:~~

(1) The surrounding ground shall first be protected with poly drop cloths such that no ***ACM roofing material*** can come into contact with the ground; and

(2) All ***ACM roofing material*** waste shall be ***removed***, packaged, labeled, and disposed of as specified in Env-A ~~1805.08~~ ***1812.01(b), Env-A 1812.01(c), Env-A 1812.01(g), Env-A 1812.02 and Env-A 1812.03.***

~~(b) Facility O/Os~~ ***The owner or operator performing major asbestos abatement of asbestos roofing material*** who removes ***RACM*** from a roof and who sand, saw, cut, drill, or otherwise treat the ***ACM*** in a manner that might create a fine dust or particles, ~~may~~ ***shall*** comply with following ~~in lieu of complying with Env A 1805.04, Env A 1805.05 and Env A 1805.09:~~

(1) The ~~contractor~~ ***asbestos abatement entity*** and workers shall be licensed and certified in accordance with Env-A ~~1810~~ ***15 and Env-A 1816;***

(2) All ***ACM roofing material*** waste shall be ***removed***, packaged, labeled, and disposed of as specified in Env-A ~~1805.08~~ ***1812.01(b), Env-A 1812.01(c), Env-A 1812.01(g), Env-A 1812.02 and Env-A 1812.03;***

(3) A HEPA-filtered tool shall be used to prevent generation of visible emissions; ~~and~~

(4) Water shall be applied at the point of abrasion with ***a hose or*** an airless sprayer and in sufficient volume so that no visible emissions result from the operation other than water spray;

(5) ***All site preparation requirements specified in Env-A 1808.03(a); and***

(6) ***All worker decontamination requirements specified in Env-A 1808.05.***

Env-A 180610.04 03 ~~Abatement of Asbestos-Containing Cementitious Roofing or Siding Materials, Facility O/Os~~ ***The owner or operator*** who removes cementitious ACM from the side or roof of a building and who does not sand, saw, cut, drill ***grind, abrade,*** or otherwise treat the ACM in a manner that might create a fine dust or particles, ***may shall*** abate such materials by complying with the following ~~in lieu of Env-A 1805.04, Env-A 1805.05, Env-A 1805.07, and Env-A 1805.09:~~

(a) ~~The contractor~~ ***asbestos abatement entity*** and workers shall be licensed and certified in accordance with Env-A 1810 15 ***and Env-A 1816;***

(b) The surrounding ground shall first be protected with poly drop cloths such that no ACM can come into contact with the ground;

~~(c) All ACM shall be adequately wetted before removal and maintained wet during and after removal to prevent the release of fibers until placed into leak-tight containers for disposal;~~

~~(d)~~ (c) Cementitious ACM shall be removed intact, to the extent possible, by prying out or cutting fasteners;

(e) Cementitious ACM shall be carefully lowered to the ground, not dropped or thrown ***or slid;*** ~~and~~

(f) All ACM waste shall be ***removed,*** packaged, labelled, and disposed of in accordance with Env-A 1805-08 ***1812.01(b), Env-A 1812.01(c), Env-A 1812.01(g), Env-A 1812.02 and Env-A 1812.03;*** ***and***

(g) ***All site preparation requirements specified in Env-A 1808.03(a) shall be completed.***

PART Env-A 180711 ~~ALTERNATIVE WORK PRACTICES~~ ***REQUIREMENTS FOR GLOVEBAGS AND OTHER ALTERNATIVE PROCEDURES***

Env-A 180711.01 Glovebags.

(a) ***The owner or operator shall use G*** glovebags ~~may be used~~ only in accordance with the provisions of this part section, ***Env-A 1808.03(a)(1) through (a)(5) and Env-A 1808.05.***

(b) ***The owner or operator shall use G*** glovebags ~~shall only be used~~ under such conditions that their use will not threaten any release of fibers at locations outside of the glovebag, ***including placing a single layer of 6 mil sheeting under the glovebag.***

~~(c) Env-A 1805.04 (a) through (g), Env-A 1805.05, and Env-A 1805.06 shall apply to glovebag procedures.~~

(d) ***The owner or operator shall use G*** glovebag procedures ~~shall to conform with~~ ***to conform with*** the requirements of 29 CFR 1926.1101(g)(5)(ii)(B)(1) through (8) ~~9~~, July 1, 201423.

(e) ***d*** Following completion of a glovebag procedure or series of glovebag procedures in a contiguous area ***during major asbestos abatement, the owner or operator shall ensure that*** clearance inspection and air sampling ~~shall be~~ ***are*** conducted in accordance with Env-A 1805 08.09 ***06.***

Env-A 1807 11.02 Other Alternative Procedures.

(a) ***The owner or operator shall submit*** ~~Any~~ request for an alternative procedure to an asbestos abatement requirement ***specified in Env-A 1807 through Env-A 1810, Env-A 1811, Env-A 1812.01 and Env-A 1812.02*** ~~shall be submitted to both EPA Region I and the department.~~ ***as follows:***

(1) ***Complete a request for a waiver containing the information required in Env-A 1820.03(a)(1) through Env-A 1820.03(a)(7);***

(2) ***Submit the request as follows:***

a. ***If the requirement is specified in 40 CFR 61.145, then submit to both EPA Region I and the department; and***

b. ***If the requirement is not specified in 40 CFR 61.145, then submit only to the department; and***

(3) ***Follow the requirements in (c) and (e), below.***

(b) The department shall not approve an alternative procedure for control of emissions from an asbestos abatement activity unless:

(1) EPA approves the request in writing or notifies the department in writing that the requested procedure does not need to be approved by EPA; and

(2) The criteria specified in (d), below, are met.

(c) After obtaining a written approval or waiver from EPA and at least 10 days in advance of the proposed starting date for an alternative abatement procedure, the ~~owner or operator~~ shall submit ***the following*** to the department ~~a written request to use the alternative procedure that includes:~~

(1) ~~All information~~ ***The notification form as specified in Env-A 180406.0602 and the fee as specified in Env-A 1806.08;***

(2) ***Attach*** ~~such additional information as is necessary to identify the unique aspects of the project~~ ***asbestos abatement*** that led to the request; ***and***

(3) ***Attach*** ~~A~~ ***a*** detailed explanation of ***how*** the alternative procedure ***will be used.***

(d) The department shall approve the alternative procedure if:

(1) The alternative procedure provides an equivalent or greater measure of control of asbestos fiber release than the procedure required by these rules; or

(2) Using the alternative procedure creates ***an equivalent or*** lower potential hazard to life, health, and property than using the procedures required by these rules.

(e) No work using an alternative procedure shall begin without the written approval or abstention of EPA Region I, ***for requests pursuant to (a)(2)a.,*** and the department.

PART Env-A 1812 ACM REMOVAL AND DISPOSAL REQUIREMENTS

Env-A 180512.0701 ~~Asbestos~~ ***Asbestos ACM Removal Procedures.***

(a) ***Except for an ordered demolition, as provided in Env-A 1809.01(d), the procedures specified in this section shall apply to all removal of ACM.***

~~(a b)~~ ***The owner or operator shall take the following actions to prevent the release of fibers until properly packaged in accordance with Env-A 1812.02(a):***

~~(1) All ACM shall be adequately wetted~~ ***all ACM with amended water*** before removal; and

~~(2) maintained the ACM wet during and after removal to prevent the release of fibers until placed into leak-tight containers for disposal.~~

~~(b c)~~ ***The owner or operator shall All ACM shall be carefully lowered all ACM to the ground or floor, not dropped or thrown, or slide the ACM.***

~~(e d)~~ ***The owner or operator shall remove*** Structural members not previously stripped of ACM ~~shall be removed as follows:~~

~~(1) intact or in large sections whenever possible; and~~

~~(2) By carefully lowering,~~ ***not dropping, throwing or sliding, them*** to the floor.

~~(d e)~~ ***The owner or operator shall remove*** ACM that is not associated with structural members ~~shall be removed in small sections and by not be allowed~~ ***ing the ACM*** to accumulate on the floor.

~~(e f)~~ Following removal, the ~~O/O~~ ***owner or operator*** shall perform cleanup procedures using repeated HEPA vacuuming and wet cleaning techniques until no visible residue is observed in the work area.

~~(g)~~ ***Pursuant to 40 CFR 61.145(c)(7), if the temperature at the point of wetting is below 0 degrees Celsius or 32 degrees Fahrenheit, then the owner or operator may suspend wetting and keep records as specified in Env-A 1805.02(a).***

Env-A 1805.02 ~~1805.02~~ ***ACM Disposal Procedures.***

~~(e a)~~ ***Prior to delivering ACM that is not RACM to a transporter for disposal, the O/O or homeowner shall Prior to removing ACM from containment or from the facility location, if an ordered demolition, the owner or operator shall package ACM in accordance with Env-Sw 901.06 and as follows:***

~~(1) Adequately wet~~ ***For all loose ACM take the following actions*** to prevent the release of fibers:

~~a. Adequately wet the ACM with amended water; and~~

~~b. Place the ACM into water leak-tight containers or double impermeable bags of at least 6 mil thickness each;~~

~~c. and~~ Seal the containers or bags ***with tape***, as applicable; and

~~(2) Wrap large components or structural members that were removed intact in leak-tight in 2 layers of 6 mil sheeting and seal the sheeting~~ ***with tape; and***

~~(3) Line the containers, into which bulk unwrapped asbestos waste is placed, with at least 20 mil of sheeting.~~

~~(a b)~~ After completing abatement work ***or an ordered demolition***, the ~~O/O or homeowner~~ ***owner or operator*** shall:

- (1) ***Properly label packaged ACM prior to delivering ACM to a permitted disposal facility or having the ACM picked up for disposal by a transporter, Package and label RACM as specified in 40 CFR 61.150(a)(1)(iii)–(v), as applicable, and package and label ACM that is not RACM in accordance with Env-Sw 901.06, and as specified in (e 2) and (3), below;***
- (2) ***As specified in 40 CFR 61.150(a)(1)(iv), label the containers or wrapped materials using warning labels, as follows:***
 - a. ***Printed in letters of sufficient size and contrast so as to be readily visible and legible; and***
 - b. ***As specified in 29 CFR 1910.1001(j)(5) or 1926.1101(k)(8); and***
- (3) ***For asbestos-containing waste material to be delivered to a permitted disposal facility, label containers or wrapped materials with the name of the generator and location at which the waste was generated.***

(~~2~~ c) Except as provided in (~~b~~ e), below, ***the owner or operator shall*** remove packaged ACM, ~~whether RACM or not~~, from the work site as soon as practicable, but in no event longer than 30 days, following the completion of the abatement work, ***in accordance with the following removal procedures:***

a. ***By either:***

1. ***Delivering the ACM to a permitted disposal facility; or***
2. ***By having the ACM picked up for disposal by a transporter; and***

b. ***By submitting an “Asbestos Transport for Disposal Notification” form, as specified in Env-A 1806.06; and***

(~~3~~ d) ***The owner or operator shall*** ~~transport and dispose of the ACM, whether RACM or not~~, as specified in 40 CFR 61.150, specifically including 40 CFR 61.150(d), as ~~incorporated by referenced with amendments in Env-A 180801.0404 and Env-Sw 901.04.~~

(~~b~~ e) The ~~owner or operator~~ of an asbestos abatement project conducted under an annual notification filed pursuant to Env-A 180406.0409 shall be exempt from the time limit specified in (~~a~~ c)(~~4~~), above, provided the ~~owner or operator~~:

- (1) ~~Manages the ACM, whether RACM or not, in accordance with Env-Sw 901; and~~
- (2) ~~Removes the ACM, whether RACM or not, from the facility, no later than 30 days after facility closure-,~~ ***in accordance with the following removal procedures:***
 - a. ***By delivering the ACM to a permitted disposal facility; or***
 - b. ***By having the ACM picked up for disposal by a transporter; and***
- (3) ***If a subsequent annual notification is not submitted, then remove packaged ACM from the worksite by January 31 of the following year.***

Env-A 1812.03 Waste Shipment Record

~~~{Formerly Env-A 1805.08(d)} ~~~

(~~a~~) Within 30 days after delivery of ACM to ~~the~~ ***a permitted disposal site facility or the ACM is picked up for disposal by a transporter***, the ~~OO or homeowner~~ ***owner or operator*** shall ~~provide~~ ***submit*** a copy of the waste shipment record to the department ***by mail, hand delivery or electronic means***.

***(b) If the ACM is picked up for disposal by a transporter, the owner or operator shall submit to the department by mail, hand delivery or electronic means:***

***(1) A copy of the waste shipment record signed by a representative of the permitted disposal facility; or***

***(2) A statement that the waste shipment record signed by a representative of the permitted disposal facility has not been received.***

***(c) If a statement pursuant to (b)(2) above is submitted, then the owner or operator shall:***

***(1) Within 35 days of the date the ACM was accepted by the initial transporter, contact the transporter or the permitted disposal facility to determine the status of the waste shipment; and***

***(2) Within 10 business days of contacting the permitted disposal facility or transporter, submit a written report to the department, including the following information:***

***a. A copy of the waste shipment record for which a confirmation of delivery was not received; and***

***b. A cover letter signed by the owner or operator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.***

***(d) The waste shipment record shall include the following information:***

***(1) Name, mailing address, and telephone number of the owner or operator;***

***(2) Physical address where the ACM was generated;***

***(3) Name and address of the state office responsible for administering the asbestos NESHAP program;***

***(4) Number of containers used to transport the ACM;***

***(5) Approximate quantity of each type of ACM in cubic meters or cubic yards;***

***(6) Name and telephone number of the permitted disposal facility representative;***

***(7) Name and physical site location of the permitted disposal facility;***

***(8) Date of transport;***

***(9) Name, address, and telephone number of transporter(s); and***

***(10) A certification by each transporter of the contents of this consignment as follows:***

***a. They are fully and accurately described by proper shipping name;***

- b. They are classified, packaged, marked, and labeled; and*
- c. They are in all respects in proper condition for transport by highway, according to applicable international and government regulations; and*

*(11) A certification of receipt of the ACM covered by the waste shipment record by the permitted disposal facility representative.*

*(e) If the owner or operator delivers the ACM, the owner or operator shall provide a copy of the waste shipment record to the permitted disposal facility at the same time as delivery.*

*(f) The owner or operator shall retain a copy of all waste shipment records for at least 2 years from the date received at the permitted disposal facility.*

#### PART Env-A 1808 ~~13~~ ASBESTOS ANALYTICAL REQUIREMENTS

Env-A 1808 ~~13.01~~ Applicability. This part shall apply to the analysis of all asbestos samples ~~obtained by the department pursuant to compliance inspections.~~

Env-A 1808 ~~13.02~~ Analytical Proficiency. The following criteria shall apply to the analysis of asbestos:

(a) For air sampling proficiency standards, the laboratory analysis of air samples shall be performed by ~~either~~ *the following*:

- (1) A laboratory presently accredited for asbestos analysis by the American Industrial Hygiene Association (AIHA);
- (2) An analyst presently listed in the AIHA Asbestos Analysis Registry; or
- (3) ~~An person~~ *individual* who has successfully completed the NIOSH Course #582 “Sampling and Evaluating Airborne Asbestos” and whose laboratory presently shows evidence of a proficient rating in the AIHA Proficiency Analytical Testing Program (PAT Program);

(b) For bulk sampling proficiency standards, the laboratory shall show evidence of a current proficiency rating in the National Volunteer Laboratory Accreditation Program (NVLAP), such as being listed in the most recent copy of the Federal Register containing the EPA’s Accredited Laboratories AHERA list for Accredited Polarized Light Microscopy Laboratories; and

(c) The analysis of bulk samples shall be performed by, or under the supervision of, an analyst who has successfully completed an approved course of training in the techniques and procedures for identification of asbestos in bulk samples such as the McCrone Institute Bulk Analysis course.

Env-A 1808~~13.03~~ Analytical Techniques.

(a) *Clearance* ~~A~~ air samples shall be submitted for analysis to a laboratory that uses phase contrast microscopy (PCM) for the analysis of air samples for asbestos content unless accredited by the National Institute of Standards and Technology (NIST) for transmission electron microscopy (TEM), in which case the laboratory may analyze air samples using TEM.

(b) Analytical procedures for PCM shall be in accordance with NIOSH Method 7400, Issue ~~2~~ **3**, entitled “Fibers” published in the NIOSH Manual of Analytical Methods, ~~4<sup>th</sup>~~ **5<sup>th</sup>** Edition, ~~Second Supplement, August 1994~~ **June 14, 2019**, available as noted in Appendix B. Air volumes sampled shall be sufficient to accurately determine, to a 95 percent probability, fiber concentrations of 0.01 fibers/cubic centimeters of air (f/cc).

(c) Analytical procedures for TEM shall be as stated in 40 CFR Part 763, subpart E, appendix A: “Mandatory and Non-Mandatory” or as defined and accepted by the NIST for TEM accreditation.

(d) Analytical procedures for PLM shall be as stated in 40 CFR Part 763, subpart ~~F~~ ***E***, appendix ~~A~~ ***E***: “Interim Method of the Determination of Asbestos in Bulk Insulation Samples” or as defined and accepted by the NIST for PLM accreditation.

PART Env-A 1809 ***14*** APPROVAL OF ASBESTOS TRAINING PROVIDERS AND COURSES;  
OBLIGATIONS OF TRAINING PROVIDERS

Env-A 1809 ***14.01*** Training Approval.

***(a) Prior to any training activity, ~~At~~ a training provider offering training courses, in accordance with the model accreditation plan (MAP), described in 40 CFR 763, Subpart E, Appendix C, that are used intended to fulfill licensure and certification requirements for asbestos abatement and school asbestos abatement planning, shall be approved by:***

~~(a) The EPA;~~

~~—(b) An EPA approved state accreditation program; or~~

***(1) Provide notification pursuant to (b), below, of an accredited training course to be held in New Hampshire, at least 10 working days prior to offering the accredited training course; or***

***(e) 2) Submit an application to ~~F~~ the department, pursuant to Env-A 1809 ***14.02*** and Env-A 1809 ***14.03 04***, to be able to offer an approved training course.***

***(b) Prior to offering an accredited training course in New Hampshire, the training provider shall complete and submit to the department by mail, hand delivery or electronic means, on or attached to the “Accredited Training Course Notification”, form NHDES-A-01-025, dated September 14, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-025> or via the department’s website at [www.des.nh.gov](http://www.des.nh.gov), the following information:***

***(1) Name, mailing address, telephone number, fax number and email address of the training provider;***

***(2) Name(s) of the specific course(s);***

***(3) Date and time that the course(s) will be held;***

***(4) Location where the courses will be held;***

***(5) Whether the course(s) are intended for initial certification or as a refresher;***

***(6) Name of the state or federal agency that approved the course(s);***

***(7) A copy of all approval(s) given by state and federal agencies to the training provider for the accredited training course: and***

***(8) A certification by a responsible person that:***

*a. The applicant has read and understands the New Hampshire asbestos management and control rules, Env-A 1800;*

*b. The notification is prepared in conformity with Env-A 1800; and*

*c. All information contained herein, including any supplements attached hereto, is true, complete and not misleading to the best of the applicant's knowledge and belief.*

*(c) A training provider offering an accredited training course in New Hampshire shall allow a representative of the department to audit courses and review examinations without cost to the department.*

Env-A 1809 **14.02** Request for Approval of Training Course.

*(a) Any training provider seeking approval of one or more training course(s) shall **complete and** submit to the department by mail, hand delivery or electronic means, on or attached to the "Application for Approval of Asbestos Training Provider and Courses", form **NHDES-A-01-026, dated September 14, 2023, and located at** <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-026> or via the department's website at [www.des.nh.gov](http://www.des.nh.gov), the following in writing to the department for each proposed course:*

~~(a) The name(s) of the training provider as shown on the approval issued pursuant to Env-A 1809~~**14.04;**

~~(b 1)~~ **The name(s) of the specific course(s) for which approval is sought;**

~~(c 2)~~ **Whether the course(s) is *are* intended for initial certification or as a refresher;**

~~(d 3)~~ **An outline of the training *each* course *as follows*:**

~~a. that shows~~ **The topics to be covered;**

~~b. and the a~~ **Amount of time to be given to each topic;**

**Name(s) of the instructor(s) for each topic; and**

**Name of the individual(s) responsible for developing the instructional program for each topic;**

~~(e 4)~~ **A copy of the applicant's instruction manual for the training *each* course, and all printed material to be distributed *provided to the student(s) in for* each course;**

~~(f 5)~~ **A description of the teaching methods to be employed, including a description of any audio-visual aids to be used;**

~~(g 6)~~ **A description of the hands-on *training to be provided and* facility to be used, including the *following*:**

~~a. p~~ **Protocol for instruction;**

~~b. the n~~ **Number of students to be accommodated; ; and**

~~c. t~~ **The number of instructors;**



- (~~h~~ 7) A description of the equipment that will be used in both classroom lectures and in hands-on training;
- (~~i~~ 8) ~~A list of t~~The name and qualifications of each individual who will provide the training for ~~the~~ ***each*** course, including education, training, and experience;
- (~~j~~ 9) An example of the written examination to be given in ~~the~~ ***each*** course;
- (~~k~~ 10) A copy of the certificate of completion to be given to successful course participants ***for each course***; and
- (~~l~~ 11) Any additional information that may be needed to demonstrate that the proposed course will meet the criteria for approval specified in Env-A 1809 ~~14.03~~.
- (12) ***A statement signed by a responsible person certifying that:***
  - a. The applicant has read, and understands, the New Hampshire asbestos management rules;***
  - b. The application was prepared in conformity with the rules for asbestos control; and***
  - c. All information contained in the application, including any supplements attached, is true, correct, and not misleading to the best of the applicant's knowledge and belief.***

