
INTER

North Dakota
Department of Health

OFFICE

MEMO

TO: Consulting Engineers and City Officials

FROM: Terry L. O'Clair, PE, Director
Division of Air Quality

David J. Bruschwein, PE, Director
Division of Municipal Facilities

Charles R. Hyatt, Director
Division of Waste Management

RE: Removal or Abandonment In-Place of Asbestos Cement Pipe

DATE: August 13, 2018

Overview

The North Dakota Department of Health - **Division of Air Quality** regulates the removal, handling and disposal of regulated asbestos-containing materials during renovation, abatement and demolition activities pursuant to North Dakota Administrative Code (NDAC) 33-15-13-02 Emissions Standards for Asbestos.

The department's **Division of Waste Management** - Solid Waste Program regulates waste disposal activities including the disposal of asbestos waste into landfills pursuant to NDAC 33-20 Solid Waste Management Rules.

Any asbestos material that contains more than 1 percent asbestos is regulated if, when dry, it can be crumbled, pulverized or reduced to powder by normal hand pressure (defined as friable). Asbestos cement pipe (ACP) is generally considered non-friable asbestos-containing material (ACM); however, in certain circumstances it can be or become friable.

Removal

When removing ACP, it is important to handle the pipe in a manner that will minimize the risk of making it friable or releasing dust that contains asbestos fibers into the environment. Before removal work begins, a North Dakota-certified asbestos inspector must be consulted to determine if the ACP material is friable or non-friable. Whenever mechanical tools are used in the removal **or** the material has been classified as friable, the ACP is deemed regulated, and a North Dakota-certified asbestos supervisor must be on site during work activities.

Notification

The owner/operator must notify the Division of Air Quality - Asbestos Program by completing and submitting a *Notification of Demolition and Renovation* form at least 10 working days prior to removing, cutting or damaging any ACP. The form can be found at <https://deq.nd.gov/forms/AQ/asbestos/SFN17987.pdf>.

Certified Asbestos Supervisor/Inspector

A list of current North Dakota-certified asbestos inspector and supervisor contractors can be found at <https://deq.nd.gov/AQ/PDFs/Documents/Asbestos/AsbestosContractors.pdf>.

Pipe Cutting

Cutting ACP using mechanical tools will result in an asbestos fiber release, and a North Dakota-certified asbestos supervisor is required to be on site during all work activities. This ensures that the material is handled and disposed of properly. Cutting non-friable ACP with hand tools where the pipe is kept in a predominantly whole condition (not rendered friable) is not regulated. Any time the use of hand tools makes the material crumble, pulverizes it or reduces it to a powder, then the work activity becomes regulated. The ACP must be kept wet during all types of pipe cutting/removal to minimize asbestos fiber release.

Disposal

Asbestos-containing waste material, including ACP that is removed, must be disposed of at an approved landfill and is prohibited from being recycled. Any regulated asbestos-containing waste must be wet during removal so there are no visible dust emissions. The waste also must be bagged and labeled with asbestos warning labels that are visible to the naked eye. The asbestos waste must be stored in a restricted area, disposal records must be kept, waste manifest records must be maintained, and a copy of all records must be sent to the Division of Air Quality within 30 days. A copy of the *Asbestos Waste Manifest Form* can be found at <https://deq.nd.gov/forms/AQ/asbestos/SFN58174.pdf>.

Ownership and Responsibility of Asbestos-Containing Waste

The city and contractor maintain ownership of the asbestos-containing waste material from removal to disposal.

Abandonment

The abandonment of ACP in-place is acceptable if it is not actively crushed, crumbled, pulverized or otherwise damaged during abandonment activities. The crushing or bursting of ACP is not permitted.

Public Right-of-Way

Abandonment of ACP in the right-of-way requires the owner/operator to keep information on record for as long as the ACP remains in the ground. If the right-of-way is relinquished or abandoned, a *Notice of Waste Disposal* must be filed with the County Recorder's office, and a copy of the *Notice of Waste Disposal* must be submitted to the Division of Waste Management - Solid Waste Program.

Private Property Easement

Abandonment of ACP within a private property easement requires the owner/operator to file a *Notice of Waste Disposal* on all affected property deeds, stating that asbestos-containing waste materials are present. The *Notice of Waste Disposal* must be filed with the County Recorder's office, and a copy of the *Notice of Waste Disposal* must be submitted to the Division of Waste Management - Solid Waste Program.

Notice of Waste Disposal

Information such as the pipe specifications and classification, pipe size, length and depth should be included within the *Notice of Waste Disposal*. An example of the *Notice of Waste Disposal* can be found at this link

<https://deq.nd.gov/Publications/WM/NoticeOfWasteDisposal.pdf>.

Contacts

Division	Phone Number
Air Quality	701.328.5188
Municipal Facilities	701.328.5211
Waste Management	701.328.5166