



# Massachusetts Department of Environmental Protection

## Asbestos Notification Form ANF-001

### Instructions and Supporting Materials

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## INTRODUCTION

The Asbestos Notification Form (ANF-001, also known as the BWP AQ04) must be submitted to the Massachusetts Department of Environmental Protection (MassDEP) at least 10 working days before conducting an asbestos abatement activity.

## PERMIT FACT SHEET

### 1. What is an “asbestos abatement” and what rules govern this work?

An asbestos abatement includes all the activities associated with the removal, encapsulation, demolition, renovation, enclosure, repair, disturbance, handling, transportation, storage, or disposal of asbestos-containing material or asbestos-containing waste material or any other activity involving asbestos-containing material or asbestos-containing waste material that has the potential to result in a condition of air pollution. This definition does not include survey, sampling, analysis, monitoring, or visual inspection activities. The Massachusetts Department of Environmental Protection (MassDEP) Asbestos Regulation at 310 CMR 7.15 governs asbestos abatement activities and defines the following key terms:

- “Asbestos” means all asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, actinolite and tremolite, and any other asbestiform minerals designated as asbestos by EPA in 40 CFR 61.141.
- “Asbestos-Containing Material” (ACM) means any material containing 1% or more asbestos as determined by a laboratory using protocols set forth in the “Method for the Determination of Asbestos in Bulk Building Materials” found in EPA report EPA/600/R-93/116, or another method as directed by the Department. This term includes, but is not limited to, sprayed-on and troweled-on materials applied to ceilings, walls, and other surfaces; insulation on pipes, boilers, tanks, ducts, and other equipment, structural and non-structural members; tiles; asphalt roofing or siding materials; or asbestos-containing paper.
- “Asbestos-Containing Waste Material” means any ACM removed during a demolition or renovation project and anything contaminated with asbestos in the course of a demolition or renovation project including, but not limited to, asbestos waste from control devices, bags or containers that previously contained asbestos, contaminated clothing, materials used to enclose the work area during the demolition or renovation operation, and demolition or renovation debris. This definition shall also include ACM on and/or in facility components that are inoperable or have been taken out of service and any ACM that is damaged or deteriorated to the point where it is no longer attached as originally applied or is no longer serving the intended purpose for which it was originally installed.

In addition to MassDEP’s regulation at 310 CMR 7.15, the Department of Labor Standards (DLS) also establishes notification requirements and work practice standards at 454 CMR 28.00. The MassDEP and DLS regulations are designed to protect public health, worker safety, and the environment, by ensuring that asbestos will not be released to indoor and outdoor air during demolition or renovation work. The MassDEP also regulates the disposal of asbestos-containing waste material (ACWM).

### 2. What are the Commonwealth’s notification requirements for asbestos removal?

Submitting a notification form for asbestos abatement work is required by both MassDEP and DLS. Both MassDEP and DLS require notification **10 working days** (working days do not include Saturdays, Sundays or holidays) before the start of work involving the removal or disturbance of asbestos-containing material.



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#### 3. Who must notify?

A notification form must be filed for each asbestos abatement activity in Massachusetts. MassDEP allows the notification to be filed by the property owner or operator, the licensed asbestos abatement contractor, or another entity performing the asbestos abatement. For DLS notification purposes, the licensed asbestos abatement contractor is required to notify.

#### 4. How do I submit the ANF-001 notification form and fee?

Notification must be made on a current version of MassDEP's online eDEP Asbestos Notification Form (ANF-001), which satisfies the requirements of both MassDEP and DLS regulations.

##### Step 1

If you have not already done so, register online with eDEP at <https://edep.dep.mass.gov/DEPLogin.aspx>. Select "New User" and complete the required steps. It should take no more than five minutes to complete the registration process, and you can begin online filing of your notifications right away.

##### Step 2

The eDEP Asbestos Notification Form and Instructions are available on MassDEP's website at <http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html>.

##### Step 3

When filing via eDEP, you will pay the fee online using a credit card or ACH transfer from a checking account. Please note that "fee decals" are no longer sold and cannot be used with online filing through eDEP.

##### Step 4

When filing electronically through eDEP, your 10-working day waiting period will start when you submit your form, and you will receive an automatic notification that the submittal was recorded.

#### Troubleshooting

If you get an error message after you click "Error Check & Next" at the end of the form that says "License # is not recognized", please check to make sure you typed the DLS License and Certification Numbers for the asbestos contractor, on-site supervisor/foreman, project monitor, and asbestos analytical lab number correctly. (Please note: Only fill-in the fields for the DLS license/certification #'s for questions 6 – 9 in Section A of the form. The fields with the corresponding names and addresses will be pre-populated when you click "Error Check & Next".)