~~~~~{Env-A 1814.02(b) moved from Env-A 1809.05(e)}~~~~

(~~e~~-b) ~~The applicants include or will~~***For each training certificate, the training provider shall*** include the following ***minimum*** information on the ~~numbered~~ certificate ~~it issues~~:

- (1) ***A unique certificate number;***
- (~~1~~-2) ~~Name and date of birth of the student~~ ***person who received the training;***
- (~~2~~-3) ~~Discipline of T~~***the training*** course completed;
- (~~3~~-4) ~~The d~~***Date(s) and location*** of the ***training*** course; and
- (5) ***Date of*** the examination;
- (6) An expiration date ~~that is~~***of*** one year ~~from~~***after*** the date ***upon*** which the ~~student~~ ***person*** is issued said certificate ***successfully completed the course and examination;***
- (~~4~~-7) The name, ~~mailing~~ address, and ~~daytime~~ telephone number of the training provider ***that issued the certificate; and***
- (~~5~~-8) A statement that the ~~student~~ ***person receiving the certificate*** has ***successfully*** completed the requisite training for asbestos accreditation under TSCA Title II (***the MAP.***)

Env-A 1809 ~~14.03~~ Criteria for Approval of Training Courses. The department shall approve a training course for which an application is submitted pursuant to Env-A 1809~~14.02~~ ***or Env-A 1814.08(b)*** if ~~all~~ of the following criteria are met:

(a) The training course will be ~~conducted~~ ***offered by an approved*** training provider ~~approved~~ pursuant to Env-A 1809.05~~1814.04~~ ***and Env-A 1814.08***;

(b) For a training course required for certification, the course is specific to the discipline and meets the requirements for that discipline as set forth in the ~~model accreditation plan~~ (MAP);

(c) The topic or subject of instruction will be presented through a combination of lectures, demonstrations, and field trips or hands-on practice;

(d) For a course requiring hands-on training, the course will:

(1) Be presented in an environment suitable to permit participants to have actual experience performing tasks associated with asbestos abatement;

(2) Not be replaced by demonstrations not involving individual student participation; and

(3) Maintain a student to instructor ratio of not greater than 10 to one;

(e) The training course will meet the following time restrictions:

(1) The total hours required by AHERA shall be completed within a 2-week time frame;

(2) Attendees shall not be required to attend more than 8 hours of actual training in a single 24-hour period; and

(3) Evening instruction shall not exceed a maximum of 4 hours in any single session;

(f) For an asbestos training course outlined in the MAP, no fewer than 2 qualified instructors will provide the training, except that one instructor may conduct courses for asbestos abatement workers provided that the instructor is both field-experienced and qualified;

(g) For a training course for asbestos abatement workers, asbestos abatement ~~contractors and~~ supervisors, asbestos inspectors, asbestos management planners, or asbestos ***abatement*** project designers, the course will meet those requirements specific to each discipline as set forth in the MAP;

(h) Successful completion of a course for asbestos abatement workers, asbestos ~~abatement~~ inspectors, and asbestos management planners will be demonstrated by achieving a score of at least 70 percent on a written examination consisting of 50 multiple choice questions;

(i) Successful completion of a course for asbestos abatement ~~contractors and~~ supervisors and ~~for~~ asbestos ***abatement*** project designers will be demonstrated by achieving a score of at least 70 percent on a written examination consisting of 100 multiple choice questions; ~~and~~

(j) If the proposed course is a refresher training course, the course will:

(1) Meet the applicable requirements as set forth in the MAP;

(2) Be specific to only one AHERA discipline; and

(3) Require successful completion of the course to be demonstrated by achieving a score of at least 70 percent on a written examination consisting of 25 multiple choice questions; ***and***

(k) The instructor for a training course is qualified based on their education, training, and experience to teach the course.

Env-A 1809 ~~14.04~~ ***Request for Approval of Training Providers.*** Any person who wishes to obtain department approval as a training provider shall ***complete and submit to the department by mail, hand delivery or electronic means, on the “Approval of Asbestos Training Provider and Courses” form specified in Env-A 1814.02(a),*** the following ~~in writing to the department for each proposed course:~~

(a) The name, ***physical address***, mailing address, ***email address, fax number*** and ~~daytime~~ telephone number of the applicant and ~~a list of all~~ ***alternative or previous*** names under which the applicant conducts or intends to conduct training;

(b) Whether the applicant has previously applied for training provider or training course approval in New Hampshire;

~~(b) A list of each asbestos training course that the applicant intends to offer, including both initial and refresher training courses;~~

(c) Whether the application is new or a renewal of an approval;

(d) Whether the applicant is licensed, certified or permitted by EPA or any state other than New Hampshire, to provide training for one or more asbestos training courses;

~~(e e) If applicable, attach a~~ ***A list copy of each written approval from EPA and all each*** states and federal agencies that ~~have~~ ***has licensed, certified, accredited, or given other forms of approval to the applicant to provide asbestos training courses, including:***

~~(1) The name, mailing address, and daytime telephone number of a~~ ***contact person at EPA or each department or the state*** agency giving such approval;

~~(2) The name and daytime telephone number of an individual at each department or agency who can be contacted regarding the approval; and~~

~~(3) Copies of all such written approvals;~~

(f) Whether any state or federal agency has taken any of the following with regard to environmental, health or safety requirements against the applicant within the previous 10 years:

(1) Enforcement action; or

(2) Action related to training provider or training course approval, such as suspension, revocation or denial;

~~(d g) If applicable, attach a~~ ***A list copy of any outstanding each*** state or federal enforcement actions ~~or other action pending~~ against the applicant ***including information as to whether or how the action was resolved, if not previously submitted to the department*** ~~with regard to asbestos abatement training or work;~~

~~(e h) If there are any outstanding~~ ***unresolved or pending*** state or federal enforcement ~~or approval~~ actions ~~pending~~ against the applicant with regard to asbestos abatement training or work, an explanation of the circumstances surrounding the actions which demonstrates that the applicant can be expected to adhere to applicable requirements if approved as a training provider pursuant to these rules;

~~(f i) Any additional~~ ***Documentation information*** that ***may be needed to demonstrate that*** the training provider meets the criteria specified in Env-A 1809 ~~14.05; and~~

(j) The name, title, mailing address, email address and telephone number of a contact for the applicant; and

~~(g k)~~ A statement signed by a responsible person certifying that:

- (1) The applicant has read, and understands, the New Hampshire asbestos management ***and control*** rules, ***Env-A 1800***;
- (2) The application was prepared in conformity with ~~the rules for asbestos control,~~ ***Env-A 1800***; ***and***
- (3) All information contained in the application, including any supplements attached, is true, ~~correct~~ ***complete***, and not misleading to the best of the applicant's knowledge and belief; ~~and~~
- ~~(4) The applicant understands that the applicant is subject to the penalties in RSA 641, "Falsification in Official Matters," if any of the information is not ~~true, not correct, or is misleading.~~~~

Env-A 1809 ***14.05*** Criteria for Approval of Training Providers. The department shall approve a training provider for which an application is submitted pursuant to Env-A 1810 ***14.04*** ***or Env-A 1814.08(b)*** if all of the following criteria are met:

