



#### **Air Pollution Control Board**

Greg Cox	District 1
Dianne Jacob	District 2
Pam Slater	District 3
Ron Roberts	District 4
Bill Horn	District 5

## **NOTICE OF WORKSHOP**

### **TO DISCUSS THE REPEAL OF DISTRICT RULE 1204 - SURFACING APPLICATIONS FOR SERPENTINE MATERIALS CONTAINING ASBESTOS AND IMPLEMENTATION OF THE STATEWIDE ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR SURFACING APPLICATIONS**

The San Diego County Air Pollution Control District (District) will hold a public meeting to discuss the repeal of District Rule 1204 (Surfacing Applications for Serpentine Materials Containing Asbestos) and the implementation of the state Air Resources Board Asbestos Airborne Toxic Control Measure for Surfacing Applications. Comments concerning local implementation of the state control measure may be submitted in writing before, or made at, the workshop which is scheduled as follows:

**DATE:** Monday, July 22, 2002  
**TIME:** 9:00 a.m.  
**PLACE:** Conference Room 139  
San Diego Air Pollution Control District  
9150 Chesapeake Drive  
San Diego, CA 92123

Asbestos emissions from surfacing applications in California have been regulated by a state Airborne Toxic Control Measure (Asbestos ATCM) since 1990. The District implemented the measure by adopting Rule 1204 in 1992. The rule imposed an asbestos limit of five percent for serpentine material used for surfacing applications. Since then, additional information on the health effects of asbestos exposure has been developed by the Air Resources Board. The information indicated a potential for significant exposure and risk for individuals living near unpaved roads surfaced with serpentine material meeting the five percent asbestos limit.

On July 20, 2000, ARB adopted amendments to the Asbestos ATCM (Section 93106, Title 17, California Code of Regulations) to further protect the public by lowering the allowable asbestos content of materials used for surfacing applications. The effective date of this Airborne Toxic Control Measure was November 13, 2001.

As allowed by the California Health and Safety Code and in accordance with procedures approved by the Air Pollution Control Board on July 25, 1995, the District will implement and enforce the amendments to the Asbestos ATCM without formally adopting it. The District will no longer enforce the requirements of District Rule 1204 if that rule is repealed by the Air Pollution Control Board.

Specifically, the amended Asbestos ATCM:

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**OVER**

- Defines "restricted material" to include any of the following: material extracted from property located in a geographic ultramafic rock unit; material determined to be ultramafic or serpentine rock; and, any material tested and found to have an asbestos content of 0.25 percent or greater. Ultramafic rock is defined to mean igneous rock that includes the following rock types: dunite, pyroxenite, peridotite and their metamorphic derivatives.
- Requires that no person may use, apply, sell, supply, or offer for sale any restricted material for unpaved surfacing unless the material has been tested and determined to have an asbestos content less than 0.25 percent.
- Requires producers of restricted material to provide the recipient of that material with the following information: the amount of material sold or supplied; the dates the material was sold or supplied and tested; and a statement verifying that the asbestos content is less than 0.25 percent. Other persons, besides producers, who sell or supply restricted material, must provide the aforementioned information except the date the material was tested. Anyone who sells or supplies restricted material for non-surfacing applications must notify the recipient of that material by a statement warning that the material may contain asbestos.
- Requires any person who uses, sells or supplies restricted material for surfacing applications to maintain all receipts and specified records for seven years. Any person who transports restricted material must maintain records with the material during transit.
- Exempts 11 types of unpaved surface operations, 6 of which are carried over from the 1990 Asbestos ATCM: sand and gravel operations, roads located at quarries or mines, maintenance operations on existing roads, emergency road repairs, asphalt and concrete materials, landfill operations, geologic evaluation, limited access roads, surfacing applications in remote locations, roads located at construction sites, and riprap.
- Specifies that the District may require that a geologic evaluation or testing of asbestos content be performed if there is evidence indicating the potential presence of asbestos located outside the boundaries of a region identified as an ultramafic rock unit. Areas within California containing ultramafic rock are indicated on maps developed by the Department of Conservation California Geological Survey.

Copies of the Asbestos ATCM may be obtained from the Air Resources Board web site, <http://www.arb.ca.gov/regact/asbestos/finregb.pdf>, or you may call Lisa Robles at (858) 650-4537. If you have any questions concerning the workshop or the Asbestos ATCM, please call Randy Consolacion at (858) 650-4536 or Steven Moore at (858) 650-4598.