If the project does not require the use of a DLS-licensed asbestos contractor, then simply check off the appropriate boxes on the BWP AQ04 (ANF-001) PreForm and when you click "Error Check & Next", it will automatically pre-populate the asbestos contractor and asbestos supervisor fields (i.e. questions 6 and 7) to reflect work by a "Non Licensed Removal". For the project monitor and analytical lab information (i.e. questions 8 and 9) for this type of "Non Licensed Removal" situation, you can enter the DLS certification number in the appropriate data field if one of those disciplines will be used on the project. Or if those disciplines will not be used, then you can simply enter "N/A" in the DLS Certification data fields and leave the "Name" data fields blank.

If you still get an error message pop-up box, please contact the MassDEP BAW data systems group via email at [BAW.eDEP@mass.gov](mailto:BAW.eDEP@mass.gov).

#### eDEP Features

Use of the eDEP online notification system ensures that you are using the most current form, and that you have provided all required information. Filing your ANF-001 Notification online via eDEP helps avoid common mistakes. Furthermore, electronic filers can see all of the Construction/Demolition Notification Forms they have submitted on-line by clicking on the "My eDEP" tab in the upper left corner of your log-in screen. In the event that either the project start date or end date changes, triggering the requirement to file a notification revision, the simplest way to do this is by filing a notification revision online via eDEP. (See Question 10 for more information on filing notification revisions.)

If you have any questions or desire further information about filing electronically through eDEP, please email your inquiry to [BAW.eDEP@mass.gov](mailto:BAW.eDEP@mass.gov). Please include a phone number where you can be reached so that MassDEP can help you with your request.



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#### 5. What is the notification fee for asbestos removal?

The notification fee required by MassDEP regulations (310 CMR 4.00, Timely Action and Fee Provisions) for asbestos removal is \$100 per notification. However, owner-occupied residential properties with four or fewer units, cities, towns, counties, districts of the Commonwealth, federally recognized Indian tribe housing authorities or municipal housing authorities or other state agencies are not subject to asbestos notification fees.

#### 6. Is the asbestos notification fee refundable?

No. In the event that an asbestos notification is withdrawn, the notification fee will not be refunded.

#### 7. Where can I find DLS License and Certification Numbers for my asbestos contractor, on-site supervisor/foreman, project monitor, and asbestos analytical lab?

These DLS License and Certification numbers need to be typed into your answers to Questions 6-9 in Section A of the ANF-001. Your Asbestos Contractor (who must be identified in your answer to Question 6 in Section A) should supply this information to you. DLS publishes lists of licensed asbestos contractors and Asbestos Analytical Service Providers/Labs at: <http://www.mass.gov/lwd/labor-standards/asbestos-safety/license-lists/> (please note that these lists are updated approximately every month and may not contain recently issued license or certification numbers, and also may not reflect recent renewals of licenses and certifications).

#### 8. What are MassDEP's and DLS's timelines for reviewing notifications?

After the Asbestos Notification Form ANF-001 is recorded in the eDEP notification system, the form can be reviewed by both the MassDEP and DLS. **The notifier will be contacted only when the submitted notification form is found to be deficient.** When either MassDEP or DLS informs the notifier of deficiencies in the notification form, the notifier may not proceed with the asbestos work for which notification was made and will have 30 calendar days from the date of being informed of the deficiencies in which to respond. Where the notifier responds to the deficiencies in the original notification form within the 30-day period, a second administrative/technical completeness review may be conducted by either agency within the respective 10 working day notification period. The result of the second review will be:

- a determination that the notification is administratively and technically complete, or
- an order to not proceed with the job.

The notifier will be contacted only in the case in which an order is issued to not proceed with the job. Should the notifier wish to pursue asbestos removal on the same site after a stop order has been issued, a new Asbestos Notification Form ANF-001 and new notification fee for the job must be submitted to MassDEP.

#### 9. When can I start work?

Work cannot begin until the 10 working days waiting period specified by MassDEP's regulation has elapsed. **Starting an asbestos abatement project before the end of the 10-working day waiting period is a violation of the asbestos regulations and may result in enforcement action, including a civil administrative penalty.** If you cannot wait 10 working days before starting an asbestos project, you must obtain an emergency waiver of the 10-day notification requirement from MassDEP and DLS before starting work (see Question #12 below).