- (a) All of the information required by Env-A 1809 ***14.04*** ***or Env-A 1814.08(b)***, ***as applicable***, has been submitted;
- (b) The applicant has signed the certification required by Env-A 1809 ***14.04*** ~~(g i)~~;
- (c) If information is submitted in response to Env-A 1809 ***14.04*** ~~(e f)~~ ***or Env-A 1814.08(b)(1)b.***, the department makes a determination that the applicant can be expected to adhere to applicable requirements if approved as a training provider pursuant to these rules; ***and***
- (d) The applicant issues or will issue a ~~uniquely numbered~~ ***training*** certificate, ***as specified in Env-A 1814.02(b)*** to each student who successfully completes an initial or refresher course; ~~and~~ .

~~~~~{Env-A 1814.02(b) moved from Env-A 1809.05(e)}~~~~~

- ~~(e) The applicant includes or will include the following information on the numbered certificates it issues:~~
  - ~~(1) Name and date of birth of the student;~~
  - ~~(2) The course completed;~~
  - ~~(3) The date(s) of the course and the examination;~~
  - ~~(4) The name, mailing address, and daytime telephone number of the training provider;~~
  - ~~(5) A statement that the student has completed the requisite training for asbestos accreditation under TSCA Title II;~~
  - ~~(6) An expiration date that is one year from the date on which the student is issued said certificate; and~~
  - ~~(7) The address of the location where the course was given.~~

Env-A 1809 ***14.06*** Training Provider Responsibilities. Each training provider approved pursuant to Env-A 1809 ***14.0407*** shall:

- (a) Comply with the recordkeeping requirements for training providers as set forth in the MAP;
- (b) Retain records ***for a minimum of 5 years from the date that the course was taught***, of the following:
  - (1) The title of each initial and refresher course taught;
  - (2) The date(s) on which the course was provided; and
  - (3) The name, address, and date of birth of each student who successfully completed the course;
- (c) Notify the department in writing within 30 days following any change in course content, training aids used, facility used, or other matters that would alter the instruction from that described in the application. Minor changes in agenda, such as guest speakers, if otherwise qualified, and course schedule shall be exempt from this notification requirement;
- (d) Distribute and use as part of the course content any information or training aids furnished by the department which reflect changes in federal regulations or state rules;
- (e) Allow a representative of the department to audit courses and review examinations without cost to the department;
- (f) Provide written notification to the department at least 10 working days prior to providing any asbestos ***approved*** training courses, including:
  - (1) Name of training provider;
  - (2) Course(s) to be given; and
  - (3) Location and date(s) of course(s);
- (g) Make the records retained in accordance with (b), above, available to the department upon request; and
- (h) ~~Within 20 days of~~ ***Upon the request of the department after*** the conclusion of any approved training, submit a course roster to the department noting:
  - (1) Name and date(s) of the course; and
  - (2) The name, ~~date of birth~~ ***certificate number***, and exam grade for each attendee.

Env-A 180914.07 **Training Provider and Training Course Application Processing and Issuance Criteria.**

- (a) The department shall ***review and*** process applications ***for training providers and training courses*** in accordance with RSA 541-A:29, ***Env-A 200 and Env-C 200, as applicable.***
- (b) ***Within 30 days of receipt of the application, the department shall notify the applicant of any errors or omissions and request any additional documentation from the applicant needed to complete an application submitted pursuant to Env-A 1814.02, Env-A 1814.04 or Env-A 1814.08(b).***

***(c) If the department obtains credible information indicating that a reason exists to suspend or revoke a training provider approval, as specified in Env-A 1814.09(h) below, while an application for training provider approval is pending, the department shall notify the training provider of the information and offer an opportunity for the training provider to respond to the information prior to a decision being made on the application.***

***(d) A training provider shall respond within 15 working days to the department's notification in (b) or (c), above.***

***(e) The department shall approve the application if the application:***

***(1) Meets the criteria specified in Env-A 1814.03 and Env-A 1814.05; and***

***(2) If applicable, contains the information required by Env-A 1814.08(b).***

***(b) f) The department shall deny any application that if:***

***(1) The application does not include the information required by Env-A 180914.02, and Env-A 180914.034, or Env-A 1814.08(b); or***

***(2) Contains false or misleading material information.***

***(2) The applicant does not respond to the department's request pursuant to (b) or (c), above; or***

***(3) The department determines that:***

***a. A reason exists to suspend or revoke a license or certification as specified in Env-A 1814.09(h); and***

***b. Either:***

***1. The applicant acted with intent to deceive; or***

***2. The deficiency(ies) cannot be corrected so as to conform to applicable requirements.***

***(e) g) The department shall notify the applicant of its decision in writing. If the application is denied, the notice shall specify the reason(s) for denial and be sent to the applicant by certified mail and that the applicant has an opportunity to appeal as specified in (h), below.***

***(e) h) If the applicant wishes to appeal the decision, the applicant shall file such appeal following the procedures set forth in Env-A 180914.10.***

Env-A 1809 14.08 Duration and Renewal of Training Provider ***and Training Course*** Approvals.

***(a) Training provider and training course approval shall be effective for one year from the date of issuance as indicated on the written approval.***

***(b) If the training provider wishes to renew the approval, the training provider shall:***

***(1) Submit a completed application for renewal, on the "Application for Asbestos Training ***Provider and Courses***" form specified in Env-A 1814.02(a), no later than 30 days prior to the expiration date***



of the current approval, including ***the information specified in Env-A 1814.02 and Env-A 1814.04;***  
÷

- a. ~~Information as set forth in Env A 1809.02(i) and Env A 180914.04(a), (b), (d), and (g), without reference to previously submitted material;~~
- b. ~~Information as set forth in Env A 1809.02(d), (e), (f), (g), (h), (j), and (k) and Env A 1809.04(e), that has changed from the original application; and~~
- e. ~~Information as set forth in Env A 1809.02(d-3), (e), (f), (g), (h), (i), (j), and (k) and Env A 1809.04(a), (b), (c), (d), and (g) for any new training courses for which the applicant requests approval and for which approval was not requested in the original application;~~

(2) Attach any additional information and documentation required by this chapter, including a list of the type of asbestos training courses offered in the past year with the number of students that successfully completed the courses; and

(3) Apply for renewal no later than 3 years after the expiration date of the previous approval.

(c) The department shall not accept a renewal application from a previously approved training provider whose approval expired more than 3 years prior to the date of the renewal application, but shall inform the person that if approval is desired, a new application shall be submitted pursuant to Env-A 1809 ***14.02 and Env-A 1804.04.***

***(d) The department shall process a renewal application as specified in Env-A 1814.07.***

Env-A 1809 ***14.09*** Suspension, ***and*** Revocation, or Refusal to Renew of Approval as for a Training Provider.

(a) If the department obtains credible information indicating that one or more reasons to suspend or revoke a training provider approval as specified in (i ***h***), below, exists, the department shall notify the training provider in writing of:

- (1) The department's intended action;
- (2) The reason(s) for the intended action; and
- (3) The date by which the training provider shall file a written request for an adjudicative hearing if the training provider wishes to contest the proposed action, which date shall be 15 working days from the date of the department's notice.

(b) If the department receives a written request for an adjudicative hearing in accordance with (a)(3), above, the department shall proceed in accordance with RSA 541-A:31 and Env-C 200 as applicable to adjudicative proceedings.

(c) If the department does not receive a written request for an adjudicative hearing in accordance with (a)(3), above, the approval shall be deemed suspended or revoked, as specified in the notice issued pursuant to (a), above, as of the 16<sup>th</sup> working day from the date of the department's notice.

(d) The department shall suspend a training provider approval if the department determines that one or more reason(s), ***as specified in (h), below***, to suspend or revoke a training provider approval exists but that:

- (1) The training provider did not act with intent to deceive; and
- (2) The deficiency(ies) can be corrected so as to conform to applicable requirements.

(e) If the department suspends a training provider approval, the department shall:

- (1) Notify the training provider in writing of the specific deficiency(ies);
- (2) Specify a reasonable time to correct the deficiency(ies), which shall be determined based on the number and nature of the deficiency(ies); and
- (3) Inform the training provider in the written notice that if the deficiencies are not corrected within the specified time, the approval shall be deemed revoked.

(f) The department shall revoke a training provider approval if the department determines that one or more reason(s), ***as specified in (h), below***, to suspend or revoke a training provider approval exists and that:

- (1) The training provider acted with intent to deceive; or
- (2) The deficiency(ies) cannot be corrected so as to conform to applicable requirements.

(g) If the department revokes a training provider approval, the department shall notify the training provider in writing of the revocation and the reason(s) therefor.

~~(h) If the department obtains credible information indicating that a reason exists to suspend or revoke a training provider approval as specified in (i), below, while an application for renewal of a training provider approval is pending, the department shall inform the training provider of the information and offer an opportunity for the training provider to respond to the information prior to a decision being made on the application for renewal.~~

~~(h) The department shall suspend or revoke~~ ***A a training provider approval shall be suspended or revoked if the training provider:***

- ~~(1) The training provider i~~ ***Is not conducting training that meets the requirements of Env-A 180914.02 or Env-A 180914.03; or***
- ~~(2) The training provider h~~ ***Has failed to comply with Env-A 1809 14.06-;***
- (3) Misrepresents the extent of a training course's approval by a state or EPA;***
- (4) Falsified approval records, instructor qualifications, or other approval information;***
- (5) Submits materially false or fraudulent information on an application; or***
- (6) Meets any of the criteria specified in Env-C 209.02 or Env-C 209.03.***

Env-A 180914.10 Appeal. A training provider aggrieved by a department decision made pursuant to ***Env-A 1814.07, to deny an application, or Env-A 180914.09, to revoke an approval***, who wishes to appeal the decision shall appeal to the air resources council, ***within 30 days of the department's decision***, in accordance with RSA 21-O:14 and the rules adopted by that council, currently ~~Env-AC 200~~ ***Ec-Air 200***.

PART ~~Env-A 1840~~ ***15*** LICENSING AND CERTIFICATION FOR ASBESTOS ABATEMENT AND SCHOOL ASBESTOS ~~ABATEMENT~~ PLANNING

Env-A 1840 ~~15.01~~ ***15.01*** Applicability.

(a) Pursuant to RSA 141-E:10 and RSA 141-E:11, the rules in this part shall apply to any ~~contractor~~ ***asbestos abatement entity, employer-employee***, or individual that engages in any asbestos abatement or school asbestos ~~abatement~~ planning activities.

(b) Pursuant to the AHERA regulations promulgated by EPA, individuals who conduct asbestos inspections of schools, or provide services as an asbestos management planner or ***asbestos abatement*** project designer to schools, shall apply to the department for certification as either an asbestos inspector, asbestos management planner, or ~~as an~~ ***asbestos abatement*** project designer.

*{Moved Env-A 1810.01(c) and (d) to new Section Env-A 1815.13}*

Env-A 1840~~15.02~~ ***15.02*** Exemptions.

(a) Any individual, other than a maintenance worker, who performs only minor asbestos abatement projects as defined in Env-A 1802 shall be exempt from the requirement to obtain an ***asbestos abatement*** entity license in accordance with Env-A 1840.03~~1816.01~~, provided ***that*** such individual: ~~holds a valid asbestos abatement worker or supervisor certificate issued pursuant to Env-A 1810.04 or Env-A 1810.05 and complies with Env-A 1805.07 and Env-A 1805.08(a) and (b).~~

***(1) Has a current asbestos abatement supervisor or worker certification issued pursuant to Env-A 1816.02 or Env-A 1816.03; and***

***(2) Complies with Env-A 1812.01 through Env-A 1812.03.***

~~(b) Any individual working only as an asbestos inspector, asbestos management planner, asbestos abatement project designer, or a combination of these, shall be exempt from the licensing requirements of Env-A 1810.03 only if these services are not provided to schools.~~

~~(e b)~~ A maintenance worker who works in one or more buildings that contain asbestos-containing building materials shall be exempt from ~~licensing and~~ certification requirements for asbestos abatement site supervisors and ***asbestos abatement*** workers provided that the maintenance worker:

(1) Receives 16 hours of initial training as described in 40 CFR 763.92(a)(1) and (2);

(2) Receives 4 hours of refresher training annually, which refresher courses shall include changes in federal and state regulations, developments in state-of-the-art procedures, and a review of key aspects of the initial training course; and

(3) Performs only operations, maintenance, and repair activities that are of small-scale, and short-duration as defined in Env-A 1802, provided that such projects shall be limited to not more than 3 linear feet of asbestos surface on pipes or ducts or 3 square feet of asbestos-containing building material on the surface of structures other than pipes or ducts.

Env-A 1840 ~~15.03~~ ***15.03*** ***Initial*** Application Procedures ***and Issuance Criteria***.

~~(a) An individual seeking a certificate for asbestos abatement or school asbestos abatement planning or a person seeking a license for asbestos abatement shall submit a complete application in writing to the department at the following address:~~

NHDES  
Attn: ~~Asbestos Licensing Program~~  
P.O. Box 95

~~29 Hazen Drive  
Concord, NH 03302-0095~~

~~(b a)~~ ***An employee or individual seeking an initial certification or an asbestos abatement entity seeking an initial license for asbestos abatement or school asbestos planning shall submit a complete application to the department by mail, hand delivery or electronic means shall include the following:***

- (1) The information specified in Env-A 1810 15.04 and Env-A 181016.1301 through Env-A 181016.18 06, as applicable, ~~on an application form obtained from the department;~~
- (2) The signature and certification required by Env-A 181015.06;
- (3) If the applicant is an ***employee or*** individual, one clear, ~~unmutilated, and unstapled 2 inch by 2-inch~~ color photograph, ***taken within the last 5 years, of the applicant's full face, meeting passport photograph requirements, with including*** the name of the applicant ~~printed legibly on the back of each photograph;~~
- (4) If the applicant is an ***employee or*** individual, a copy of each dated training certificate which shows the applicant's training to be current ***and in accordance with Env-A 1815.13*** at the time of application;
- (5) If the applicant is an ***asbestos abatement*** entity, a copy of ~~each~~ ***the*** training certificate held by each responsible person who fulfills the licensing requirement specified in (4), ~~above~~ ***Env-A 1816.01(c)(11)***; and
- (6) The appropriate application fee as set forth in Env-A 1810 15.09.

~~(e b)~~ An applicant may submit a combination application for asbestos inspector, asbestos management planner, and ***asbestos abatement*** project designer, provided the applicant fulfills the application requirements for each discipline for which application is being made and applies for the certifications at the same time. Any applications received separately from the same applicant shall be treated as separate applications.

~~(c)~~ ***The department shall review and process applications in accordance with RSA 541-A:29, Env-A 200 and Env-C 200, as applicable.***

~~(d)~~ ***Within 30 days of receipt of the application, the department shall notify the applicant of any errors or omissions and request any additional documentation from the applicant needed to complete an application submitted pursuant to (a), above.***

~~(e)~~ ***If the department obtains credible information indicating that a reason exists to suspend or revoke a license or certification as specified in Env-A 1815.10(g), while an application for a license or certification is pending, the department shall notify the applicant of the information and offer an opportunity for the applicant to respond to the information prior to a decision being made on the application.***

~~(f)~~ ***An applicant shall respond within 15 working days to the department's notification in (d) or (e), above.***

~~(g)~~ ***The department shall approve an application and issue an initial license or certification for any of the individual disciplines specified in Env-A 1816.01 through Env-A 1816.06, provided the applicant meets the requirements specified in (a), above.***

~~(h)~~ ***The department shall deny an application if:***

- (1) The application does not include the information required by (a), above;*
- (2) The applicant does not respond to the department's request pursuant to (d) or (e), above; or*
- (3) The department determines that:*
  - a. A reason exists to suspend or revoke a license or certification as specified in Env-A 1815.10(g); and*
  - b. Either:*
    - 1. The applicant acted with intent to deceive; or*
    - 2. The deficiency(ies) cannot be corrected so as to conform to applicable requirements.*

*(i) The department shall notify the applicant of its decision in writing. If the application is denied, the notice shall specify the reason(s) for the denial and that the applicant has an opportunity to appeal as specified in (j), below.*

*(j) If the applicant wishes to appeal the decision, the applicant shall file such appeal following the procedures set forth in Env-A 1815.11.*

Env-A 1815.04 Information Required for All Applications. Each applicant shall supply the following information on *or as an attachment to* the application form *specified in Env-A 1816.01 through Env-A 1816.06, as applicable*:

- (a) The name, mailing address, daytime telephone number, and email address, and date of birth of the applicant;*
- (b) Date of birth of the applicant, if an individual;*
- (c) If applicable, a list of alternate names, acronyms, or other identifiers by which the applicant is or has been known by, or uses, or has used, to conduct business or perform work;*
- ~~*(b) The name, mailing address, email address, fax number, location, and daytime telephone number of the employer or principal place of business of the applicant;*~~
- ~~*(c) The type of certification being requested;*~~
- (d) Whether the application is initial or renewal;*
- (e) Whether the applicant has previously applied for or been issued an asbestos-related license or certification in New Hampshire;*
- (f) Whether the applicant has been issued an asbestos-related license or certification for asbestos abatement work within the previous five years by any other state or federal agency;*
- ~~*(g) If applicable, a list copy of each asbestos-related license or certification issued, unless previously submitted; agency, if any, that has certified the applicant for asbestos abatement work, and for each such agency, the following information:*~~

- ~~(1) The name and address of the agency that issued the certification;~~
- ~~(2) The name, title, and daytime telephone number and, if available, an email address, of the individual at the agency who can be contacted regarding the requirements that must be met in order to receive certification from that agency;~~
- ~~(3) The type of certification issued; and~~
- ~~(4) The dates of issuance and expiration of the certification; and~~

***(h) Whether any state or federal agency has taken any of the following with regard to environmental, health or safety requirements against the applicant within the previous 10 years;***

- (1) Enforcement action; or***
- (2) Action related to training provider or training course approval, such as suspension, revocation or denial; and***

***(e i) If applicable, A list a copy of all each state or federal enforcement actions or action related to a license, certification or application for a license or certification, such as suspension, revocation or denial, against the applicant with regard to asbestos abatement or planning work, if any, and for each explanation of the status of such actions, unless previously submitted. , the following information:***

- ~~(1) The name and address of the agency that initiated the enforcement action;~~
- ~~(2) The date of the action;~~
- ~~(3) Whether the action has been resolved; and~~
- ~~(4) If the action has been resolved, when and how the action was resolved.~~

Env-A 1840***15***.05 Optional Information for Applications.

(a) Any applicant for an ***asbestos*** abatement entity license under this part that has business liability insurance or is bonded, or both, for work done under the license may submit proof of such insurance or bond, or both, with the application.

(b) If proof of insurance or bond, or both, is submitted with the application and the application is approved, the department shall note that the licensee has represented that work done under the license is covered by insurance or a bond, or both, as applicable.

Env-A 1840***15***.06 Signature and Certification Required for Applications.

(a) ***Pursuant to (b), below*** ~~the~~ application shall be signed and dated by:

- (1) The applicant, ~~if the applicant is an individual~~; or
- (2) A responsible person ***who fulfills the licensing requirement specified in Env-A 1816.01(c)(11)***; ~~if the applicant is an entity.~~

(b) The signature of the applicant, ***or responsible person***, shall constitute certification that:

- (1) The applicant ***or responsible person*** has read, and understands, the New Hampshire asbestos management ***and control*** rules, ***Env-A 1800***;
- (2) The application has been prepared in conformity with ~~this chapter~~ ***Env-A 1800***; ***and***



(3) All information contained in the application, including any supplements attached, is true, complete, and not misleading to the best of the knowledge and belief of the signer; ~~and~~

(4) ~~The applicant understands that the applicant is subject to the penalties in RSA 641, *Falsification in Official Matters*, if any material information is untrue, incomplete, or misleading.~~

