

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**PROPOSED NEW DRAFT
RULE 1206 – ASBESTOS REMOVAL, RENOVATION, AND DEMOLITION**

WORKSHOP REPORT

A workshop notice on proposed new draft Rule 1206 – Asbestos Removal, Renovation, and Demolition, was mailed to asbestos consultants and site surveillance technicians, City and County planning and development departments, national and regional realtors, landfills, registered transporters, testing labs, demolition contractors, training consultants, and multi-family residential facilities. Notices were also mailed to all economic development corporations and chambers of commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and other interested parties.

The workshop was held on February 23, 2017, and was attended by 79 people. Oral and written comments were received before, during, and after the workshop. A summary of the comments and the Air Pollution Control District’s (District) responses to these comments are as follows:

(a) APPLICABILITY

1. WORKSHOP COMMENT

Proposed new draft Rule 1206 applies to owners and operators of any renovation or demolition operation. If there is no asbestos present in a given renovation or demolition project, is notification required?

DISTRICT RESPONSE

Notification is not required for the renovation of a facility when asbestos is not present. However, notification is required for the demolition of a facility, regardless of the presence of asbestos. These notification requirements are consistent with the existing District Asbestos Rules (Rules 361.140 through 361.156) and the federal Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP).

(b) EXEMPTIONS

2. WORKSHOP COMMENT

The District should add an exemption to Section (b) for the military as follows: “Construction activities on military bases performed during a declared war, or for a national security purpose, as authorized by the Installation Commander in writing.” If America is fighting a war, it is important that the mission is accomplished rather than be delayed to comply with local asbestos rules. Otherwise, military installations should and will do their best to comply with local air rules. This policy argument is consistent with the national security exemption discussed at 42 USC 7418.

DISTRICT RESPONSE

The District disagrees. The suggested language would make the proposed rule less stringent than the NESHAP, which is not allowed by CARB or EPA. In the event the federal, state or local government declares a state of emergency, the District will review enforcement of the regulations under its jurisdiction as appropriate.

3. WORKSHOP COMMENT

The District should clarify the term “dwelling units” found in Subsection (b)(1)(ii)(A) to explain that the proposed rule does not apply to residential buildings or structures with four or fewer units.

DISTRICT RESPONSE

The District disagrees. The exemption in Subsection (b)(1)(ii)(A) is consistent with the District Asbestos Rules. The term “dwelling” is commonly defined (in most dictionaries) as “a place where a person lives.” In addition, Subsection (b)(1)(ii) also outlines the circumstances under which residential buildings or structures with four or fewer units would not be exempt from the proposed rule.

4. WORKSHOP COMMENT

The District should add language to Subsection (b)(1)(ii)(A) to exempt military owned residential buildings and structures. It is important to treat military families residing on and off base the same as any other family in San Diego County.

DISTRICT RESPONSE

The District disagrees. Pursuant to EPA Letters of Determination, military owned residential buildings and structures that are on or off a military base are regulated facilities and thus they would not be exempt from the proposed rule.

5. WORKSHOP COMMENT

Proposed Subsections (b)(1)(ii)(B) specifies when mobile, manufactured or modular homes are exempt. Will the proposed rule apply to a mobile, manufactured or modular home on the same lot or with the same address as another home?

DISTRICT RESPONSE

The two homes would be subject to the proposed rule if they meet the definition of an “Installation,” as defined in new Subsection (c)(22) (i.e., they are under the control of a common owner or operator and they are on a contiguous parcel of land). This is consistent with EPA Letters of Determination.

6. WORKSHOP COMMENT

Will the proposed rule apply to a construction trailer that is being moved on and off site? Would this activity require a demolition notification?

DISTRICT RESPONSE

A construction trailer that is immediately ready for road travel and can be easily relocated or moved without disturbance of a structural member, does not require a notification and is not subject to the proposed rule.

7. WORKSHOP COMMENT

New Subsection (b)(4) exempts renovation operations from specific requirements of the rule (i.e., Notification, Emission Control, and Waste Handling) if the amount of regulated asbestos-containing material (RACM) to be removed, stripped, or disturbed at a facility in one consecutive 365-day period measures less than 100 square feet.

Does this mean that removing 75 square feet of acoustic ceiling asbestos-containing material would be exempt from notification, emission control, and waste handling requirements?