MassDEP's eDEP system uploads each electronic notification to the "EEA Data Portal" at <https://eeaonline.eea.state.ma.us/portal#/search/asbestos>, which is refreshed every 15 minutes. When you use the EEA Data Portal to check the status of your notification, please search for it based on the project's municipality and street address.

When completing the ANF-001 it is important to identify the date on which you plan to start the asbestos removal project. **Please note that you must start work on the "start date" you indicate on the ANF-001. If you are not going to start on that date, you must revise your notification prior to the original start date indicated.**



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#### 10. Can I revise my Asbestos Notification Form?

Yes. If you plan to change the original start date or completion date indicated in the ANF-001 you have filed, you **MUST** file a notification revision. There is a \$35 fee for each notification revision. You must ensure that your notification revision is received by MassDEP at least one working day prior to the original start date or completion date being changed. **Failure to revise your notification should your start date or completion date change is a violation of MassDEP's asbestos regulations and may result in enforcement actions, including a civil administrative penalty.**

If you are revising your ANF-001 Form to correct deficiencies that MassDEP has identified, you will need to submit a new ANF-001 form and pay a new notification fee.

Note: Some project changes cannot be made using this revision procedure and require the submission of a new notification and fee. See Question #11 below.

#### 11. What project changes require a new asbestos notification and new notification fee?

A new Asbestos Notification Form and payment of a new notification fee is required when any amount of asbestos-containing material **above** the estimate on the original notification form is planned, and when there is a change in location from that indicated on the original notification form. A new notification is also required when an asbestos removal project is postponed more than 30 days from the start date or end date appearing on the original notification form. Finally, a separate notification is required when asbestos removals are scheduled for a single facility but are separated by more than 1 week (e.g., phased implementation with more than 1 week between phases).

#### 12. What if I need an emergency waiver from the 10 working-day notification requirement?

Both MassDEP and DLS may jointly provide authorization for an emergency waiver of the 10 working-day notification requirement. To obtain an emergency waiver, you will need to first contact the MassDEP regional office that covers the municipality in which an asbestos abatement project is located to determine whether an emergency waiver is warranted. The Emergency Waiver Request Procedure including contact information for the MassDEP regional office staff can be found at the following link: <https://www.mass.gov/doc/emergency-waiver-request-procedures-asbestos-abatement-demolition-projects/download>. Where deemed appropriate, MassDEP will issue an emergency waiver number, which can then be used to notify DLS using their online electronic emergency waiver system.

Once a MassDEP emergency waiver number has been assigned, an asbestos contractor can request a waiver of the DLS requirement for a 10-day notification period for EMERGENCY PROJECTS by filling out the online request form located on the DLS home page at <http://www.mass.gov/lwd/labor-standards/> or click directly on [laa.dls.eol.mass.gov/LAA](http://laa.dls.eol.mass.gov/LAA). All requests must be submitted no later than within one working day after the project start date. Fill in all required information and click on SUBMIT. You will instantly receive a confirmation number, followed by an email which contains a printable version of the form. If you have any questions when filing the DLS online request form, please consult with the DLS Boston office that can be reached by telephone at the following number: (617) 626-6960.

If both MassDEP and DLS grant an emergency waiver, the contractor or other entity may proceed with the work. Please recall however that notification on Form ANF-001 and the fee still must be submitted for the specific project (as described in Question #'s 4 and 5) within one working day of beginning the asbestos abatement activity for which the emergency waiver was granted. When completing the ANF-001, please supply the emergency waiver numbers given by each agency in Section A, Part 17 of the Form. Failure to file the notification with fee payment in a timely manner may result in an enforcement action.



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#### **13. How long does an asbestos notification remain in effect?**

An asbestos notification remains in effect only until the project end date specified in the Asbestos Notification Form ANF-001 or in a revised ANF-001.

#### **14. Do I have to notify other governmental agencies?**

You may be required to notify the city or town in which the asbestos abatement project is located. Contact local officials (Board of Health and/or Building Department) to determine what notification they require for asbestos removal. Submitting a complete ANF-001 satisfies notification requirements for state and federal agencies. MassDEP has been delegated by the U.S. Environmental Protection Agency (EPA) to receive notifications required under Federal regulations (NESHAP, 40 CFR Subpart M). Submission of the ANF-001 to MassDEP satisfies EPA asbestos demolition or renovation activity notification requirements.