***(c) For an asbestos abatement entity application, each responsible person who fulfills the licensing requirement specified in Env-A 1816.01(c)(11), shall sign the application to acknowledge that the responsible person is aware that the application is being filed and that they are being listed as the responsible person involved with decisions regarding the license and related matters.***

Env-A 181015.07 Requests for Replacement ***License or Certificate***ion.

(a) The department shall provide a replacement ***license or certificate***ion for a ***license or certificate***ion that has been lost, destroyed, or stolen, provided the ***license or certificate***ion holder submits a request ***to the department by mail, hand delivery or electronic means***, on the “Request for Duplicate ***Replacement License or Certification***/Solicitud de Duplicado ***De Para Reemplazar Licencia o Certificación***” form ***NHDES-A-01-027 dated December 28, 2023, available at*** <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-027> ***or via the department’s website at*** [www.des.nh.gov](http://www.des.nh.gov), that is:

~~(1) In writing;~~

~~(2) Signed by the ***license or certificate***ion holder;~~

~~(3) Accompanied by one photograph as specified in Env-A 1810.03(b)(3); and~~

~~(4) Accompanied by the appropriate application fee as set forth in Env-A 181015.09(b)(9).~~

***(b) The license or certification holder shall include the following on or attached to the form required by (a), above:***

***(1) The type of license or certification to be replaced;***

***(2) The license or certification holder’s first name, middle initial and last name;***

***(3) The license or certification holder’s date of birth;***

***(4) Number of the license or certification to be replaced;***

***(5) Mailing address to which the replacement license or certification will be mailed;***

***(6) The reason for the requested replacement, such as lost, destroyed, stolen or other, with an explanation; and***

***(7) The license or certification holder’s signature, printed name and date.***

~~(bc) If the ***license or certificate***ion holder finds a ***license or certificate***ion that has been replaced pursuant to (a), above, the ***license or certificate***ion holder shall return the original ***license or certificate***ion to the department.~~

Env-A 18105.08 Renewal Application Requirements ***and Issuance Criteria***.

~~(a) An application for renewal of a license or certification issued under this chapter shall be on ***A license or certification holder shall submit to the department by mail, hand delivery or electronic means, the***~~

***following on or as an attachment to*** a form ~~obtained from the department~~ ***specified in Env-A 1816.01 through Env-A 1816.06, as applicable*** and include:

- (1) All of the information required by Env-A 1810~~15~~***03(a)*** and Env-A 1810~~16~~~~13~~***01 through Env-A 1816.06***, ~~Env-A 1810.14, Env-A 1810.15, Env-A 1810.16, Env-A 1810.17, or Env-A 1810.18~~, as applicable to the license or certification for which application is being made;
- (2) Documentation that annual refresher courses as required by ~~this chapter~~ ***Env-A 1815.13*** are current at the time renewal is sought; and
- (3) The appropriate application fee as set forth in Env-A 1810~~15~~***09***.

***(e b) The*** ~~D~~ department ~~action on~~ ***shall review and process*** the renewal application ~~shall be~~ in accordance with RSA 541-A:29, ***Env-A 200, and Env-C 200, as applicable.***

***(c) Within 30 days of receipt of the application, the department shall notify the applicant of any errors or omissions and request any additional documentation from the applicant needed to complete an application submitted pursuant to (a), above.***

***(d) If the department obtains credible information indicating that a reason, as specified in Env-A 1815.10(g), exists to suspend or revoke a license or certification, while an application for a license or certification is pending, the department shall notify the applicant of the information and offer an opportunity for the applicant to respond to the information prior to a decision being made on the application.***

***(e) An applicant shall respond within 15 working days to the department's notification in (c) or (d), above.***

***(f) The department shall approve an application for a license or certification for any of the individual disciplines described in Env-A 1816.01 through Env-A 1816.06, provided the applicant meets the requirements specified in (a), above.***

***(g) The department shall deny an application if:***

- (1) The application does not include the information required by (a), above;***
- (2) The applicant does not respond to the department's request pursuant to (c) or (d), above; or***
- (3) The department determines that:***
  - a. A reason exists to suspend or revoke a license or certification as specified in Env-A 1815.10(g); and***
  - b. Either:***
    - 1. The applicant acted with intent to deceive; or***
    - 2. The deficiency(ies) cannot be corrected so as to conform to applicable requirements.***

***(h) The department shall notify the applicant of its decision in writing. If the application is denied, the notice shall specify the reason(s) for the denial and that the applicant has an opportunity to appeal as specified in (i), below.***

*(i) If the applicant wishes to appeal the decision, the applicant shall file such appeal following the procedures set forth in Env-A 1815.11.*

~~(h j)~~ Any person holding a license or certification that expired more than 3 years prior to the date an ~~renewal~~ application ~~would be~~ *is* filed shall submit an ~~new~~ ***initial*** application pursuant to Env-A 181015.0403 in lieu of an application to ~~renew~~, ***pursuant to this section.***

~~(e k)~~ An applicant may apply for ~~renewal of a~~ combination certifications only if the ~~renewal~~ application is for the same certifications the applicant originally received. An applicant requesting any changes in the certifications shall submit ~~new~~ ***initial*** applications pursuant to Env-A 184015.03 in lieu of an application to ~~renew~~ ***pursuant to this section.***

*(l) The license or certification holder shall submit an application as specified in (a), above, to the department, no more than 90 days prior to the expiration date of the current license or certification.*

~~(d m)~~ The department shall not accept an application ***pursuant to this section*** for ~~renewal of a license or certification~~ ***received*** more than ~~60~~ ***90*** days ~~before~~ ***prior to the*** expiration ***date*** of the current license or certification.

#### Env-A 184015.09 Application Fees.

(a) A non-refundable application fee ~~in the form of cash, company check, certified check, or money order~~ shall accompany each license or certification application. ~~A company check, certified check, or money order shall be made payable to "Treasurer, State of New Hampshire".~~

(b) The ***non-refundable*** fees for each category of license and certification application shall be as follows:

- (1) For an asbestos abatement entity, an initial licensing fee of \$1,000 and an annual renewal fee of \$750;
- (2) For an asbestos abatement site supervisor, an initial certification fee of \$200 and an annual renewal fee of \$200;
- (3) For an asbestos abatement worker, an initial certification fee of \$50 and an annual renewal fee of \$50;
- (4) For an asbestos inspector, an initial certification fee of \$200 and an annual renewal fee of \$200;
- (5) For an asbestos management planner, an initial certification fee of \$200 and an annual renewal fee of \$200 ~~for each annual certification renewal~~;
- (6) For an asbestos ***abatement*** project designer, an initial certification fee of \$200 and an annual renewal fee of \$200;
- (7) For initial combination certifications, ***as specified in Env-A 1815.03(b)***, an initial certification fee of \$200 for the first certification and \$50 for each additional certification;
- (8) For annual renewals of identical combination certifications, ***as specified in Env-A 1815.03(b)***, \$200 for the first certification and \$50 for each additional certification; and
- (9) For replacement of a ~~lost or stolen certificate~~ ***license or certification, no fee for the first replacement and*** a fee of \$20 ***for each subsequent replacement.***

Env-A 1840 ***15.10 License and Certification Suspension, ~~Denial,~~ and Revocation.***

(a) If the department obtains credible information indicating that one or more reasons to suspend or revoke an asbestos abatement license or certification as specified in ~~(f g)~~, below, exists, the department shall notify the holder of the license or certification in writing of:

- (1) The department's intended action;
- (2) The reason(s) for the intended action; ~~and~~
- (3) For a suspension, the items specified in (e), below: and***

~~(3 4)~~ ***(3 4)*** The date by which the holder of the license or certification shall file a written request for an adjudicative hearing if the holder wishes to contest the proposed action, which date shall be 15 working days from the date of the department's notice.

(b) If the department receives a written request for an adjudicative hearing in accordance with (a)~~(3 4)~~, above, the department shall proceed in accordance with RSA 541-A:31 and Env-C 200 as applicable to adjudicative proceedings.

(c) If the department does not receive a written request for an adjudicative hearing in accordance with (a)~~(3 4)~~, above, the license or certification shall be deemed suspended or revoked, as specified in the notice issued pursuant to (a), above, as of the 16<sup>th</sup> working day from the date of the department's notice.

(d) The department shall suspend a license or certification if the department determines that one or more reason(s), ***as specified in (g), below***, to suspend or revoke a license or certification exists but that:

- (1) The license or certification holder did not act with intent to deceive; and
- (2) The deficiency(ies) can be corrected so as to conform to applicable requirements.

(e) If the department suspends a license or certification, the department shall:

- (1) Notify the license or certification holder in writing of the specific deficiency(ies);
- (2) Specify a reasonable time to correct the deficiency(ies), which shall be determined based on the number and nature of the deficiency(ies); and
- (3) Inform the license or certification holder in the written notice that if the deficiencies are not corrected within the specified time, the ~~approval~~ ***license or certification*** shall be deemed revoked.

(f) The department shall revoke a license or certification if the department determines that one or more reason(s), ***as specified in (g), below***, to suspend or revoke a license or certification exists and that:

- (1) The license or certification holder acted with intent to deceive; or
- (2) The deficiency(ies) cannot be corrected so as to conform to applicable requirements.

~~(g) If the department revokes a license or certification, the department shall notify the license or certification holder in writing of the revocation and the reason(s) therefor.~~

~~(h) If the department obtains credible information indicating that a reason exists to suspend or revoke a license or certification as specified in (i), below, while an application for renewal of a license or certification is pending, the department shall inform the license or certification holder of the information and offer an opportunity for the license or certification holder to respond to the information prior to a decision being made on the application for renewal.~~

(i g) ***The department shall suspend or revoke a*** license or certification ~~shall be denied, suspended, or revoked if:~~

(1) ~~The official record of the applicant, license holder, or certification holder contains~~ ***has a performance history including*** violations of ***any state or federal environmental, health and safety laws or regulations of the United States of America, or any state, requirements, as follows:***

***a. That relates to the type of work for which a license or certification is sought under this chapter; and***

***b., That cause the department to conclude that the license or certificate holder will not be able to comply with these rules or poses a threat to workers or the public;***

(2) ~~The applicant, license holder, or certification holder has submitted materially false or fraudulent information on an application;~~

(3) ~~The applicant, license holder, or certification holder has failed to submit any required information or documentation with the application; or~~

(4) ~~The applicant, license holder, or certification holder has demonstrated an inability to comply with any applicable federal or state standard~~ ***requirement*** for asbestos ~~project~~ ***abatement;***

***(5) The license or certification holder performs work requiring licensure or certification during asbestos abatement without having applied for and been issued the appropriate license or certification;***

***(6) The license or certification holder performs work pursuant to Env-A 1808 or Env-A 1810 requiring licensure or certification without being in physical possession of an initial and current license or certification;***

***(7) The license or certification holder allows for the duplication or use of the license or certification by another entity or person;***

***(8) The certification holder obtains training from a training provider that does not have approval to offer training for the applicable discipline from either EPA or a state;***

***(9) The license or certification holder meets any of the criteria specified in Env-C 209.02 or Env-C 209.03;***

***(10) A license holder allows work to be performed pursuant to Env-A 1808 or Env-A 1810, by an employee or individual not having a current training certificate or not being in physical possession of a current training certificate;***

***(11) A certification holder performs work pursuant to Env-A 1808 or Env-A 1810 without having a current training certificate or without being in physical possession of a current training certificate; or***

***(12) A license holder fails to comply with Env-A 1816.01(a)(2) or any of the requirements of Env-A 1816.01(c).***

Env-A 184015.11 Appeal. An ***applicant***, license ***holder*** or certification holder aggrieved by a department decision made pursuant to Env-A 1815.03, ~~to deny an initial application, Env-A 1815.08, to deny a renewal application, or Env-A 184015.10 to revoke a license or certification~~, who wishes to appeal the decision shall appeal to the air resources council, ***within 30 days of the department's decision***, in accordance with RSA 21-O:14 ***and*** the rules adopted by that council, currently ~~Env-A~~ *Ec-Air* 200.

Env-A 184015.12 Expiration. Each license and certification issued under this chapter shall expire ~~on the~~ sooner of:

- ~~— (a) One year from the date of issuance, unless the license or certification is revoked prior to that date; or~~
- ~~— (b) The expiration of the training certificate filed with the initial or renewal application.~~

***Env-A 1815.13 Training Requirements***

***(a) Except as provided in Env-A 1815.14, the following individuals shall complete an initial accredited or approved training course for the applicable discipline prior to applying for certification:***

- (1) Individuals who have not previously completed an initial training course;***
- (2) Individuals holding a certification that has been suspended or revoked pursuant to this part, unless the suspension or revocation is overturned on appeal;***
- (3) Individuals trying to obtain a training certificate who have failed to obtain a score of 70 percent or greater on the required written examination, three consecutive times; and***
- (4) Individuals whose training certificate has been expired for more than 12 months.***

***(b) Individuals with a training certificate that has been expired for 12 months or less before the date an application is submitted pursuant to Env-A 1815.08, shall complete the annual refresher accredited or approved training course requirements for the applicable discipline prior to applying for certification.***

***(c) All initial and refresher training courses shall meet the requirements for the applicable discipline as set forth in the MAP.***

*{(d) and (e) below moved from Env-A 1810.01(c) and (d)}*

~~(e)~~ Each ***employee or*** individual to whom a certification has been issued pursuant to this part shall maintain a current training certificate while the certification is in effect.

~~(e)~~ Each ***employee or*** individual performing work ***pursuant to Env-A 1808 or Env-A 1810***, ~~at an asbestos abatement project~~ in New Hampshire, except as exempted under Env-A 184015.02, shall ***provide on-site, at a conspicuous location where site conditions do not require personal protective equipment be worn by those present***, ~~have in his or her possession at the work site~~ the certification issued by the department and the initial and current training certificates issued to that individual.

*{Env-A 1810.13 through Env-A 1810.18 moved to new PART Env-A 1816}*

Env-A 184015.1914 Reciprocity.

(a) In accordance with RSA 141-E:11, asbestos abatement ~~site~~ supervisors, ***asbestos abatement*** workers, ***asbestos*** inspectors, ***asbestos*** management planners, and ***asbestos abatement*** project designers who have been



granted certification by other states, or the EPA, shall be granted reciprocity ***as to the required training requirements specified in Env-A 1815.13*** by the state of New Hampshire, provided the ~~certification training~~ requirements of said state(s) are substantially equivalent to the provisions of ***this part and Env-A 184016*** for the individual discipline certification for which application is being made.

(b) The applicant for reciprocity shall:

- (1) Apply in accordance with Env-A 184015.03 ***or Env-A 1815.08, as applicable***; and
- (2) Fulfill all requirements ***in Env-A 1816.01 through Env-A 1816.06***, as specified for the individual discipline certification for which application is being made.

(c) The department shall ~~act on~~ ***review and process*** the application in accordance with RSA 541-A:29, ***Env-A 200 and Env-C 200***.

### ***PART Env-A 1816 SPECIFIC LICENSING AND CERTIFICATION REQUIREMENTS FOR INDIVIDUAL DISCIPLINES***

#### ***Env-A 184016.4301 Asbestos Abatement Entity Licensing Requirements.***

(a) An asbestos abatement entity shall not engage in any asbestos abatement ~~project~~ in New Hampshire without first:

- (1) Being licensed to do so under the provisions of this chapter, unless it is exempt as specified in Env-A 184015.02; and
- (2) Being registered and in good standing to do business as required by the *New Hampshire* secretary of state.

(b) ***In addition to the items required to be submitted by Env-A 1815.03(a) or Env-A 1815.08(a), as applicable, The information required by Env-A 1810.03(b)(1) from an the applicant for an initial or renewal asbestos abatement entity license shall complete and submit to the department by mail, hand delivery or electronic means the following, be supplied on or with the “Application for Asbestos Abatement Entity License”, form NHDES-A-01-014 dated September 19, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-014> or via the department’s website at [www.des.nh.gov](http://www.des.nh.gov), as follows:-;***

- (1) ***Physical address of the applicant;***
- (2) ***Whether the applicant is an individual, sole proprietorship, corporation, partnership, unincorporated association or other type with a description;***
- (+3) ***Unless listed pursuant to (5) below, A a list of the names, titles, and mailing addresses of the responsible person(s) of the applicant, as defined in Env-A 1802, and all individuals in management of the entity having primary responsibility for, and control over, the asbestos abatement work of the applicant;***
- (2) ~~A list of all names, acronyms, or other identifiers by which the applicant is or has been known, or under which the applicant does or has done business;~~
- (34) ***A list of all New Hampshire-certified asbestos abatement supervisors ~~in~~ employed by the applicant’s employ at the time of application, including the supervisor’s name, certification number and certification expiration date;***

~~(4) Documentation that a responsible person, as defined in Env-A 1802, and currently employed by the entity, has attended and completed an approved training course for asbestos abatement contractors and supervisors as outlined in Env-A 1809.03(g) and (i) with a score of 70 percent or greater on the required written examination; and~~

***(5) For each responsible person who fulfills the licensing requirement specified in Env-A 1816.01(c)(11), the following information or documentation for that person:***

***a. Name;***

***b. Title;***

***c. Mailing address;***

***d. Telephone number;***

***e. Principal duties; and***

***f. A copy of a current asbestos supervisor training certificate;***

~~(5) (6) The name, ***title***, mailing address, telephone number, ~~fax number~~, and, if available, the email address of the person designated to be the principal contact for the applicant; ***and***~~

~~(7) ***A certificate of good standing issued by the New Hampshire secretary of state.***~~

(c) Each asbestos abatement entity to which the department issues a license shall:

(1) Have a current copy of this chapter available at all active asbestos abatement worksites;

(2) Retain, ***in paper or electronic format***, for 30 years all business and personnel records for each asbestos abatement ~~project~~ which has been performed by the entity in New Hampshire;

(3) Notify the department within 30 days of any change in personnel employed by the entity as New Hampshire-certified asbestos abatement supervisors;

(4) Ensure that an asbestos abatement supervisor who is certified in accordance with Env-A 1810***16.1402*** and whose training is current is present on-site whenever any asbestos abatement activity is being carried out as ~~part of an asbestos abatement project~~ in New Hampshire;

(5) Require all employees and contract workers engaged in asbestos abatement activities in New Hampshire to be certified in accordance with the provisions of this chapter and to have a current training certificate;

(6) Submit documentation of all employee training upon request of the department;

(7) Notify the department within 30 days of any change in the names or addresses of any responsible person(s) who work(s) for the licensed entity ***and fulfill the requirement specified in (11), below;***  
~~and~~

(8) Maintain an accurate list of the name of each individual entering and exiting an established asbestos abatement containment area; ~~;~~

***(9) Maintain a list of asbestos abatement performed in New Hampshire by the licensed entity, which includes the following:***

- a. The start and completion dates of the asbestos abatement;*
- b. Address of the asbestos abatement;*
- c. Name of the owner or operator;*
- d. Name of and telephone number for a contact person for the asbestos abatement; and*
- e. Name of each supervisor who worked on the asbestos abatement;*

*(10) Maintain good standing with the New Hampshire secretary of state; and*

*(11) Have at least one responsible person listed pursuant to (b)(3), above, who is:*

- a. Actively involved with decisions regarding the license and related matters; and*
- b. Maintains a current training certificate as an asbestos abatement supervisor.*

~~(d) The department shall renew an asbestos abatement entity license annually provided the license holder meets the license renewal requirements specified in Env A 1810.08, and provides the following:~~

- ~~(1) A current list of New Hampshire certified asbestos abatement supervisors in its employ;~~
- ~~(2) A list of projects performed by the licensed entity within the last 12 months, which includes the date of project, name of project owner, contact person, telephone number, and project supervisor(s); and~~
