ASBESTOS

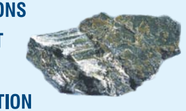
What YOU need to know

MIAMI-DADE COUNTY

Department of **ENVIRONMENTAL RESOURCES MANAGEMENT** (DERM)

Dealing with asbestos is not only potentially dangerous, but it's also a complicated matter, especially when it comes to the environmental regulations that govern this material. Therefore, it is imperative that you clearly understand the information that pertains to asbestos including all relevant local, state, and federal regulations. This brochure was designed to explain the basic facts about asbestos and its regulations that all building owners, contractors, and the general public should know. The information on this brochure is divided into five main sections:

1. GENERAL INFORMATION
2. REQUIREMENTS AND REGULATIONS
3. VIOLATIONS AND ENFORCEMENT
4. DEFINITIONS
5. IMPORTANT CONTACT INFORMATION



Should you have any questions about Asbestos Environmental Regulations, please call the Miami-Dade County Department of Environmental Resources Management (DERM) at **305-372-6925**, via e-mail at **asbestos@miamidade.gov**, or log onto **www.miamidade.gov/derm/pollution_asbestos.asp**

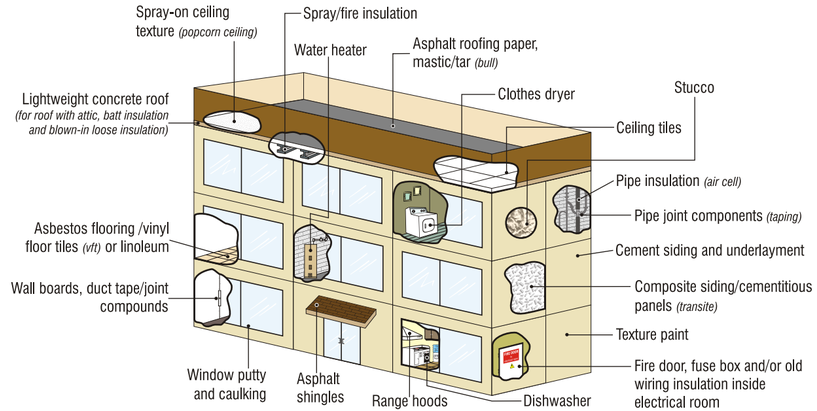
1 GENERAL INFORMATION

What is asbestos? Asbestos is a group of naturally occurring minerals whose crystals form into long, thin fibers. Its unique characteristics include tensile strength, flexibility, acoustical properties, and resistance to fire, thermal, chemical and electrical conditions. Asbestos is a deadly material known to cause cancer. If inhaled, it can cause diseases such as mesothelioma, asbestosis, and lung cancer. The risk of contracting these diseases increases with the number of fibers inhaled, and also for smokers.

When is asbestos a health threat? Potential exposure to asbestos occurs when building demolitions, maintenance, repairs, renovations or other activities remove, disturb or damage the **Asbestos-Containing Material (ACM)**, causing a release of asbestos fibers. The presence of asbestos in a building does not necessarily mean that the health of its occupants is endangered. In fact, exposure is unlikely as long as the ACM remains intact and undisturbed.

Where can I find asbestos? Although certain types of asbestos materials have been banned since the 1970s and subsequently, there are still over 3000 asbestos containing building materials that are legally available in the United States.

Locations of asbestos found in a building/home



2 REQUIREMENTS AND REGULATIONS

In the United States Asbestos is Regulated by two Federal Agencies:

- OSHA - Occupational Safety and Health Administration
- EPA - Environmental Protection Agency

The State of Florida Department of Environmental Protection (FDEP) has statewide authority for implementation and oversight of the asbestos program. In Miami-Dade County, the **Department of Environmental Resources Management (DERM)** also regulates asbestos. The following is a summary of the regulations, requirements, and procedures that apply when it comes to the handling of asbestos in commercial, residential, and other regulated facilities* in Miami-Dade County.