#### **15. What is a Blanket Notification Approval?**

The Blanket Notification Approval provides flexibility in the 10-working day wait period when multiple ANF-001 Notifications are anticipated on a project. A Blanket Notification Approval may be considered under two scenarios: 1) a "Limited Maintenance Blanket Notification Activity" is designed for facilities where ACM is routinely encountered and where it must be abated immediately without being able to wait for the 10 working-day advance notification period; or 2) a Large Scale Asbestos Abatement Project for planned abatement projects that involve the removal of significant quantities of ACM over an extended period of time, and can provide more flexibility in scheduling and sequencing of the work. For more information on this type of notification, please visit: <https://www.mass.gov/how-to/aq-05-asbestos-blanket-notification-approval>.

#### **16. What is a Traditional Asbestos Abatement Work Practice Approval?**

Both MassDEP and DLS issue case-by-case approvals for deviations from the prescribed work practices in their regulations to address situations in which the traditional practices cannot be safely implemented or are significantly impractical (e.g., emergencies involving structurally unsound buildings, fire-damaged structures, and some non-emergency situations such as abatements in areas in close proximity to high voltage electrical equipment and bulk loading of asbestos-contaminated debris). Work done under an NTWP approval must still be accompanied by an ANF-001 Notification for each abatement activity with referencing the relevant NTWP approval number. For more information on this type of notification, please visit: <https://www.mass.gov/how-to/aq-36-non-traditional-asbestos-abatement-work-practice-approval>.

#### **17. Where can I get copies of the regulations that apply to the Commonwealth's asbestos program?**

These regulations include, but are not limited to:

a. MassDEP:

- Asbestos Regulations, 310 CMR 7.00, including 7.09 and 7.15.
- Asbestos Disposal Regulations, 310 CMR 19.061
- Massachusetts Contingency Plan waste site cleanup regulations, 310 CMR 40.0000.
- Timely Action and Fee Provisions, 310 CMR 4.00.
- Administrative Penalties Regulations, 310 CMR 5.00.

b. DLS: Asbestos Regulations, 454 CMR 28.00.

MassDEP's regulations are available on MassDEP's website at

<http://www.mass.gov/eea/agencies/massdep/service/regulations/>. DLS's regulations are available at DLS's web site: <http://www.mass.gov/lwd/labor-standards/asbestos-safety/>. Official copies of MassDEP's and DLS's regulations may be purchased at:

State House Bookstore  
Room 116  
Boston, MA 02133  
(617) 727-2834

State House West Bookstore  
436 Dwight Street  
Springfield, MA 01103  
(413) 784-1376



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#### Contacting DLS

Information, Licenses, Notifications, Complaints.....	(617) 626-6960
Investigations & Enforcement.....	(617) 626-6961
Offices	
Boston.....	(617) 626-6960
Haverhill.....	(978) 372-9797
New Bedford.....	(508) 984-7718
Springfield.....	(413) 781-2676

DLS web site: <http://www.mass.gov/lwd/labor-standards/asbestos-safety/>

#### Contacting MassDEP

For questions about how to complete the ANF-001 or for general questions about MassDEP policy and regulation, please contact the asbestos program coordinator in Boston:

MassDEP Boston Office (general questions).....(617) 292-5500

For specific questions about how to comply with MassDEP's requirements for asbestos removal, please contact an asbestos inspector in the MassDEP regional office that covers the municipality where the asbestos work will be performed. The asbestos inspectors are the best source of information about any technical aspects of MassDEP's requirements for asbestos removal.

Find your region: <http://www.mass.gov/eea/agencies/massdep/about/contacts/>

MassDEP Central Regional Office (includes Worcester).....	<b>(508) 792-7650</b>
MassDEP Northeast Regional Office (includes Greater Boston).....	<b>(978) 694-3200</b>
MassDEP Southeast Regional Office (includes Cape and Islands) .....	<b>(508) 946-2700</b>
MassDEP Southeast Regional Office Emergency Waiver Line.....	<b>(508) 946-2882</b>
MassDEP Western Regional Office (includes Springfield).....	<b>(413) 784-1100</b>

**Asbestos Notification Online eDEP Filing:** If you have not already done so, register online with eDEP at <https://edep.dep.mass.gov/DEPLogin.aspx>. Select "New User" and complete the required steps. It should take no more than five minutes to complete the registration process, and you can begin online filing of your notifications right away.

#### MassDEP Asbestos Program Web Page:

<http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html>

This Web Page has links to all MassDEP asbestos related documents including regulations, policies, guidance, and a link to the eDEP online notification filing system. The ANF-001 Instructions are available as a Microsoft Word Document or in Adobe Portable Document Format (PDF).