- ~~(3) Documentation of attendance and completion, by a responsible person as defined in Env A 1802 and currently employed by the entity, of an annual refresher course for asbestos abatement contractors and supervisors as outlined in Env A 1809.03(j), with a score of 70 percent or greater on the required written examination.~~

Env-A 1810.1402 Asbestos Abatement Supervisor Certification Requirements.

(a) Except as specified in Env-A 1810.02, no individual shall engage in any on-site supervision of asbestos abatement workers during an asbestos abatement project in New Hampshire without first being certified as an asbestos abatement supervisor under the provisions of this chapter.

(b) The applicant *for an initial asbestos abatement supervisor certification* shall *meet the following criteria within the three years prior to submitting an application:*

- (1) Held a valid certification issued by any state, which has not been suspended or revoked, as an asbestos abatement worker or supervisor, for a minimum of one year; and*
- (2) Have experience performing major asbestos abatement activities in a containment area for a minimum of 640 hours or 80 days of at least 8 hours per day.*

*(c) In addition to the items required to be submitted by Env-A 1815.03(a) or Env-A 1815.08(a), as applicable, the applicant for initial or renewal asbestos abatement supervisor certification shall complete and submit to the department by mail, hand delivery or electronic means the following provide, on or with the “Application for Asbestos Abatement Supervisor Certification”, form NHDES-A-01-010 dated September 15, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-010> or via the*

~~department's website at [www.des.nh.gov](http://www.des.nh.gov), the information required by Env-A 1810.03(b)(1) including documentation that the applicant has:~~

- ~~(1) *The name, mailing address, email address and telephone number of the applicant's employer; and*~~
- ~~(2) *For an initial application, a list of asbestos abatement performed by the applicant that demonstrates that the applicant possesses the minimum experience specified in (b)(2), above, and includes the following for each asbestos abatement:*~~

~~(1) At least 12 months of asbestos abatement work experience; and~~

~~(2) Attended and completed an approved training course for asbestos abatement contractors and supervisors as outlined in Env-A 1809.03(g) and (i), with a score of 70 percent or greater on the required written examination.~~

~~(c) The department shall renew an asbestos abatement supervisor certification annually provided the certificate holder meets the requirements for certification renewal specified in Env-A 1810.08, and provides the following on the "Application for Asbestos Abatement Supervisor Certification Form":~~

~~(1) Documentation that the applicant has attended and completed an approved asbestos abatement supervisor annual review course as outlined in Env-A 1809.03(j), with a score of 70 percent or greater on the required written examination; and~~

~~(2) A list of projects performed or supervised by the certificate holder within the last 12 months that includes, for each project:~~

~~a. The date(s) *and hours during which the applicant performed major asbestos abatement activities in the containment area* started and ended;~~

~~b. *The address of the asbestos abatement;*~~

~~c. The name of the owner *or operator*;~~

~~d. The name of a contact person for the project owner and a telephone number for the contact person *for the asbestos abatement*; and~~

~~e. The name of *the* site supervisor(s) if not the certificate holder.~~

~~(3) *A copy of the applicant's current asbestos training certificate.*~~

~~Env-A 184016.4503 Asbestos Abatement Worker Certification Requirements.~~

~~(a) Except as exempted by Env-A 18105.02, no individual shall perform as an asbestos abatement worker in New Hampshire without first being certified as an asbestos abatement worker under the provisions of this chapter.~~

~~(b) The information *In addition to the items* required *to be submitted* by Env-A 184015.03(b a)(1) *or Env-A 1815.08(a), as applicable*, from ~~an~~ the applicant for *an initial or renewal* certification as an asbestos abatement worker *certification* shall:~~

~~(1) *Complete and submit to the department by mail, hand delivery or electronic means, the information on the* (1) ~~Include documentation that the applicant has attended and completed an~~~~

~~approved training course for asbestos abatement workers as outlined in Env A 1809.03(g) and (h), with a score of 70 percent or greater on the required written examination; and~~

~~(2) Provide the information by completing and submitting, in English or Spanish, an “Application for Asbestos Abatement Worker Certification” Form, form NHDES-A-01-011~~2~~ dated September 14, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-011> or via the department’s website at [www.des.nh.gov](http://www.des.nh.gov) or “Certificación de Trabajador de Remoción de Asbestos”, form NHDES-A-01-011S dated September 14, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-011S> or via the department’s website at [www.des.nh.gov](http://www.des.nh.gov);~~

~~(2) Complete the form in English or Spanish;~~

~~(3) Include the name, mailing address, email address and telephone number of the applicant’s employer; and~~

~~(4) Submit a copy of the applicant’s current asbestos training certificate.~~

~~(c) The applicant may specify on the form that the company mailing address be used rather than the applicant’s mailing address, for all application related correspondence from the department.~~

~~(e) The department shall renew an asbestos worker certification annually provided the certificate holder:~~

~~(1) Meets the requirements for certification renewal specified in Env A 1810.08; and~~

~~(2) Provides documentation on or with an “Application for Asbestos Abatement Worker Certification” form, that the applicant has attended and completed an approved asbestos abatement worker annual review course as outlined in Env A 1809.03(j), with a score of 70 percent or greater on the required written examination.~~

Env-A 1810 ~~16.16~~ **04** Asbestos Inspector Certification Requirements.

(a) No individual shall perform any asbestos inspections, *pursuant to Env-A 1804.01*, of schools in New Hampshire without first being certified as an asbestos inspector under the provisions of this chapter.

(b) The applicant *for an initial asbestos inspector certification* shall *meet one of the following minimum criteria*: ~~provide, on the “Application for Certification as an Asbestos Inspector, Management Planner and/or Project Designer” form, the information required by Env A 1810.03(b)(1) including documentation that the applicant has:~~

~~(1) Attended and completed an initial approved training course for asbestos inspectors as outlined in Env A 1809.03(g) and (h), with a score of 70 percent or greater on the required written examination; and~~

~~(2) Hadve a minimum of 6 months of experience in one of the following occupations:~~

~~a. Project planning;~~

~~b. Management;~~

~~c. Engineering;~~

~~d. Construction;~~

*e. Architecture;*

*f. Industrial hygiene; or*

*g. Occupational health;*

~~(2) a comparable occupation or~~ ***Have 2 months of*** field experience under the supervision of a certified asbestos inspector or management planner; ***or***

***(3) Have an associate degree or certification of completion of a 2-year program as specified in Env-A 1816.05(b)(1).***

(c) ~~The department shall renew an asbestos inspector certification annually provided the certificate holder:~~

~~(1) Meets the requirements for certification renewal specified in Env A 1810.08; and~~

~~(2) Provides documentation on the “Application for Certification as an Asbestos Inspector, Management Planner and/or Project Designer” form, that the applicant has attended and completed an approved asbestos abatement inspector review training course as outlined in Env A 1809.03(j), with a score of 70 percent or greater on the required written examination. ***In addition to the items required to be submitted by Env-A 1815.03(a) or Env-A 1815.08(a), as applicable, the applicant for an initial or renewal asbestos inspector certification shall submit to the department by mail, hand delivery or electronic means, the following:***~~

***(1) A completed “Asbestos Inspector, Management Planner and/or Project Designer Certification”, form NHDES-A-01-009 dated September 15, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-009> or via the department’s website at [www.des.nh.gov](http://www.des.nh.gov);***

***(2) Whether the application is for certification as an inspector, project designer or management planner;***

***(3) For an initial application, submit the following:***

***a. A list of employment history, including employer’s name, dates of employment, type of occupation, and job duties demonstrating that the applicant possesses the minimum experience specified in (b)(1), above;***

***b. A list of field work completed, demonstrating that the applicant possesses the minimum field experience specified in (b)(2), above, including:***

***i. Project date(s);***

***ii. Project owner name;***

***iii. Project contact name and phone number;***

***iv. Supervisor name, certification state and certificate number; and***

***v. Description of project and work performed; or***



*c. A copy of each degree conferred on the applicant demonstrating that the applicant possesses the minimum education specified in (b)(3), above;*

*(4) The name, mailing address, email address and telephone number of the applicant's employer; and*

*(5) A copy of the applicant's current asbestos training certificate.*

Env-A 1810.16.1705 Asbestos Management Planner Requirements.

(a) No individual shall function as an asbestos management planner for schools in New Hampshire without first being certified as an asbestos management planner under the provisions of this chapter.

(b) ~~The applicant shall provide, on the "Application for Certification as an Asbestos Inspector, Management Planner and/or Project Designer" form, the information required by Env-A 1810.03(b)(1) from an applicant for certification as~~ ***for an initial asbestos management planner certification shall meet including documentation that the applicant has the following minimum criteria:***

~~(1) Attended and completed an approved asbestos management planning training course as outlined in Env-A 1809.03(g) and (h), with a score of 70 percent or greater on the required written examination;~~

~~(2) 1) Have A minimum of~~ ***Have*** an associate degree or certificate of completion of a 2-year program in:

- a. Project planning;
- b. Management;
- c. Environmental sciences;
- d. Engineering;
- e. Construction;
- f. Architecture;
- g. Industrial hygiene;
- h. Occupational health, or
- i. A related scientific field; and

~~(3) 2) A minimum of~~ ***Have*** 6 months *of* experience in asbestos abatement, including experience in asbestos management, ~~or a combination of education and experience equivalent to that minimum.~~

~~(c) The department shall renew~~ ***In addition to the items required to be submitted by Env-A 1815.03(a) or Env-A 1815.08(a), as applicable, the applicant for an initial or renewal asbestos management planner certification annually provided the certificate holder shall submit to the department by mail, hand delivery or electronic means, the following:***

~~(1) Meets the requirements for certification renewal specified in Env-A 1811.08; and~~

~~(2) Provides documentation on the A completed “Application for Certification as an Asbestos Inspector, Management Planner and/or Project Designer Certification”, form<sup>2</sup> NHDES-A-01-009 dated September 15, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-009> or via the department’s website at [www.des.nh.gov](http://www.des.nh.gov), that the applicant has attended and completed an approved asbestos management planner annual review training course as outlined in Env A 1810.03(j), with a score of 70 percent or greater on the required written examination. ; and~~

***(2) Whether the application is for certification as an inspector, project designer or management planner;***

***(3) For an initial application, submit the following:***

***a. A copy of each degree conferred on the applicant demonstrating that the applicant possesses the minimum education specified in (b)(1), above; and***

***b. A list of employment history including employer’s name, dates of employment, type of occupation and job duties demonstrating that the applicant possesses the minimum experience specified in (b)(2), above; and***

***(4) The name, mailing address, email address and telephone number of the applicant’s employer.***

Env-A 1810**~~16~~**.1806 Asbestos ***Abatement*** Project Designer Requirements.

(a) No individual shall function as an asbestos project designer for schools in New Hampshire without first being certified as an asbestos project designer under the provisions of this chapter.

(b) The applicant ***for an initial asbestos abatement project designer certification shall meet one of the following criteria*** shall provide, on the “Application for Certification as an Asbestos Inspector, Management Planner and/or Project Designer” form, the information required by Env A 1810.03(b)(1) including documentation that the applicant has:

~~(1) Attended and completed an approved asbestos abatement project designer course as outlined in Env A 1809.03(g) and (i), with a score of 70 percent or greater on the required written examination; and~~

~~(2) One of the following combinations of education, training, and professional registration:~~  
***1) At least 12 months of experience in asbestos abatement and a bachelor's degree in industrial hygiene, occupational health, environmental science, biological science, physical science, or a closely related field;***

~~2) At least 12 months of experience in asbestos abatement and registration as a registered architect or registered engineer; or~~

~~3) At least 2 years’ experience in asbestos abatement including experience in asbestos abatement design.~~

***(c) In addition to the items required to be submitted by Env-A 1815.03(a) or Env-A 1815.08(a), as applicable, The department shall the applicant for an initial or renewal an asbestos abatement project designer certification annually provided the certificate holder shall submit to the department by mail, hand delivery or electronic means, the following:***

~~(1) Meets the requirements for certification renewal specified in Env A 1810.08; and~~

~~(2 I) Provides on the A completed~~ “Application for Certification as an Asbestos Inspector, Management Planner and/or Project Designer ***Application***”, form<sup>2</sup> ***NHDES-A-01-009 dated September 15, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-009>, or via the department’s website at [www.des.nh.gov](http://www.des.nh.gov);***

***(2) Whether the application is for certification as an inspector, project designer or management planner;***

***(3) For an initial application, submit the following:***

***a. d Documentation that the applicant has attended and completed an approved asbestos abatement project designer annual review training course as outlined in Env A 1809.03(j), with a score of 70 percent or greater on the written examination possesses one of the criteria specified in (b), above;***

***b. Documentation that the applicant possesses the minimum experience and education, specified in (b)(1) as follows:***

***i. A list of asbestos abatement employment history, including employer’s name, dates of employment, and job duties; and***

***ii. A copy of each degree conferred on the applicant;***

***c. Documentation that the applicant possesses the minimum experience and professional accreditation specified in (b)(2), above, as follows:***

***i. A list of employment history including employer’s name, dates of employment, type of occupation, and job duties; and***

***ii. A copy of the applicant’s registration as an architect or engineer; or***

***d. A list of asbestos abatement employment history including employer’s name, dates of employment and job duties demonstrating that the applicant possesses the experience specified in (b)(3), above; and***

***(4) The name, mailing address, email address and telephone number of the applicant’s employer.***

## **PART Env-A 184417 LICENSING ASBESTOS DISPOSAL SITE CONTRACTORS, *EMPLOYERS AND INDIVIDUALS***

Env-A 184417.01 Purpose. The purpose of this part is to implement the provisions of RSA 141-E:10 that require contractors, employers including self-employed individuals, and other individuals who disturb asbestos at asbestos disposal sites (***ADS***) to be licensed.

Env-A 184417.02 Applicability. Except as specified in Env-A 1844 17.03, any contractor, employer, or individual who disturbs asbestos at an ~~asbestos disposal site~~ (***ADS***) shall hold a valid license issued pursuant to this part.

Env-A 184417.03 ***ADS License Exemptions***. The following individuals who disturb asbestos at ~~asbestos disposal sites~~ ***an ADS*** shall not be required to hold a license issued pursuant to this part:

(a) Individuals identified in RSA 141-E:10, I(a), namely, individuals certified pursuant to Env-A 1842 ~~18~~ who perform the work for a contractor, employer, or other individual holding a valid license issued pursuant to this part;

(b) The **homeowner** of a single-family, owner-occupied property who, on said property only, personally performs the work, subject to the following conditions:

(1) The owner shall be trained and certified pursuant to Env-A 1842 ~~18~~; and

(2) The work shall be done in a manner that prevents the release of asbestos fibers and in accordance with other federal, state, and local requirements, including the requirements identified in Env-A 1801.01(b);

(c) Entities and individuals undertaking a small-scale, short-duration disturbance of asbestos at an ~~asbestos disposal site~~ **ADS**, subject to the following conditions:

(1) The entity or individual shall not be under license suspension or revocation pursuant to these rules;

(2) The quantity of material disturbed shall not exceed one cubic foot;

(3) The area of disturbance shall not exceed 3 square feet;

(4) The work shall be completed within 2 hours of being initiated;

(5) The entity or individual shall ~~assure~~**ensure** that the local health officer is notified before the work commences and that the local health officer and the department are provided access to the work site for inspection;

(6) The work shall be done in a manner that prevents the release of asbestos fibers and in accordance with other federal, state, and local requirements, including the requirements identified in Env-A 1801.01(b); and

(7) The work shall not be part of a larger project that is being segmented into small-scale, short-duration tasks; and

(d) Entities and individuals removing non-friable asbestos only from the ground surface to a container for disposal, subject to the following conditions:

(1) The activity shall not involve excavation below the ground surface;

(2) The activity shall not involve contact with friable asbestos or asbestos that exhibits friable characteristics; and

(3) The work shall be done in a manner that prevents the release of asbestos fibers and in accordance with other federal, state, and local requirements, including the requirements identified in Env-A 1801.01(b).

Env-A 1844~~17~~.04 Applications for **ADS** Licensure.

(a) Each ~~entity~~ **contractor, employer** and individual seeking a license to disturb asbestos at an ~~asbestos disposal site~~ **ADS** shall submit a completed application to the department **by mail, hand delivery or electronic means**, on a form ~~obtained from the department~~ **specified in Env-A 1817.05**, that:

(aI) Contains the information specified in Env-A 1844~~17~~.05;

(b 2) Is signed and dated as specified in (c) ***through (e), below***, ~~Env-A-1810.06~~ by the applicant and each responsible person who fulfills the licensing requirement specified in Env-A ~~1811.10~~***1817.10***(b); and

(e 3) Is accompanied by a ***non-refundable*** application fee of \$250, ~~in the form of cash, company check, certified check, or money order. A company check, certified check, or money order shall be made payable to "Treasurer, State of New Hampshire".~~

***(b) The license holder shall submit an application as specified in (a), above, to the department no more than 90 days prior to the expiration date of the license.***

***(c) Pursuant to (d), below, the application shall be signed and dated by:***

***(1) The applicant, if an individual; or***

***(2) A responsible person who fulfills the licensing requirement specified in Env-A 1817.10(b), as applicable, if the applicant is an employer or contractor.***

***(d) The signature of the applicant, or responsible person, shall constitute certification that:***

***(1) The applicant or responsible person has read, and understands, the New Hampshire asbestos management and control rules, Env-A 1800;***

***(2) The application has been prepared in conformity with Env-A 1800; and***

***(3) All information contained in the application, including any supplements attached, is true, complete, and not misleading to the best of the knowledge and belief of the signer.***

***(e) Each responsible person who fulfills the licensing requirement specified in Env-A 1817.10(b) shall sign the application to acknowledge that the responsible person is aware that the application if being filed and that they are being listed as the responsible person involved with decisions regarding the license and related matters.***

Env-A ~~1811.05~~***1817.05*** Information Required for ADS License Applications. The applicant ***for an ADS license*** shall ~~provide, on complete and submit~~ the "Application for Asbestos Disposal Site Contractor License", form ~~NHDES-A-01-015 dated September 19, 2023, available at~~ <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-015> or via the department's website at [www.des.nh.gov](http://www.des.nh.gov), ~~the information required by Env-A 1811.04(a) shall be as follows~~ ***signing information:***

(a) The applicant's name, mailing address, physical address ~~if other than the mailing address~~, e-mail address, ~~fax number, and daytime~~ telephone number;

***(b) If applicable, a list of alternate names, acronyms, or other identifiers by which the applicant is, or has been, known by or uses, or has used to conduct business or perform work;***

***(c) Whether the application is initial or a renewal;***

~~(b d)~~ ***(d)*** Whether the applicant is an individual or an entity, and, if an entity, whether the applicant is a corporation, partnership, ***firm, association, sole proprietorship***, political subdivision, or other kind of association or organization;

~~(e e)~~ ***(e)*** If the applicant is an individual, the applicant's date of birth;

~~(d) If the applicant is an entity, the applicant's legal name, state of incorporation or formation, as applicable, and address of its principal place of business;~~

(e ~~f~~) If the applicant is an entity ~~an employer or contractor~~, then for each of its responsible persons ***not listed pursuant to (h) below, having primary responsibility for, and control over, the asbestos abatement work of the applicant***, the individual's:

(1) Name; ~~and~~

(2) ~~†~~ Title;

~~(2) Date of birth; and~~

(3) ***Mailing A*** address;

(~~g~~ **g**) The name, title, mailing address, email address, ~~fax number~~, and ~~daytime~~ telephone number of the individual affiliated with and designated by the applicant to be contacted regarding the application;

(~~g~~ **h**) ~~The name of~~ **For** each responsible person who fulfills the licensing requirement specified in Env-A 184+17.40 ~~09(b)~~, plus the following additional information ***or documentation*** about each such individual:

(1) ***Name***;

(~~2~~ **2**) Title and Principal duties;

~~(2) Mailing address;~~