Renovation or Demolition Projects:

FIRST: You must conduct an Asbestos Survey. The National Emissions Standards for Hazardous Air Pollutants (NESHAP) requires that a thorough inspection for asbestos (asbestos survey) be conducted before any regulated renovation* or demolition* activity begins. All asbestos surveys must be performed by a State Licensed Asbestos Consultant. Please note that Miami-Dade County DERM requires a comprehensive written report of the survey results be provided or made available upon request. This survey must include information from inspections performed inside of the building's walls, floors, and all other materials that may possibly contain asbestos.

SECOND: You must file a Notification. A Notice of Demolition or Asbestos Renovation (Notification) must be provided to Miami-Dade County DERM at least ten (10) business days prior to start of all of the following types projects:

- All demolition projects whether asbestos is present or not.
- Miami-Dade County requires a copy of the Asbestos Survey Report to accompany the written Notification for demolition operations.
- All ACM renovation projects that include asbestos removal at or above the legal thresholds (160 square feet or 260 linear feet). This must be done by a Florida Licensed Asbestos Contractor.

THIRD: You must submit plans for review. Renovation plans must be submitted for review to the Miami-Dade County DERM Office of Plan Review Services located in West Dade or Downtown Miami at the Overtown Transit Village (See complete addresses and phone numbers in the **Important Contact Information Section** of this brochure). However, the plans must be routed through either the Miami-Dade County Building Department or the applicable municipality. Please note that if you are performing a complete building demolition project, an Asbestos Survey and Notification are needed, but plans or drawings are not needed.

FOURTH: You must properly remove and dispose of the asbestos material.

- **Demolition:** All friable Asbestos-Containing Material (ACM) at or above the legal thresholds that was identified in the Asbestos Survey must be removed from the structure by an Asbestos Contractor prior to demolition. All asbestos waste materials must be properly disposed of.
- **Renovation:** Removal of all regulated Asbestos-Containing Material (ACM) must be performed by a Florida Licensed Asbestos Contractor. All asbestos waste materials must be properly disposed of.

NOTE: Items identified with * are described in the definitions section.

Department of
ENVIRONMENTAL RESOURCES MANAGEMENT (DERM)

701 NW 1st Court Ste-400
Miami, FL 33136

For more information call **305-372-6789** or visit us at
www.miamidade.gov/derm

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"It is the policy of Miami-Dade County to comply with all of the requirements of the Americans with Disabilities Act."

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ResidentialRegulations:

Please note that in certain cases **residential properties may be subject to the same asbestos regulations** and penalties that apply to commercial or other regulated facilities. The following questions and answers serve as a guide to make a determination if the asbestos regulations apply to your residential project. If you don't see your particular situation in the examples below or are not sure whether or not the asbestos regulations apply to your particular project, please contact **DERM** at **305-372-6925** to make sure that you are not in violation.

Q. *If a single residence (structure) is being renovated or demolished, do the asbestos regulations of Miami-Dade County apply?* **No, they do not apply because it is a single structure.**

Q. *If two or more residential structures are being renovated or demolished, do the asbestos regulations of Miami-Dade County apply?* **Yes, they do apply.**

Q. *If the renovation or demolition involves a residential building which is being used as a home business or office, do the regulations apply even though it's a single structure?* **Yes, they do apply.**

Q. *Does the type of ownership matter (i.e. individual, company, partnership) in determining whether the asbestos regulations apply?* **No, ownership type of a property does not have any bearings on the application of the asbestos regulations.**

Q. *Do the asbestos regulations for residential properties mentioned above apply to future use or current use of the property?* **The residential regulations always apply to the current use of the property.**

You can obtain a Notice of Demolition or Asbestos Renovation (Notification) Form and more information by calling **DERM** at **305-372-6925**, via e-mail at **asbestos@miamidade.gov**, or by logging onto **www.miamidade.gov/derm/pollution_asbestos.asp**

3 VIOLATIONS AND ENFORCEMENT

What happens if I fail to comply with these requirements?
Failure to comply with the asbestos regulations of Miami-Dade County may result in enforcement actions, including fines and penalties. In some cases, individuals and companies can be prosecuted criminally. The building owner, the contractor, and the subcontractor share the responsibility of making sure these requirements are met.

