



MEMO TO: City and County Officials

FROM: David Stradinger, Manager *DWS*  
Asbestos Control Program  
Division of Waste Management

RE: Asbestos Regulations Pertaining to Demolition and  
Renovation Projects of Facilities

DATE: October 12, 2021

This memorandum is to inform you of the North Dakota Asbestos Control Rules which affect demolition and renovation projects of facilities and the handling and disposal of asbestos-containing materials. We are distributing this information to you and requesting that you make it available to the appropriate individuals in your community. We are requesting that building owners and contractors are made aware of these requirements when they request permits for demolition and renovation projects.

**Facilities Include:**

Public and Commercial Buildings

All public, commercial, industrial and installations are considered facilities. Residential cooperatives and apartments or condominiums with more than four dwelling units are also considered facilities.

Residential Homes

Residential homes are usually exempt from the asbestos regulations unless a group of residences (more than one) under the same ownership are demolished or renovated as **part of a larger project**. These residences must then be treated as facilities. Also, **urban renewal** is one or more residential homes that is owned or operated by a government entity, such as a city or county, and must also be treated as a facility. Residential homes used for fire training activities by fire departments are also considered facilities.

**General Requirements of the Asbestos Control Rules:**

1. All affected parts of a facility being renovated or demolished must be inspected for the presence of asbestos-containing materials (ACM) prior to beginning a renovation or demolition project. The inspector must be certified with the North Dakota Department of Environmental Quality (Department).

2. All regulated asbestos-containing material (RACM) that would be disturbed as part of a renovation or demolition must be properly removed before beginning the project. Individuals removing more than three-linear feet or three-square feet of RACM, **per project**, must be certified and the asbestos abatement contractor must be licensed with the Department. RACM includes all friable ACM and Category I and Category II non-friable ACM, that is in poor condition or will be made friable during the project.
3. Category I non-friable (non-regulated) asbestos-containing materials, such as flooring and roofing materials, are allowed to remain in place during demolition if the materials are in good condition. All Category II non-friable asbestos-containing materials, such as caulks, mastics, cement board and pipes, and other miscellaneous materials must be removed before demolition. Individuals removing Category I and Category II non-friable asbestos-containing materials do not need to be certified with the Department **if using hand tools** for the removal. Asbestos-containing cement pipes unearthed during a project must be inspected by a certified asbestos inspector for friability prior to removal.
4. A "Notification of Demolition and Renovation" form, SFN 17987 (copy enclosed), must be submitted in accordance with the following:
  - a. For a facility being **demolished**, a "Notification of Demolition and Renovation" form must be submitted to this Department ten (10) working days prior to beginning any demolition activity, which includes the removal of both friable and non-friable asbestos-containing materials. This form is required even if asbestos is not present.
  - b. For a facility being **renovated**, where more than 160 square feet or more than 260 linear feet of RACM will be disturbed, a "Notification of Demolition and Renovation" must be submitted to the Department ten (10) working days prior to beginning the removal of the regulated asbestos-containing materials.
5. All asbestos-containing waste material, both regulated and non-regulated, must be properly disposed of in an approved landfill. A waste shipment record (WSR) must be started prior to transportation of regulated asbestos-containing waste material. The WSR must be delivered to the landfill operator at the time the material is deposited for disposal. A copy of the completed WSR must then be submitted to this Department within ten (10) days of depositing the waste material. A WSR is not required for non-regulated asbestos-containing materials, however the landfill should be made aware that the waste material contains asbestos.

#### **Unsafe and/or Fire Damaged Buildings:**

A facility that is unsafe to enter or has significant structural deterioration or fire damage may be demolished without completing an asbestos inspection or conducting asbestos abatement. A letter from an appropriate governmental representative describing the unsafe condition of the building needs to be submitted to the Department with the Notification of Demolition and Renovation form. A facility that is unable to be inspected for asbestos would be assumed to contain asbestos and must be managed in accordance with the North Dakota Air Pollution Control Rules. The debris

from a fire damaged or unsafe facility that has not been inspected must be deposited at an approved landfill as asbestos waste and accompanied by a WSR. The Department can offer assistance when dealing with a facility that has been fire damaged and is considered unsafe for entry; the Department will issue a letter with the appropriate conditions that must be followed during demolition activities.

The Department appreciates your cooperation in assisting individuals to comply with these requirements. If you require assistance, please contact this Department at (701) 328-5166 or [asbestos@nd.gov](mailto:asbestos@nd.gov). Forms and additional information may also be found at the Department's website at <https://deq.nd.gov/WM/asbestos/>.

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