(3) Telephone number;

~~(4) Date of birth; and~~

(~~5~~ **4**) Current ~~certificate~~ ***New Hampshire asbestos disposal site worker certification*** number;

(~~h~~ **i**) ~~Identification of all~~ ***Whether the applicant has previously applied for or been issued an asbestos-related certifications and/or licenses, both past and present, issued to the applicant by the state of New Hampshire, pursuant to He P 5000 or Env A 1800;***

(j) ***Whether any state or federal agency has taken any of the following with regard to environmental, health or safety requirements against the applicant within the previous 10 years:***

(1) ***Enforcement action; or***

(2) ***Action related to training provider or training course approval, such as suspension, revocation or denial;***

(~~i~~ **k**) ***If applicable, a list copy of all each of the following state or federal enforcement actions both past and pending, against the applicant within the last 10 years unless previously submitted, including its responsible persons, with regard to environmental, health or safety activities, and the current status of each such enforcement action:***

(1) ***Enforcement action;***

(2) ***Action related to a license or certification, such as suspension or revocation; or***

(3) ***Action related to an application for a license or certification, such as denial;***



(j) ***A copy of the list, specified in Env-A 1817.10(f), of all individuals currently employed or otherwise associated with the applicant who, under the authority of the applicant's license, if issued, will perform work relating to the disturbance of asbestos at asbestos disposal sites an ADS; , including the following information about each individual:***

(1) ~~Name;~~

(2) ~~Date of birth;~~

(3) ~~Position title;~~

(4) ~~Business mailing address;~~

(5) ~~Business telephone number;~~

(6) ~~If the individual is certified pursuant to Env A 1812, the certificate number and expiration date;~~

(7) ~~If the individual is not certified pursuant to Env A 1812, the date application for certification was or will be made, and the date training in accordance with Env A 1813 was or will be obtained; and~~

(8) ~~Whether the individual meets the requirements of a competent person, as specified in 29 CFR 1926.1101, or an on-site supervisor, as specified in 29 CFR 1910.120, or both.~~

(m) ***If the applicant is not an individual, a certificate of good standing from the New Hampshire secretary of state;***

(n) ***Whether the applicant has been issued an asbestos-related license or certification for asbestos abatement work within the previous five years by any other state or federal agency;***

(o) ***If applicable, a copy of each asbestos-related license or certification issued, unless previously submitted; and***

(p) ***Date and sign the application as specified in Env-A 1817.04.***

Env-A 1817.06 Optional Information for ADS Licensure Applications.

(a) Any applicant for licensure under this part that has business liability insurance or is bonded, or both, for work done under the license may submit proof of such insurance or bond, or both, with the application.

(b) If proof of insurance or bond, or both, is submitted with the application and the application is approved, the department shall note that the licensee has represented that work done under the license or certification is covered by insurance or a bond, or both, as applicable.

Env-A 1817.07 Review and Decision Issuance Criteria for ADS License.

(a) ***The department shall review and process A applications shall be reviewed by the department in accordance with RSA 541-A:29, Env-A 200 and Env-C 200.***

(b) ***Within 30 days of receipt of the application, the department shall notify the applicant of any errors or omissions and request any additional documentation from the applicant needed to complete an application submitted pursuant to Env-A 1817.04.***

***(c) If the department obtains credible information indicating that a reason exists to suspend or revoke a license, as specified in Env-A 1817.08(g), while an application for an ADS license is pending, the department shall notify the applicant of the information and offer an opportunity for the applicant to respond to the information prior to a decision being made on the application.***

***(d) An applicant shall respond within 15 working days to the department's notification in (b) or (c), above.***

***(e) The department shall approve an application for an ADS license provided the applicant meets the requirements for licensure specified in Env-A 1817.04***

***(b) f)*** The department shall deny an application for ***an ADS licensure*** if the applicant:

(1) Submits incomplete information in the application, and has not corrected the omission despite being ~~notified~~ ***requested*** by the department pursuant to ~~RSA 541-A:29, I (b), above;~~

~~(2) Submits material information in the application that is false or misleading;~~

***(2) Does not submit the items specified in Env-A 1817.04;***

(3) Does not meet the obligations of license holders specified in Env-A 1811.10; ~~or~~

(4) Holds a license or certification that is currently under suspension ***where all terms and conditions of the suspension have not been fully satisfied***, or that has been revoked pursuant to this chapter; ~~or or He P 5000;~~

~~(5) Meets any of the criteria for denying a license application specified in Env C 209.02; or~~

~~(6) Has a performance history, including violations by the applicant or its responsible persons of any state or federal environmental, health, or safety requirement that relates to the type of work for which licensure is sought, that causes the department to conclude that the applicant will not be able to comply with these rules.~~

***(5) Does not respond to the department's request pursuant to (b) or (c), above.***

***(g) The department shall notify the applicant of its decision in writing. If the application is denied, the notice shall specify the reason(s) for the denial and that the applicant has an opportunity to appeal as specified in (h), below.***

***(h) If the applicant wishes to appeal the decision, the applicant shall file such appeal following the procedures set forth in Env-A 1817.09.***

***(e i) If the department approves an application, pursuant to (e) above, the department shall issue A a license shall as follows:***

(1) ~~Be Is issued~~ ***Is issued*** in writing for the type of work the applicant is qualified to perform;

(2) ~~Be Is~~ ***Is*** dated and signed by the commissioner or the commissioner's designee;

(3) ~~Be Is~~ ***Is*** valid for a period of 12 months from the date of issuance;

(4) Includes the name and address of the applicant;

(5) Includes such terms and conditions as necessary to protect public health, safety, and the environment;

- (6) Bears a unique identification number; and
- (7) ~~Be~~ ***Is*** non-transferable.

~~(d j)~~ Issuance of a license shall not relieve the license holder, including its responsible persons, of the obligation to comply with any other federal, state, or local requirements, including any other obligation for obtaining licenses, permits, training, or other approvals for the work to be performed.

Env-A 184417.08 ADS License, Suspension and Revocation.

(a) ~~If~~ ~~the department obtains credible information shall initiate an action indicating one or more reasons to revoke or suspend an ADS license, as specified in (g) below, issued pursuant to this part in accordance with RSA 541-A:30 and the applicable provisions of Env C 200.~~ ***the department shall notify the holder of the license, in writing, of the following:***

- (1) The department's intended action;***
- (2) The reason(s) for the intended action;***
- (3) For a suspension, the items specified in (f), below; and***
- (4) The date by which the holder of the license shall file a written request for an adjudicative hearing, which date shall be 15 working days from the date of the department's notice, if the holder wishes to contest the proposed action.***

***(b) If the department receives a written request for an adjudicative hearing, in accordance with (a)(4) above, the department shall proceed in accordance with RSA 541-A:31 and Env-C 200, as applicable to adjudicative proceedings.***

***(c) If the department does not receive a written request for an adjudicative hearing, in accordance with (a)(4) above, the license or certification shall be deemed suspended or revoked, as specified in the notice issued pursuant to (a) above, as of the 16<sup>th</sup> working day from the date of the department's notice.***

~~(b d)~~ The department shall revoke a license if ~~good cause~~ ***the department determines that one or more reasons*** exists to suspend or revoke the ADS license, as provided by ~~(d g)~~ below; and

- (1) The underlying problem(s) cannot be corrected or eliminated; or
- (2) The license holder knowingly or intentionally created the underlying problem(s).

~~(e e)~~ The department shall suspend an ADS license if ~~good cause~~ ***the department determines that one or more reasons*** exists to suspend or revoke the license, as provided by ~~(d g)~~ below; and

- (1) Given time to do so, the license holder can correct or eliminate the underlying problem(s); and
- (2) The license holder did not knowingly or intentionally create the underlying problem(s).

***(f) If the department suspends an ADS license, the department shall:***

- (1) Notify the license holder in writing of the specific deficiency(ies);***
- (2) Specify a reasonable time to correct the deficiency(ies), which shall be determined based on the number and nature of the deficiency(ies); and***

***(3) Inform the license holder in the written notice that if the deficiency(ies) are not corrected within the specified time, the license or certification shall be deemed revoked.***

~~(d g) Good cause~~ ***The department shall*** to suspend or revoke an ***ADS*** license shall exist if the license holder:

- ~~(1) Obtained the license based on~~ ***Submitted*** false or misleading material information ***in an application***;
- (2) Violated the safe work practices prescribed in state and federal asbestos regulations;
- ~~(3) Has~~ ***Failed*** to comply with an order of abatement issued pursuant to RSA 141-E:14;
- (4) Meets any of the criteria for suspending, ***or*** revoking, ~~or refusing to renew an ADS license application specified in Env-C 209.03;~~
- ~~(5) Has~~ ***Failed*** to comply with these rules or the terms and conditions of the license; or
- (6) Has a performance history, including violations by the ~~applicant~~ ***license holder*** or its responsible persons of any state or federal environmental, health, or safety requirement that relates to the type of work for which licensure is sought, that causes the department to conclude that the ~~applicant~~ ***license holder*** will not be able to comply with these rules ***or poses a risk to workers or the public.***

*{Env-A 1811.09 moved and incorporated into Env-A 1817.10(e)}*

***Env-A 1817.09 Appeal. An applicant or license holder aggrieved by a department decision made pursuant to Env-A 1817.07, to deny an application, or Env-A 1817.08, to revoke a license, who wishes to appeal the decision shall appeal to the air resources council, within 30 days of the department's decision, in accordance with RSA 21-O:14 and the rules adopted by the council, Ec-Air 200.***

~~Env-A 1811~~ ***17.10*** Obligations of ***ADS*** License Holders.

(a) License holders shall be registered and in good standing to do business in New Hampshire, as required by New Hampshire law and the ***New Hampshire*** secretary of state.

(b) License holders shall have at least one responsible person who is actively involved with decisions regarding the license and related matters and is certified pursuant to Env-A ~~1812~~***18***.

(c) License holders shall not undertake any work under the authority of the license unless:

- (1) The work is actively supervised at all times by at least one individual who is certified as an experienced worker pursuant to Env-A ~~1812~~***18*** and meets the requirements of a competent person as specified in 29 CFR 1926.1101 or an on-site supervisor as specified in 29 CFR 1910.120, or both;
- (2) The work is performed by individuals who hold a valid certificate issued pursuant to Env-A ~~1813~~***19*** and are competent to perform the work;
- (3) At the work site, the number of workers who are certified as workers-in-training pursuant to Env-A ~~1812~~***18*** does not exceed 5 times the number of workers who are certified as experienced workers pursuant to Env-A ~~1812~~***18***;
- (4) The license or a certified copy thereof is posted at a conspicuous location at the work site where site conditions do not require personal protective equipment to be worn by those present;

(5) The certificates, or copies thereof, of all workers present at the work site are available for inspection by the department and the local health officer at a conspicuous location at the work site where site conditions do not require personal protective equipment to be worn by those present; and

(6) A current copy of Env-A 1801, Env-A 1802, Env-A 1844~~17~~, Env-A 1842~~18~~, Env-A 1843~~19~~, Appendix C, and Appendix D is available for reference by workers at a conspicuous location at the work site where site conditions do not require personal protective equipment to be worn by those present.

(d) License holders shall maintain business and personnel records in conformance with federal requirements, including but not limited to:

- (1) 29 CFR 1926.1101(n);
- (2) 29 CFR 1910.1001(m); and
- (3) 29 CFR 1910.1020.

~~Env A 1811.09 License Renewal.~~

~~(a e) A License holder(s) wishing to renew an expiring license shall apply in writing on an “Application for Asbestos Site Contractor License” form obtained from the department that includes the following:~~

- ~~(1) All application information required by Env A 1811.04(a);~~
- ~~(2) The license number and issue date of the applicant's expiring or expired license; and~~
- ~~(3) A **shall maintain a** list of asbestos disposal site **ADS** projects conducted by the license holder since the date the expiring license was issued, including for each project the:~~
  - a. Site location;
  - b. Name of the property owner;
  - c. Project start date;
  - d. Project status;
  - e. Project contact person and telephone number; and
  - f. Project site supervisor.

~~(b) The application to renew an expiring license shall be signed and dated as specified in Env A 1810.06 by the applicant and each responsible person fulfilling the license holder obligations specified in Env A 1811.10(b).~~

~~—(c) An application fee of \$250 shall accompany each application. Payment shall be in the form of cash, company check, certified check, or money order. A company check, certified check, or money order shall be made payable to “Treasurer, State of New Hampshire”.~~

~~—(d) An application to renew an expiring license shall be submitted to the department no more than 60 days prior to the license expiration date.~~

~~—(e) The department shall process applications to renew an expiring license in accordance with Env A 1811.07.~~

~~— (f) An expiring license that is under suspension shall not be renewed before all terms and conditions of the suspension have been fully satisfied.~~

***(f) License holders shall maintain a list of all individuals currently employed or otherwise associated with the applicant who, under the authority of the applicant's license, if issued, will perform work relating to the disturbance of asbestos at an ADS, including the following information about each individual:***

***(1) Name;***

***(2) Position title;***

***(3) Mailing address;***

***(4) Telephone number;***

***(5) If the individual is certified pursuant to Env-A 1818, the certification number and expiration date;***

***(6) If the individual is not certified pursuant to Env-A 1818, the date the application for certification was or will be made, and the date training, in accordance with Env-A 1819, was or will be obtained; and***

***(7) Whether the individual meets the requirements of a competent person, as specified in 29 CFR 1926.1101, or an on-site supervisor, as specified in 29 CFR 1910.120, or both.***

#### PART Env-A 1812 ***18*** CERTIFICATION OF ASBESTOS DISPOSAL SITE WORKERS

Env-A 1812***18***.01 Purpose. The purpose of the rules in this part is to implement RSA 141-E:11, I, which requires individuals who disturb asbestos at ~~asbestos disposal sites~~ ***an ADS*** to be trained and certified.

Env-A 1812***18***.02 Applicability. Except as specified in Env-A 1813***18***.03, any individual who disturbs asbestos at ~~asbestos disposal sites~~ ***an ADS*** shall hold a valid certificate***ion*** issued pursuant to this part.

#### Env-A 1812 ***18***.03 ***ADS Certification Exemptions.***

(a) An individual shall not be required to hold a valid certificate***ion*** issued pursuant to this part in order to undertake a small-scale, short-duration disturbance of asbestos at an ~~asbestos disposal site~~ ***ADS***, subject to the following conditions:

(1) The individual shall not be under license or certification suspension or revocation pursuant to these rules;

(2) The quantity of material disturbed shall not exceed one cubic foot;

(3) The area of disturbance shall not exceed 3 square feet;

(4) The work shall be completed within 2 hours of being initiated;

(5) The individual performing the work shall assure that the local health officer is notified before the work commences and that the local health officer and the department are provided access to the work site for inspection;

(6) The work shall be done in a manner that prevents the release of asbestos fibers and in accordance with other federal, state, and local requirements, including those identified in Env-A 1801.01(b); and



(7) The work shall not be part of a larger project that is being segmented into small-scale, short-duration tasks.

(b) An individual shall not be required to hold a valid certificate~~ion~~ issued pursuant to this part in order to remove non-friable asbestos only from the ground surface to a container for disposal, subject to the following conditions:

- (1) The activity shall not involve excavation below the ground surface;
- (2) The activity shall not involve contact with friable asbestos or asbestos that exhibits friable characteristics; and
- (3) The work shall be done in a manner that prevents the release of asbestos fibers and in accordance with other federal, state, and local requirements, including those identified in Env-A 1801.01(b).

Env-A 1812 ~~18.04~~ Application for ***Initial ADS*** Certification.

(a) ~~The following~~ individuals seeking ***initial*** certification to disturb asbestos at an ~~asbestos disposal site~~ (ADS) ~~shall apply as specified in (b) below:~~

- (1) ***An experienced ADS worker or worker-in-training applying*** for the first time;
- (2) ***Individuals seeking re-certification to disturb asbestos at an ADS more than ~~one~~ 3 years after their most recent certification has expired; and***
- (3) ***Individuals seeking re-certification to disturb asbestos at an ADS after their most recent certification has been revoked. ~~shall comply with the following:~~***

(b) The individual seeking ***initial*** certification shall ~~apply in writing~~ ***complete and submit*** to the department ***by mail, hand delivery or electronic means*** ~~on an "Application for Asbestos Disposal Worker/Worker-in-Training Certification", form<sup>22</sup> NHDES-A-01-012 dated September 15, 2023, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-012> or via the department's website at [www.des.nh.gov](http://www.des.nh.gov), or "Certificación del Trabajador/ Trabajador en Entrenamiento", form NHDES-A-01-012S dated February 9, 2024, available at <https://onlineforms.nh.gov/?FormTag=NHDES-A-01-012S> or via the department's website at [www.des.nh.gov](http://www.des.nh.gov)~~ ~~from the department.~~

(c) The ***applicant*** shall include the following ***on the form specified in (b) above:***

- (1) The applicant's name, mailing address, ~~daytime~~ telephone number, ~~fax number~~, email address, business name or place of employment if any, and date of birth;
- (2) The name, address, ***email address***, and ~~daytime~~ telephone number of each entity or individual licensed, or to be licensed pursuant to Env-A 1811~~17~~, with whom the applicant is currently employed or otherwise associated for the performance of work involving the disturbance of asbestos at asbestos disposal sites;
- (3) ***Whether any state or federal agency is taking or has taken any enforcement action or action related to a license, certification or application for a license or certification, such as suspension, revocation or denial, against the applicant or its responsible persons with regard to environmental, health or safety requirements within the previous 10 years;***

~~(3 4) If applicable, A list a copy of all each state or federal enforcement actions, both past and pending, or other action against the applicant, unless previously submitted, with regard to environmental, health or safety activities, and the current status of each such enforcement action;~~

~~(4 5) Identification of all certifications and licenses, both past and present, issued to the applicant pursuant to He P 5000 or Env A 1800, and the current status of each Whether the applicant has previously applied for or been issued an asbestos-related certification or license by the state of New Hampshire;~~

~~(5 6) Whether the applicant is seeking certification as an experienced worker or a worker-in-training, based on the criteria provided in Env-A 181218.089(b);~~

~~(6 7) One 2-inch by 2-inch, current, clear, non-mutilated, and unstapled color photograph, taken within the last 5 years, of the applicant's full face, meeting passport photograph requirements including with the name of the applicant legibly printed on the back side; and~~

~~(7 8) Written documentation showing that the applicant meets the certification requirements specified in Env-A 181218.089, including:~~

~~a. For an initial application, a A copy of the record, signed by the work supervisor(s) or training provider(s), showing that the applicant attended and completed basic training in accordance with required by Env-A 181319.04(c);~~

~~b. A statement by the applicant attesting that he or she has read and comprehends all information as required by met the requirements of Env-A 181218.089(a)(2);~~

~~c. A test score report issued by the department, pursuant to Env-A 1819.06(j), showing the date and results of an examination taken by the applicant in accordance with Env-A 181319.03(c); and~~

~~d. For an application for an initial experienced worker, A a work experience record, signed by the work supervisor(s), documenting the number a minimum of 40 hours that the applicant has engaged successfully in the disturbance of asbestos at asbestos disposal sites an ADS pursuant to the requirements in Env-A 181218.089(bc).~~

~~(9) If applicable, a list of alternate names, acronyms, or other identifiers by which the applicant is, or has been, known by, or uses, or has used, to perform work;~~

~~(10) Whether the applicant has been issued an asbestos-related license or certification for asbestos abatement work within the previous five years by any other state or federal agency;~~

~~(11) If applicable, a copy of each asbestos-related license or certification issued, unless previously submitted; and~~

~~(12) Whether the application is initial or a renewal.~~

~~(d) The applicant shall date and signed the application as specified in Env A 1810.06 certifying that:-~~

~~(1) The applicant has read, and understands, the New Hampshire asbestos management and control rules, Env-A 1800;~~

~~(2) The application has been prepared in conformity with Env-A 1800; and~~