MICHAEL R. LAKE  
Acting Assistant Director

MRL:SM:RC:ls

06/19/02

## SAN DIEGO AIR POLLUTION CONTROL DISTRICT

### EXISTING RULE 1204 WILL BE REPEALED IN ITS ENTIRETY.

#### **RULE 1204. SURFACING APPLICATIONS FOR SERPENTINE MATERIALS CONTAINING ASBESTOS** (Adopted and Effective 11/17/92)

##### **(a) APPLICABILITY**

This rule is applicable to any person who uses, applies, sells, supplies, or offers for sale serpentine material containing asbestos.

##### **(b) EXEMPTIONS**

The provisions of Section (d) shall not apply to the following:

- (1) Sand and gravel operations;
- (2) Roads located at serpentine quarries, asbestos mines, or mines located in serpentine deposits;
- (3) Maintenance operations on any existing road surfaces, or to the construction of new roads in serpentine deposits, as long as no additional serpentine materials containing asbestos is applied to the road surface;
- (4) Bituminous and concrete products which have serpentine material as an integral part of the bituminous concrete, portland cement concrete, bituminous surface, or other similar cemented materials; and
- (5) Landfill operations other than the surfacing of public-access roads used by vehicular traffic.

##### **(c) DEFINITIONS**

- (1) **"Aggregate"** means a mixture of mineral fragments, sand, gravel, rocks, or similar minerals.
- (2) **"Alluvial Deposit"** means any deposit of sediments laid down by running water including but not limited to streams and rivers.
- (3) **"Asbestos"** means asbestiforms of the following hydrated minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite - grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.

(4) **"Receipt"** means any written acknowledgement that a specified amount of serpentine material was received, delivered, or purchased. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.

(5) **"Road Surface"** means the traveled way of a road and any shoulder which extends up to 10 feet from the edge of the traveled way.

(6) **"Sand and Gravel Operation"** means any aggregate-producing facility operating in alluvial deposits.

(7) **"Serpentine"** means any form of hydrous magnesium silicate minerals - including, but not limited to, antigorite, lizardite, and chrysotile.

(8) **"Serpentine Material"** means any material that contains at least ten percent (10%) serpentine as determined by a registered geologist. The registered geologist must document precisely how the serpentine content of the material in question was determined.

(9) **"Serpentine Materials Containing Asbestos"** means serpentine material that has an asbestos content greater than five percent (5%).

(10) **"Surfacing"** means the act of covering any surface used for purposes of pedestrian, vehicular, or non-vehicular travel including, but not limited to, roads, road shoulders, streets, alleys, lanes, driveways, parking lots, playgrounds, trails, squares, plazas, and fairgrounds.

(d) **STANDARDS**

(1) No person shall use or apply serpentine material for surfacing in San Diego County unless the material has been tested and determined to have an asbestos content of five percent (5%) or less.

(2) No person shall sell, supply or offer for sale serpentine material for surfacing in San Diego County unless the serpentine material has been tested and determined to have an asbestos content of five percent (5%) or less. Any person who sells, supplies, or offers for sale serpentine material that he or she represents, either orally or in writing, to be suitable for surfacing or to have an asbestos content that is five percent (5%) or less, shall provide to each purchaser or person receiving the serpentine material a written receipt which specifies the following information: the amount of serpentine material sold or supplied, the dates that the serpentine material was produced, sampled, tested, and supplied or sold, and the asbestos content of the serpentine material. A copy of the receipt must, at all times, remain with the serpentine material during transit and surfacing.

**(e) RECORDKEEPING**

A written receipt or other record documenting the asbestos content shall be retained by any person who uses or applies serpentine material, for a period of at least seven (7) years from the date of use or application, and shall be provided to the Air Pollution Control Officer upon request.

Any person who sells, supplies or offers for sale serpentine material in San Diego County shall:

(i) Provide with each sale or supply a written receipt containing the following statement: *"Serpentine material may have an asbestos content greater than five percent (5%). It is unlawful to use serpentine material for surfacing unless the material has been tested and found to contain less than or equal to five percent (5%) asbestos. All tests for asbestos content must use California ARB Test Method 435, and a written record document. The tests results must be retained for at least seven (7) years if the material is used for surfacing";* and

(ii) Retain for a period of at least seven (7) years from the date of sale or supply, copies of all receipts and analytical test results from asbestos content testing of serpentine material. All receipts and test results shall be provided to the Air Pollution Control Officer upon request.

**(f) TEST METHODS**

Measurements of the asbestos content of serpentine material pursuant to Section (d) of this rule shall be conducted in accordance with California Air Resources Board (ARB) Test Method 435, Title 17, California Code of Regulations, Section 94147.

If two or more tests were performed on any one volume of serpentine material, whether by the same or a different person, the arithmetic average of these test results shall be used to determine the asbestos content of the serpentine material.