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BULLETIN 93-5

Issued: December 1993 Code Ref. Update: February 2014
Subject: Renovations and Demolitions Involving Asbestos
Reference: N.J.A.C. 5:23-2.14, 2.17; NESHAP, 40 CFR, Part 61, Subpart M

Subchapter 8 of the New Jersey Uniform Construction Code applies to asbestos removal in municipal, county, and State buildings; in buildings leased, occupied, or used by municipal, county, or State employees; and to all public and private schools (K-12), colleges, universities, day-care and nursery facilities, and the buildings which contain them.

Beyond Subchapter 8 buildings, Federal law applies to renovations and demolitions in all buildings containing asbestos. Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations are printed in the Code of Federal Regulations at 40 CFR, Chapter 1, Part 61, Subchapter M. They are to be enforced by the United States Environmental Protection Agency (EPA).

The basic requirements of the Federal regulations for projects which involve at least 160 square feet, 260 linear feet, or 35 cubic feet of asbestos or asbestos-containing material (ACM -- meaning one percent or more asbestos) are:

1. All friable asbestos or asbestos which will be disturbed shall be removed from a building before it is renovated, demolished, or intentionally burned.
2. All asbestos removed shall be wetted down (exceptions are asbestos-coated pieces of equipment totally encased in concrete, work sites at which the temperature is below freezing, or other situations the EPA may decide to exempt).
3. All asbestos removed shall be double bagged or secured in leak-tight containers and disposed of at a waste site licensed by the New Jersey Department of Environmental Protection to accept ACM.

Each construction official should require, before a permit is issued to commence any renovation pursuant to N.J.A.C. 5:23-2.14, an applicant to state that all friable asbestos will be abated before other work commences. Similarly, before issuing a demolition permit, each construction official should require a statement that abatement will be completed prior to any demolition work, as required by N.J.A.C. 5:23-2.17(e).

If irregularities or possible violations of Subchapter 8 are noted in Subchapter 8 projects, the State Asbestos Unit should be contacted at (609) 633-6224. It may also be helpful to notify your municipal or county health officer. If irregularities or possible violations are noted at worksites which are not covered by Subchapter 8 (private residences, commercial and industrial buildings, etc.), the EPA should be notified at its Region 2 facility at (212) 637-3476, toll free at (877) 251-4575 or by visiting <https://www.epa.gov/aboutepa/forms/contact-epa-region-2>.