***(3) All information contained in the application, including any supplements attached, is true, complete, and not misleading to the best of the knowledge and belief of the signer.***

~~(e) The applicant shall submit a non-refundable application fee of \$50 with each application. Payment shall be in the form of cash, company check, certified check, or money order. A company check, certified check or money order shall be made payable to "Treasurer, State of New Hampshire".~~

***(f) The applicant may specify on the form that the company mailing address be used rather than the applicant's mailing address, for all application related correspondence from the department.***

Env-A 1842 18.05 ~~Review and Decision~~ ***Issuance Criteria for ADS Certification.***

~~(a) The department shall review and process A applications shall be reviewed by the department in accordance with RSA 541-A:29, Env-A 200 and Env-C 200, as applicable.~~

***(b) Within 30 days of receipt of the application, the department shall notify the applicant of any errors or omissions and request any additional documentation from the applicant needed to complete an application submitted pursuant to Env-A 1818.04.***

***(c) If the department obtains credible information indicating that a reason exists to suspend or revoke a certification, as specified in Env-A 1818.06(g), while an application for an ADS certification is pending, the department shall notify the applicant of the information and offer an opportunity for the applicant to respond to the information prior to a decision being made on the application.***

***(d) An applicant shall respond within 15 working days to the department's notification in (b) or (c), above.***

***(e) The department shall approve an application for an ADS certification if the applicant or certificate holder meets the requirements for certification specified in Env-A 1818.04 or Env-A 1818.07, as applicable and Env-A 1818.09.***

~~(b)~~ ***f) The department shall deny an application if:***

***(1) The applicant submits incomplete information in the application and does not correct the omission despite notification being requested pursuant to RSA 541-A:29, I (b), above;***

***(2) The applicant does not submits material any of the information in the application that is false or misleading required by Env-A 1818.04 or Env-A 1818.07, as applicable;***

***(3) The applicant does not meet the requirements for certification specified in Env-A 18128.089; or***

***(4) The applicant holds a license or certification that is currently under suspension where all terms and conditions of the suspension have not been fully satisfied, or that has been revoked and not overturned on appeal, pursuant to this chapter; or or He P 5000; or***

~~***(5) The department concludes, based on the applicant's performance history, including violations of any state or federal environmental, health, or safety requirement that relates to the type of work for which licensure is sought, that the applicant will not be able to comply with these rules.***~~

***(5) The applicant does not respond to the department's request pursuant to (b) or (c), above.***

***(g) The department shall notify the applicant of its decision in writing. If the application is denied, the notice shall specify the reason(s) for the denial and that the applicant has an opportunity to appeal as specified in (h), below.***

***(h) If the applicant wishes to appeal the decision, the applicant shall file such appeal following the procedures set forth in Env-A 1818.08.***

***(e i) If the department approves an application pursuant to (e) above, the department shall issue a certification ~~shall~~ that:***

- (1) ~~Be Is issued~~ in writing for the type of work the applicant is qualified to perform, including whether the ~~certificate~~ certification holder is an experienced worker or a worker-in-training, based on the experience requirements ~~provided~~ specified in Env-A 18128.089(bc).***
- (2) ~~Be Is~~ dated and signed by the commissioner or the commissioner's designee;***
- (3) ~~Be Is~~ valid for a period of 12 months from the date of issuance;***
- (4) Includes the name, address, ~~date of birth~~, and photograph of the ~~certificate holder~~ applicant;***
- (5) Includes such terms and conditions necessary to protect public health, safety, and the environment;***
- (6) Bears a unique identification number; and***
- (7) ~~Be Is~~ non-transferable.***

***(d j) Issuance of a certification shall not eliminate any obligation of the certificateion holder to comply with any other federal, state, or local requirements for the performance of the work, including any obligation to obtain additional training and certifications, licenses, permits, or other approvals.***

***Env-A 1812I8.06 Suspension and Revocation of ADS Certification.***

***(a) ~~If ~~the~~ the department shall initiate an action~~ obtains credible information indicating that one or more reasons to suspend or revoke an ADS certification, as specified in (g) below, exists, the department shall issued pursuant to this part in accordance with RSA 541 A:30 and the applicable provisions of Env C 200. notify the certification holder, in writing, of the following:***

- (1) The department's intended action***
- (2) The reason(s) for the intended action;***
- (3) For a suspension, the items specified in (f), below; and***
- (4) The date, 15 working days from the date of the department's notice, by which the certification holder shall file a written request for an adjudicative hearing if the holder wishes to contest the proposed action.***

***(b) If the department receives a written request for an adjudicative hearing in accordance with (a)(4), above, the department shall proceed in accordance with RSA 541-A:31 and Env-C 200, as applicable to adjudicative proceedings.***

***(c) If the department does not receive a written request for an adjudicative hearing in accordance with (a)(4), above, the certification shall be deemed suspended or revoked, as specified in the notice issued pursuant to (a), above, as of the 16<sup>th</sup> working day from the date of the department's notice.***

~~(b d)~~ The department shall revoke a certification if ~~good cause~~ ***the department determines that one or more reasons*** exists to suspend or revoke the certification, as provided by ~~(d g)~~, below, and:

- (1) The underlying problem(s) cannot be corrected or eliminated; or
- (2) The underlying problem(s) were created by the certificate holder knowingly or intentionally.

~~(e e)~~ The department shall suspend a certification if ~~good cause~~ ***the department determines that one or more reasons*** exists to suspend or revoke the certification, as provided by ~~(d g)~~, below, and:

- (1) Given time to do so, the certificate~~ion~~ holder can correct or eliminate the underlying problem(s); and
- (2) The underlying problem(s) were not created knowingly or intentionally by the certificate~~ion~~ holder.

***(f) If the department suspends a certification, the department shall:***

- (1) Notify the certification holder in writing of the specific deficiency(ies);***
- (2) Specify a reasonable time to correct the deficiency(ies), which shall be determined based on the number and nature of the deficiency(ies); and***
- (3) Inform the certification holder in the written notice that if the deficiencies are not corrected within the specific time, the certification shall be deemed to be revoked.***

~~(d g)~~ ~~Good cause to~~ ***The department shall*** suspend or revoke ***an ADS*** certification ~~shall exist~~ if the ~~certificate~~ ***certification*** holder:

- ~~(1) Obtained the certification based on~~ ***Submitted*** false or misleading material information ***in an application;***
- (2) Cheated on the examination;
- (3) Violated the safe work practices prescribed in state and federal asbestos regulations;
- (4) ~~Has f~~ ***Failed*** to comply with an order of abatement issued pursuant to RSA 141-E:14;
- (5) Meets any of the criteria for suspending, ***or*** revoking, ~~or refusing to renew~~ a certification ~~application~~ specified in Env-C 209.03;
- (6) ~~Has f~~ ***Failed*** to comply with these rules or the terms and conditions of the certification; or
- (7) Has a performance history, including violations of any state or federal environmental, health, or safety requirement that relates to the type of work for which certification is sought, that causes the department to conclude that the ~~applicant~~ ***certification holder*** will not be able to comply with these rules ***or poses a threat to workers or the public.***

Env-A 181218.07 ***ADS Certification Renewal.***

(a) A ~~certificate~~ ***certification*** holder wishing to renew an expiring ~~whose~~ ***certification has not yet expired*** or a certification that has been expired for less than ~~one~~ ***three*** years, shall ~~apply in writing~~ ***submit*** to the department, on ~~or with an Application for Asbestos Disposal Worker/Worker in Training Certification form,~~ ***as required by Env-A 1818.05***, obtained from the department, ~~that includes~~ the following information:

- (1) All application information required in Env-A 181218.04(c) ~~(b)(1)–(6)~~;
- (2) The ~~certificate~~ ***certification*** number and issue date of the applicant's expiring or expired ~~certificate~~ ***certification***;
- (3) A list of asbestos disposal site projects that the ~~certificate~~ ***certification*** holder has worked on since the date the expiring or expired ~~certificate~~ ***certification*** was issued, including:
  - a. The site location;
  - b. The name of the property owner;
  - c. The name, address, and telephone number of the license holder for whom the ~~certificate~~ ***certification*** holder performed the work;
  - d. The name, address, and telephone number of the project site supervisor;
  - e. The date the project commenced and the date the project was completed; and
  - f. The nature of the work performed;
- (4) A statement by the applicant attesting that the annual refresher training requirements specified in Env-A 1813 19.05 have been satisfied;
- ~~(5) A test score report issued by the department showing the date and results of an examination taken by the applicant in accordance with Env A 1813.03(e); and~~
- ~~(6 5) If seeking to have the certification upgraded from a worker in training certification to an experienced worker certification, the information specified in Env A 1812.10(a)(2) and (3). A non-refundable application fee of \$50; and~~
- ~~(6) A statement by the applicant attesting that all of the requirements specified in Env-A 1818.09(c) have been met.~~

~~(b) An application to renew an expiring certification~~ ***The applicant*** shall be dated and signed ***and date the application*** as specified in Env-A 181018.06 ~~04(d)~~ by the applicant.

~~(e) An application fee of \$50 shall accompany each application. Payment shall be in the form of cash, company check, certified check, or money order. A company check, certified check or money order shall be made payable to "Treasurer, State of New Hampshire".~~

~~(d c) Applications to renew an expiring certification~~ ***The applicant*** shall be submitted ***an application, as specified in (a) and (b) above***, to the department ~~no less than 45 days and no more than 60~~ ***90*** days prior to the expiration date of the certification.

~~(e d) The department shall review and process~~ ***A*** applications to renew an expiring certification shall be processed in accordance with Env-A 181218.05.



(~~f e~~) ***The department shall not approve an application with*** ~~A~~ an expiring certification that is under suspension ~~shall not be renewed before~~ ***until the applicant fully satisfies*** all terms and conditions of the suspension ~~are fully satisfied~~.

***Env-A 1818.08 Appeal. An applicant or certification holder aggrieved by a department decision made pursuant to Env-A 1818.05, to deny an initial application, Env-A 1818.06, to deny a renewal application, or Env-A 1818.07, to revoke a certification, who wishes to appeal the decision, shall appeal to the air resources council, within 30 days of the department's decision, in accordance with RSA 21-O:14 and the rules adopted by that council, currently Ec-Air 200.***

Env-A 1842 ~~18.0809~~ ***Requirements for ADS Certification.***

(a) No individual shall be granted ***an ADS*** certification pursuant to this part, unless the individual has:

- (1) Completed training in accordance with Env-A 1843 ~~19~~;
- (2) Read and comprehended all information provided in a document published by the department in May 2000, titled: Guidance for Managing Asbestos Disposal Sites; and
- (3) Scored 70 percent or better on an examination in accordance with Env-A 1843 ~~19~~.03(c).

(b) ***The department shall certify*** ~~A~~ an individual as either an experienced worker or a worker-in-training, as specified in (c) ~~or through~~ (~~d e~~), below.

(c) To qualify as an experienced worker, an individual shall have successfully performed at least 40 hours of work involving the disturbance of asbestos at asbestos disposal sites as specified in (d), below.

(d) ***The department shall consider*** ~~W~~ work experience ~~shall~~ ***to*** be as follows:

- (1) For work experience accrued on or after May 22, 2001, the individual shall have performed the work under the supervision of an individual who is certified as an experienced worker pursuant to these rules and who meets the requirements of either a competent person as defined in 29 CFR 1926.1101 or an on-site supervisor as defined in 29 CFR 1910.120, or both;
- (2) For work experience accrued before May 22, 2001, the individual shall have performed the work either:
  - a. As a competent person as specified in 29 CFR 1926.1101 or as an on-site supervisor as defined in 29 CFR 1910.120, or both; or
  - b. Under the supervision of a competent person as specified in 29 CFR 1926.1101 or an on-site supervisor as specified in 29 CFR 1910.120, or both; and
- (3) One or a combination of the following may be substituted for up to 10 hours of the asbestos disposal site work experience required by (c), above:
  - a. Ten hours or less of work experience at a hazardous waste site under the supervision of a competent person as specified in 29 CFR 1901.120; or
  - b. Ten hours or less of work experience on ~~an~~ asbestos abatement ~~project~~ as an asbestos abatement worker or an asbestos abatement supervisor under the authority of a licensed asbestos abatement ~~contractor~~ ***entity*** as specified in Env-A 1840 ~~16.4402~~ or Env-A 1840 ~~16.45~~ ***03***.

(e) Any individual who has not yet met the experienced worker requirements specified in (c), above, shall be a worker-in-training.

Env-A 1842~~18.09~~**10** Limitations. Individuals certified pursuant to this part shall be authorized to disturb asbestos at an ~~asbestos disposal site~~ **ADS** only when the activities are authorized by an entity or individual licensed pursuant to Env-A 1844 ~~18~~, unless the work is license-exempt work pursuant to Env-A 1844~~18.03~~.

~~Env A 1812.10~~ Upgrading a Worker in Training Certification.

~~—(a) The department shall upgrade a current worker in training certification to an experienced worker certification following receipt of an “Application for Asbestos Disposal Site Worker/Worker in Training Certification” form by the certificate holder that includes the following information:~~

~~(1) The certificate holder's name, mailing address, date of birth, daytime telephone number, and certificate number;~~

~~(2) A written record, dated and signed as specified in Env A 1810.06 by the individual(s) who supervised the work, documenting that the certificate holder has successfully completed at least 40 hours of work involving the disturbance of asbestos at asbestos disposal sites, as required by Env A 1812.08(b); and~~

~~(3) A statement, dated and signed as specified in Env A 1810.06 by the individual(s) who supervised the work, attesting that the certificate holder is competent in the performance of his or her certification related duties.~~

~~—(b) The certification upgrade shall be issued in writing to the applicant.~~

PART Env-A 1843~~19~~ TRAINING REQUIREMENTS FOR ~~CERTIFIED~~-ASBESTOS DISPOSAL SITE WORKERS

Env-A 1843-~~19.01~~ Purpose.

(a) The purpose of this part is to establish the scope of training required to obtain and renew a certification pursuant to Env-A 1842~~18~~.

(b) The training described in this part is intended to supplement, and not to replace or wholly satisfy, federal training requirements for working with asbestos, including, as applicable:

(1) 29 CFR 1926.1101;

(2) 29 CFR 1910.120; and

(3) 40 CFR 763.

Env-A 1843-~~19.02~~ Applicability. The rules in this part shall apply to all individuals seeking certification pursuant to Env-A 1812.

Env-A 1843 ~~19.03~~ Training Requirements *for ADS Workers*.

(a) The following individuals shall be trained pursuant to the basic training program requirements in Env-A 1843~~19.04~~ prior to applying for certification pursuant to Env-A 1842~~18~~:

(1) Individuals not previously certified pursuant to Env-A 1842 ~~18~~;

(2) Individuals holding a certificate~~ion~~ issued pursuant to Env-A 1842~~18~~ that has been expired for over ~~one~~ **3** years before the date an application for renewal is submitted pursuant to Env-A 1842~~18~~;

(3) Individuals holding a certificate~~ion~~ that has been ***suspended or*** revoked pursuant to ~~He-P 5000 or Env-A 1800~~ ***this chapter, and the suspension or revocation has not been overturned on appeal;*** and

(4) Individuals ~~wishing~~ ***trying*** to obtain ~~certification~~ ***a training certificate*** who have failed the post-training examination, as provided in Env-A 184319.06, 3 consecutive times.

(b) The following individuals shall satisfy the annual refresher training requirements in Env-A 184319.05 prior to applying for certification renewal pursuant to Env-A 184218:

(1) Individuals holding an expiring certificate~~ion~~ issued pursuant to Env-A 184218; and

(2) Individuals holding a certificate~~ion~~ issued pursuant to Env-A 184218 that has been expired for ~~one~~ 3 years or less before the date an application for renewal is submitted pursuant to Env-A 184218.

(c) After training pursuant to either (a) or (b), above, is completed, and within 6 months prior to filing an application to obtain or renew certification, the trainee shall take and pass an examination as specified by Env-A 184319.06.

Env-A 184319.04 Basic ***ADS Worker*** Training Program.

(a) ***An ADS worker shall obtain B basic training shall be obtained from an accredited or approved training provider or an employer*** through a program, or combination of programs, that covers no less than the following topics ~~through a combination of lecture, interactive presentation, and hands-on activity:~~

(1) Asbestos identification, specifically including the identification of asbestos at asbestos disposal sites located in New Hampshire;

(2) History, characteristics, and location of asbestos disposal sites in New Hampshire;

(3) Human health effects due to asbestos exposure, including the relationship to smoking and contact information for smoking cessation;

(4) Relevant federal, state, and local regulations, including Env-Sw 2100;

(5) Personal protective equipment;

(6) Medical monitoring;

(7) State of the art work practices for disturbing asbestos at asbestos disposal sites, including:

a. Site characterization;

b. Site control and site security;

c. Neighborhood protection;

d. Air monitoring and asbestos fiber control;

e. Cut and fill techniques;

f. Bulk containment, transportation, and disposal of asbestos waste;

g. Decontamination procedures for personnel and equipment;

h. Site closure requirements and clearance determinations pursuant to Env-Sw 2100;

- i. Sampling techniques; and
  - j. Managing site emergencies; and
- (8) Best management practices for maintaining closed sites and protecting public health.

(b) The basic training program shall be taught using a combination of lecture, interactive presentation, and hands-on activity.

***(c) The person or entity providing basic training pursuant to (a), above, shall create and provide to the ADS worker a written record showing that the ADS worker attended and completed basic training, including the date(s) of training and the name and signature of the person providing the training.***

Env-A 184319.05 Annual ADS Worker Refresher Training.

- (a) Annual refresher training shall be self-administered by the certificate ~~ion~~ holder.
- (b) Annual refresher training shall include the following:
  - (1) Review of written materials and other information obtained during basic training;
  - (2) Review of the document published by the department in May 2000, titled Guidance for Managing Asbestos Disposal Sites; and
  - (3) Review of current and relevant federal, state, and local regulations, including these rules.

Env-A 184319.06 Post-Training Examinations for ADS Workers.

(a) ~~The department shall administer~~ ***E*** examinations required pursuant to this part ~~shall be administered by the department.~~

(b) The department shall schedule examinations ~~by request~~ ***on a monthly basis*** during regular business hours at a time convenient to both the applicant and the department.

(c) ~~The department shall design~~ ***E*** examinations ~~shall be designed by the department~~ to test the trainee's understanding of:

- (1) The information covered by the basic training program;
- (2) The document published by the department in May, 2000, titled Guidance for Managing Asbestos Disposal Sites; and
- (3) Current and relevant federal, state and local regulations.

(d) The department shall administer the examination orally to any individual who so requests an oral examination due to a reading difficulty.

***(e) The department shall include 50 questions in an initial exam and 25 questions for a renewal examination.***

***(f) The department shall allow each examinee one hour to complete the exam.***

***(g) The department shall allow for additional time to complete the exam if an examinee submits a written request prior to the exam date specifying the reason for needing additional time to complete the exam.***

(e h) A passing score on the examination shall be 70 percent or greater.

(f i) To obtain a passing score, an individual shall be allowed to retake the required examination up to 3 times before having to re-attend basic training.

(g j) ***Within 15 working days of the exam,*** ~~The~~ department shall ~~report~~ ***send*** the examination score to the examinee in writing.

#### PART Env-A 181420 WAIVERS FROM LICENSURE AND CERTIFICATION RULES

Env-A 181420.01 Purpose. The purpose of the rules in this part is to establish procedures and criteria for granting waivers to accommodate situations where strict adherence to a particular requirement would not be in the best interest of the public.

Env-A 181420.02 Procedures for Requesting a Waiver of a Rule.

(a) Any person who is or would be directly affected by the strict application of a rule in Env-A 181015 ~~through~~ ~~;~~ ~~Env-A 181119,~~ ~~Env-A 18112,~~ ~~or Env-A 18113~~ may request a waiver thereof, ***as specified below***.

(b) Each request for a rule waiver shall:

- (1) Be in writing; and
- (2) Include the information specified in Env-A 181420.03.

Env-A 1814 20.03 Content and Format of Waiver Requests.

(a) The person requesting the rule waiver shall provide the following information:

- (1) The name, address, and ~~daytime~~ telephone number of the person requesting the waiver;
- (2) Identification of the specific rule(s) from which the applicant is seeking a waiver;
- (3) The period of time during which the applicant wishes the waiver to be effective;
- (4) A description of the specific project(s) to which the waiver is intended to apply or a statement that the requested waiver is intended to apply without regard to a specific project(s);
- (5) A full explanation of why the waiver is necessary, including an explanation of the economic and operational consequences of complying with the rule as written;