ASBESTOS VIOLATIONS:
- Failure to Properly Notify DERM
- Failure to Conduct a thorough Inspection/Survey
- Improper Handling and Storage
- Lack of Emission Control
- Lack of Adequate Representation
- Improper Disposal
- Improper Transportation
- Creating a Sanitary Nuisance
- Failure to Comply with Orders issued by DERM's Director

ASBESTOS PENALTIES:
Fines are Mandatory and Significant. In some cases, asbestos violations may be considered criminal and may be punishable as such by local, state, or federal law.

4 DEFINITIONS

The following term definitions apply to the language that is generally used in relation to asbestos issues. They are merely intended as guide and are not absolute legal definitions that may be used or interpreted during an asbestos violation or court proceeding.

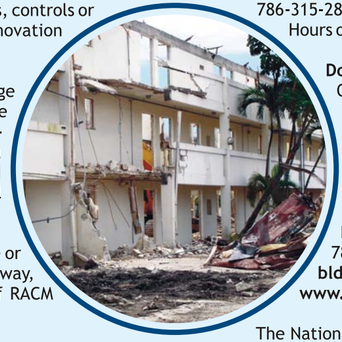
- **Asbestos-Containing Materials (ACM):** Any material containing more than 1% asbestos.
- **Regulated Asbestos-Containing Material (RACM):** Friable asbestos material; non-friable material that has become friable; non-friable asbestos material that has been or will be subject to sanding, grinding, cutting, or abrading; or non-friable asbestos material that has a high probability of becoming crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation. Amounts must be at or above threshold (160 square feet or 260 linear feet).
- **Friable Asbestos-Containing Materials:** Any material containing more than 1% asbestos that when dry, can be crumbled, pulverized or reduced to powder by hand pressure. **NOTE:** non-friable asbestos can become friable during a renovation or demolition project.
- **Owner or operator of a demolition or renovation activity:** 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.
- **Demolition:** The removal or wreckage of a regulated building. Also, 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.
- **Renovation:** Altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component.
- **Facility:** Any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to the asbestos NESHAP is not excluded, regardless of its current use or function.

5 IMPORTANT CONTACT INFORMATION

In summary, if you are planning to do any renovation or demolition of a regulated facility that may contain asbestos, you need to contact the **Miami-Dade County Department of Environmental Resources Management (DERM)** and follow all of the proper procedures of the Miami-Dade County Asbestos Regulations in order to save lives, time, and money. You can contact DERM at **305-372-6925**, via e-mail at **asbestos@miamidade.gov** or by logging onto **www.miamidade.gov/derm/pollution_asbestos.asp** *(you may also download the appropriate Asbestos Notification Form from this website)*.

For your convenience the Department of Environmental Resources Management (DERM) Plan Review Offices are located at:

DERM West Dade Plan Review Office
(Miami-Dade County Permitting and Inspection Center)
11805 SW 26th Street Miami, FL 33175
786-315-2800
Hours of operation: 7:30 am to 4:00 pm.



Downtown Plan Review Office
Overtown Transit Village - North
701 NW 1st Court, Suite 200
Miami, FL 33136
305-372-6789
Hours of operation: 8:00 am to 4:00 pm.

The Miami-Dade County **Building Department** may be contacted at 786-315-2000, via e-mail at **bldgdept@miamidade.gov** or log onto **www.miamidade.gov/building/**

The National Emission Standard for Asbestos Guidelines and Regulations from the Federal Environmental Protection Agency (EPA) can be found at:
http://www.epa.gov/asbestos/pubs/2003pt61.pdf

To find a State Certified Asbestos Consultant, please contact the Florida Department of Business and Professional Regulation, Division of Professions at 850-487-1395 or search their database at:
https://www.myfloridalicense.com/wl11.asp?mode=0&SID=

The Asbestos Guide issued by the Florida Department of Environmental Protection (FDEP) can be found at:
http://www.dep.state.fl.us/air/rules/guidance.htm#ogg_12

The FDEP Asbestos Rules can be found at:
http://www.dep.state.fl.us/Air/rules/fac/62-257.pdf