

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.