- (6) A full explanation, with supporting data, of the alternative(s), if any, that the applicant proposes to use in lieu of complying with the rule;
- (7) A full explanation of how each of the alternatives proposed pursuant to (6) above, is consistent with the purpose and intent of RSA 141-E and Env-A 1800, and is otherwise adequate to protect public health, safety and the environment; and
- (8) A list of all state and federal enforcement actions, both past and pending, against the applicant, including responsible persons in its employ, with regard to environmental, health or safety activities, and the current status of each such enforcement action.

(b) ~~Each~~ ***The applicant shall date and sign the*** request for waiver ***certifying that:*** ~~shall be dated and signed by the applicant as specified in Env-A 1810.06.~~

***(1) The applicant has read, and understands, the New Hampshire asbestos management and control rules, Env-A 1800;***

***(2) The request has been prepared in conformity with Env-A 1800; and***

***(3) All information contained in the request is true, complete, and not misleading to the best of the knowledge and belief of the signer.***

Env-A 1814 **20.04** Criteria for Granting a Waiver.

(a) Subject to (b), below, the department shall grant a request for a rule waiver if:

(1) Granting the request will not result in an adverse effect to public health, public safety, the environment, or the natural resources of the state of New Hampshire; and

(2) One or more of the following conditions will be satisfied:

- a. Granting the request is consistent with the purpose and intent of the rule being waived; or
- b. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

(b) No rule waiver shall be granted if the effect of the waiver would be to waive or modify:

- (1) A federal or state statutory requirement, unless the statute specifically allows for a waiver; or
- (2) A federal or state constitutional requirement.

Env-A 1814 **20.05** Decisions.

(a) The department shall notify the person requesting the waiver of the decision in writing.

(b) A notice of denial shall state clearly the reason(s) for denial.

(c) A notice of approval shall include the terms and conditions under which the waiver is granted, including the effective date and expiration date, ***which shall be no later than one year from the date it is granted.***

**APPENDIX A: STATE STATUTES AND FEDERAL REGULATIONS IMPLEMENTED**

| <b>Rule Number(s)</b>           | <b>State Statute(s) Implemented</b>                 | <b>Federal Regulations Implemented</b>   |
|---------------------------------|-----------------------------------------------------|------------------------------------------|
| Env-A 1801.01                   | RSA 141-E:1                                         |                                          |
| Env-A 1801.02                   | RSA 141-E:3                                         | 40 CFR 61.140 and 61.145(a)              |
| Env-A 1801.03 and Env-A 1801.04 | RSA 141-E:4, XVI(c)                                 | 42 U.S.C. 7412                           |
| Env-A 1801.05                   | RSA 141-E:3, II and VI; RSA 141-E :4, II and XVI(a) | 42 U.S.C. 7412; 40 CFR 61, Subpart M     |
| Env-A 1801.06                   | RSA 141-E                                           | 15 U.S.C. 2643(m); 40 CFR 763, Subpart E |
| Env-A 1802.01 - Env-A 1802.04   | RSA 141-E:4                                         |                                          |



| <b>Rule Number(s)</b>           | <b>State Statute(s) Implemented</b>                          | <b>Federal Regulations Implemented</b>   |
|---------------------------------|--------------------------------------------------------------|------------------------------------------|
| Env-A 1802.05                   | RSA 141-E:2, I                                               |                                          |
| Env-A 1802.06                   | RSA 141-E:2, II                                              |                                          |
| Env-A 1802.07 - Env-A 1802.11   | RSA 141-E:4                                                  |                                          |
| Env-A 1802.12                   | RSA 141-E:4                                                  | 40 CFR 763, subpart E, appendix D        |
| Env-A 1802.13                   | RSA 141-E:2, III                                             |                                          |
| Env-A 1802.14 - Env-A 1802.20   | RSA 141-E:4                                                  |                                          |
| Env-A 1802.21                   | RSA 141-E:2, IV                                              |                                          |
| Env-A 1802.22 - Env-A 1802.28   | RSA 141-E:4                                                  |                                          |
| Env-A 1802.29                   | RSA 141-E:2, VI                                              |                                          |
| Env-A 1802.30                   | RSA 141-E:4                                                  | 40 CFR 763, subpart E, appendix D        |
| Env-A 1802.31 - Env-A 1802.34   | RSA 141-E:4                                                  |                                          |
| Env-A 1802.35 - Env-A 1802.37   | RSA 141-E:4, I                                               |                                          |
| Env-A 1802.38                   | RSA 141-E:4                                                  | 40 CFR 61.141, appendix D                |
| Env-A 1802.39                   | RSA 141-E:4                                                  |                                          |
| Env-A 1802.40                   | RSA 141-E:4                                                  | 29 CFR 1926.1001(b), appendix D          |
| Env-A 1802.41                   | RSA 141-E:2, VII                                             |                                          |
| Env-A 1802.42 - Env-A 1802.45   | RSA 141-E:4                                                  |                                          |
| Env-A 1802.46                   | RSA 141-E:2, VIII                                            |                                          |
| Env-A 1802.47 - Env-A 1802.49   | RSA 141-E:4                                                  |                                          |
| Env-A 1802.50                   | RSA 141-E:2, IX                                              |                                          |
| Env-A 1802.51 - Env-A 1802.53   | RSA 141-E:4                                                  |                                          |
| Env-A 1803.01 - Env-A 1803.08   | RSA 141-E:1, III; RSA 141-E:3, VIII and IX; RSA 141-E:4, XVI |                                          |
| Env-A 1804.01                   | RSA 141-E:3, X; RSA 141-E:4, XVI                             |                                          |
| Env-A 1804.02 and Env-A 1804.03 | RSA 141-E:3, VI and X; RSA 141-E:4, VI                       |                                          |
| Env-A 1804.04                   | RSA 141-E:3, X; RSA 141-E:4, XVI                             |                                          |
| Env-A 1804.05                   | RSA 141-E:4, XIII; RSA 141-E:12, II                          |                                          |
| Env-A 1805.01 - Env-A 1805.03   | RSA 141-E:3, XI; RSA 141-E:4, XVI                            |                                          |
| Env-A 1806.01 - Env-A 1806.06   | RSA 141-E:3, XI                                              | 40 CFR 61.145                            |
| Env-A 1806.07                   | RSA 141-E:3, XII; RSA 141-E:4, XVI(d); RSA 141-E:12, II      |                                          |
| Env-A 1806.08                   | RSA 141-E:3, XI                                              | 40 CFR 61.145                            |
| Env-A 1806.09                   | RSA 141-E:3, X                                               |                                          |
| Env-A 1807                      | RSA 141-E:3, VIII; RSA 141-E:4, II & XVI(a)                  |                                          |
| Env-A 1808                      | RSA 141-E:3, VIII; RSA 141-E:4, II & XVI(a)                  |                                          |
| Env-A 1809                      | RSA 141-E:3, VIII; RSA 141-E:4, II & XVI(a)                  |                                          |
| Env-A 1810                      | RSA 141-E:3, VIII; RSA 141-E:4, II & XVI(a)                  |                                          |
| Env-A 1811.01                   | RSA 141-E:4, II(a)(3)                                        | 42 U.S.C. 7412; 40 CFR 61, Subpart M     |
| Env-A 1811.02                   | RSA 141-E                                                    | 15 U.S.C. 2643(m); 40 CFR 763, Subpart E |
| Env-A 1812                      | RSA 141-E:3, IX; RSA 141-E:4, XVII                           | 40 CFR 61.145 and 61.150                 |
| Env-A 1813                      | RSA 141-E:8 & 13                                             |                                          |

| <b>Rule Number(s)</b>         | <b>State Statute(s) Implemented</b>                              | <b>Federal Regulations Implemented</b>         |
|-------------------------------|------------------------------------------------------------------|------------------------------------------------|
| Env-A 1814                    | RSA 141-E:4, II & VIII                                           | 40 CFR 763, subpart E, Appendix C              |
| Env-A 1815.01 - Env-A 1815.08 | RSA 141-E:3, II; RSA 141-E:4, II, VII & VIII;<br>RSA 141-E:10-11 |                                                |
| Env-A 1815.09                 | RSA 141-E:3, III; RSA 141-E:4, II, IX & XI;<br>RSA 141-E:12, I   |                                                |
| Env-A 1815.10                 | RSA 141-E:4, II & VIII;<br>RSA 141-E:10-11                       |                                                |
| Env-A 1816                    | RSA 141-E:3, II; RSA 141-E:4, II, VII & VIII;<br>RSA 141-E:10-11 |                                                |
| Env-A 1817                    | RSA 141-E:3, I and XXI; RSA 141-E:4, XV;<br>RSA 141-E:10         |                                                |
| Env-A 1817.04(a)(3)           | RSA 141-E:3, III; RSA 141-E:4, XV                                |                                                |
| Env-A 1817.10(c)(1)           | RSA 141-E:4, XV; RSA 141-E:10                                    | 29 CFR 1910.120, 29 CFR 1926.1101              |
| Env-A 1817.10(d)              | RSA 141-E:4, XV; RSA 141-E:10                                    | 29 CFR 1910.1001 & 1910.1020; 29 CFR 1910.1101 |
| Env-A 1818                    | RSA 141-E:3:II and XXI; RSA 141-E:4, XV;<br>RSA 141-E:11         |                                                |
| Env-A 1818.04(d)              | RSA 141-E:3, III; RSA 141-E:4, XV                                |                                                |
| Env-A 1818.08(d)              | RSA 141-E:4, XV; RSA 141-E:11                                    | 29 CFR 1910.120, 29 CFR 1926.1101              |
| Env-A 1819                    | RSA 141-E:3, III; RSA 141-E:4, XV                                |                                                |
| Env-A 1819.01(b)              | RSA 141-E:4, XV; RSA 141-E:11                                    | 29 CFR 1910.1001 & 1910.1020; 29 CFR 1910.1101 |
| Env-A 1820                    | RSA 141-E:4, XII; RSA 541-A:22, IV                               |                                                |

**APPENDIX B: INFORMATION ON DOCUMENTS INCORPORATED BY REFERENCE**

| <b>Rule (Env-A)</b>                    | <b>Title, Date</b>                                                                   | <b>Obtain from:</b>                                                                                                                                                                                                                     |
|----------------------------------------|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1808.06(g)<br>1809.01(b)<br>1813.03(b) | Asbestos and Other Fibers by PCM: Method 7400, Issue 3, Fifth Edition, June 14, 2019 | National Institute of Occupational Safety and Health (NIOSH) Manual of Analytical Methods (NMAM)<br>Available at no charge at:<br><a href="https://www.cdc.gov/niosh/nmam/pdf/7400.pdf">https://www.cdc.gov/niosh/nmam/pdf/7400.pdf</a> |

**APPENDIX C: STATUTORY DEFINITIONS**

**125-C:2:**

X. "Person," any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the state, the United States or political subdivisions or agencies thereof, or any other entity recognized by law as subject to rights and duties.

**141-E:2:**

I. “Asbestos” means amosite, chrysotile, crocidolite, or asbestiform tremolite, actinolite, or anthophyllite.

II. “Asbestos abatement” means any of the following activities:

(a) The wrecking or removal of any load-supporting structural member containing or covered by RACM, as defined in paragraph VII;

(b) The encapsulation, coating, binding, or resurfacing of structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces, or other vessels containing RACM for the purpose of minimizing the potential for fiber release;

(c) The construction of airtight enclosures by the use of impact resistant materials to isolate surfaces coated or containing RACM;

(d) The removal or stripping of RACM from structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces, or other vessels; and

(e) The repair of RACM to minimize the likelihood of fiber release from damaged areas. Repair may include, but shall not be limited to, application of duct tape, rewettable glass cloth, canvas, cement, or other suitable materials to seal exposed areas where asbestos fibers may be released, or repair of damaged, previously encapsulated, RACM with non-asbestos substitutes; and re-encapsulation or repair of enclosures around RACM.

III. “Asbestos disposal site” means land where asbestos waste exists, either in or on the ground, due to dumping activities which ceased by July 10, 1981. The term includes inactive disposal sites as defined by 40 CFR 61.141. The term does not include any disposal site which is subject to the permitting requirements of RSA 149-M.

IV. “Contractor” means any partnership, firm, association, corporation, or sole proprietorship which engages in asbestos abatement activities and/or activities involving the disturbance of asbestos at asbestos disposal sites.

VI. “Friable asbestos material” means any material that contains more than one percent of asbestos by weight, area, or volume and that can be crumbled, pulverized, or reduced to powder when dry by hand pressure.

VII. “Regulated asbestos-containing material” or “RACM” means:

(a) Friable asbestos-containing material;

(b) Category I non-friable asbestos-containing material, as defined by 40 CFR 61.141, that has become friable;

(c) Category I non-friable asbestos-containing material, as defined by 40 CFR 61.141, that will be or has been subjected to sanding, grinding, sawing, or abrading; or

(d) Category II non-friable asbestos-containing material, as defined by 40 CFR 61.141, that will likely become or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

VIII. “School asbestos abatement planning” means any of the following activities:

(a) The inspection of school buildings for asbestos-containing materials;

(b) The preparation of plans for asbestos abatement in schools, pursuant to P.L. 99-519; or

(c) The design of asbestos abatement projects for school buildings.

IX. “Structural member” means any beam, ceiling, floor, or wall.

#### **APPENDIX D: FEDERAL DEFINITIONS**

##### **40 CFR 61.141:**

All terms that are used in this subpart and are not defined below are given the same meaning as in the Act and in subpart A of this part.

*Active waste disposal site* means any disposal site other than an inactive site.

*Adequately wet* means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible

emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

*Asbestos-containing waste materials* means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

*Asbestos mill* means any facility engaged in converting, or in any intermediate step in converting, asbestos ore into commercial asbestos. Outside storage of asbestos material is not considered a part of the asbestos mill.

*Asbestos tailings* means any solid waste that contains asbestos and is a product of asbestos mining or milling operations.

*Asbestos waste from control devices* means any waste material that contains asbestos and is collected by a pollution control device.

*Category I nonfriable asbestos-containing material (ACM)* means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

*Category II nonfriable ACM* means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

*Commercial asbestos* means any material containing asbestos that is extracted from ore and has value because of its asbestos content.

*Cutting* means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

*Demolition* means 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.

*Fabricating* means any processing (e.g., cutting, sawing, drilling) of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites (field fabricating) for the construction or restoration of facilities. In the case of friction products, fabricating includes bonding, debonding, grinding, sawing, drilling, or other similar operations performed as part of fabricating.

*Facility component* means any part of a facility including equipment.

*Friable asbestos material* means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

*Fugitive source* means any source of emissions not controlled by an air pollution control device.

*Glove bag* means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials. Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations. Information on glove-bag installation, equipment and supplies, and work practices is contained in the Occupational Safety and Health Administration's (OSHA's) final rule on occupational exposure to asbestos (appendix G to 29 CFR 1926.58).

*Grinding* means to reduce to powder or small fragments and includes mechanical chipping or drilling.

*In poor condition* means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.

*Inactive waste disposal site* means any disposal site or portion of it where additional asbestos-containing waste material has not been deposited within the past year.

*Installation* means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).

*Leak-tight* means that solids or liquids cannot escape or spill out. It also means dust-tight.

*Malfunction* means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner so that emissions of asbestos are increased. Failures of equipment shall not be considered malfunctions if they are caused in any way by poor maintenance, careless operation, or any other preventable upset conditions, equipment breakdown, or process failure.

*Manufacturing* means the combining of commercial asbestos—or, in the case of woven friction products, the combining of textiles containing commercial asbestos—with any other material(s), including commercial asbestos, and the processing of this combination into a product. Chlorine production is considered a part of manufacturing.

*Natural barrier* means a natural object that effectively precludes or deters access. Natural barriers include physical obstacles such as cliffs, lakes or other large bodies of water, deep and wide ravines, and mountains. Remoteness by itself is not a natural barrier.

*Nonfriable asbestos-containing material* means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

*Nonscheduled renovation operation* means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.

*Outside air* means the air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

*Owner or operator of a demolition or renovation activity* means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

*Particulate asbestos material* means finely divided particles of asbestos or material containing asbestos.

*Planned renovation operations* means a renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

*Renovation* 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.

*Resilient floor covering* means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than 1 percent asbestos as determined using polarized light microscopy according to the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

*Roadways* means surfaces on which vehicles travel. This term includes public and private highways, roads, streets, parking areas, and driveways.

*Strip* means to take off RACM from any part of a facility or facility components.

*Structural member* means any load-supporting member of a facility, such as beams and load supporting walls; or any nonload-supporting member, such as ceilings and nonload-supporting walls.

*Visible emissions* means any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor.

*Waste generator* means any owner or operator of a source covered by this subpart whose act or process produces

asbestos-containing waste material.

*Waste shipment record* means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

*Working day* means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

**40 CFR 763, Subpart E, Appendix C:**

I. A. 8. “Small-scale, short-duration activities (SSSD)” are tasks such as, but not limited to:

- a. Removal of asbestos-containing insulation on pipes.
- b. Removal of small quantities of asbestos-containing insulation on beams or above ceilings.
- c. Replacement of an asbestos-containing gasket on a valve.
- d. Installation or removal of a small section of drywall.
- e. Installation of electrical conduits through or proximate to asbestos-containing materials.

SSSD can be further defined by the following considerations:

- f. Removal of small quantities of ACM only if required in the performance of another maintenance activity not intended as asbestos abatement.
- g. Removal of asbestos-containing thermal system insulation not to exceed amounts greater than those which can be contained in a single glove bag.
- h. Minor repairs to damaged thermal system insulation which do not require removal.
- i. Repairs to a piece of asbestos-containing wallboard.
- j. Repairs, involving encapsulation, enclosure, or removal, to small amounts of friable ACM only if required in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement. Such work may not exceed amounts greater than those which can be contained in a single prefabricated mini-enclosure. Such an enclosure shall conform spatially and geometrically to the localized work area, in order to perform its intended containment function.

**40 CFR 763.83**

*Asbestos-containing building material (ACBM)* means surfacing ACM, thermal system insulation ACM, or miscellaneous ACM that is found in or on interior structural members or other parts of a school building.

*High-efficiency particulate air (HEPA)* refers to a filtering system capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 µm in diameter or larger.

*School building* means:

- (1) Any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food.
- (2) Any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education.
- (3) Any other facility used for the instruction or housing of students or for the administration of educational or research programs.
- (4) Any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in this definition of “school building” under paragraphs (1), (2), or (3).
- (5) Any portico or covered exterior hallway or walkway.



(6) Any exterior portion of a mechanical system used to condition interior space.

**29 CFR 1910.1001(b)**

*PACM* means “presumed asbestos containing material.”

**29 CFR 1926.1101(b)**

*Amended water* means water to which surfactant (wetting agent) has been added to increase the ability of the liquid to penetrate ACM.