DISTRICT RESPONSE

Yes. If the total amount of RACM disturbed in any one consecutive 365-day period is less than 100 square feet on facility components, then Sections (e), (f), and (g) of the proposed rule would not apply. See also the District Response to Comment No. 38.

However, even if a renovation operation is exempt from Sections (e), (f), and (g) of the proposed rule, any operation that removes asbestos in such a manner that potentially exposes the public to asbestos, may be subject to District Rule 51 – Nuisance. Additionally, the waste handling procedures of the Department of Environmental Health may still apply regardless of any exemption to this proposed rule.

8. WORKSHOP COMMENT

The new draft rule proposes an exemption threshold of less than 100 square feet of RACM on facility components (including pipes). The exemption threshold in the NESHAP is less than 260 linear feet of RACM on pipes. What is the compliance value or the public health value of lowering the exemption threshold from less than 260 linear feet to less than 100 square feet?

DISTRICT RESPONSE

Under the NESHAP, the exemption for RACM on pipes that are less than 260 linear feet is based on length only and does not include the surface area of a pipe. Some pipes may be less than 260 linear feet long but are very large, being many feet in diameter and could potentially contain hundreds of square feet of RACM that, if mishandled, may place the public's health at considerable risk. As such, this proposed small change in the rule may result in far greater protection of public health.

For context, the 100 square foot of RACM exemption threshold is consistent with the longstanding threshold exemption in South Coast Air Quality Management District (SCAQMD) Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities.

(c) DEFINITIONS

9. WORKSHOP COMMENT

The District should add a new definition for “Annual Notification” and define it as: “the notice given for a planned renovation operation or a number of such operations that will take place at a facility over a calendar year, and which when added up exceed the exempt amounts of RACM listed in Subsection (b)(4). Renovation operations covered by an annual notification are not subject to any further requirements of Section (e), except that any individual renovation that exceeds the amounts of RACM listed in Subsection (b)(4) will be subject to separate individual notification.”

The annual notifications would cover all the smaller activities at the facility. Large renovations would still get separate notice. This clarifies a perceived problem where currently every asbestos renovation no matter how small would be subject to an individual notification.

DISTRICT RESPONSE

The District disagrees that a new definition is needed. “Planned Renovation Operation” is already defined in new Subsection (c)(32). However, Subsection (e)(5)(ii) has been revised to clarify that annual notifications for planned renovations are required if the amount of RACM to be disturbed exceeds the exemption thresholds as specified in new Subsection (b)(4) of the proposed rule.

The District agrees that any smaller individual renovation activity (less than 100 square feet of RACM) not covered by the annual notification does not need individual notification. However, if all the smaller individual renovation activities total more than 20 percent of the notified amount of RACM, a revised notification should be submitted to the District. Any individual renovation activity not covered by the annual notification, that is 100 square feet or more of RACM, will be subject to separate individual notification.

10. WORKSHOP COMMENT

The District should add the quantitative value of “more than one percent” to the definition of “Asbestos-Containing Materials (ACM)” found in Subsection (c)(4), to be consistent with the NESHAP.

DISTRICT RESPONSE

The District agrees and has added the recommended language to Subsection (c)(4).

11. WORKSHOP COMMENT

Does the District consider drywall, joint compound, and exterior stucco to be Category I Nonfriable ACM as defined in new Subsection (c)(7)?

DISTRICT RESPONSE

The District considers asbestos containing drywall and joint compound to be Friable ACM when removed, and exterior stucco to be Category II Nonfriable ACM.

12. WORKSHOP COMMENT

Why is nonfriable ACM divided and defined into two separate categories? If, instead, the types of nonfriable materials are not specified and the word “pulverized” is added, would that encompass both definitions?

DISTRICT RESPONSE

The definitions of “Category I Nonfriable ACM” and “Category II Nonfriable ACM” in new Subsections (c)(7) and (c)(8), respectively, are consistent with the District Asbestos Rules. The two categories are in place to differentiate the level of resilience that, depending on the method of removal, would render it friable. These categories also differentiate what can remain in place during a demolition.

13. WORKSHOP COMMENT

The District should add the following language to the definition of “Emergency Demolition Operation” in new Subsection (c)(12): “Emergency Demolition Operation also includes an order issued by a military commanding officer.” Orders of commanding officers have the effect of law in the military.

DISTRICT RESPONSE

The District disagrees. The additional language is not necessary because the current definition of “Emergency Demolition Operation” allows for orders issued by a government agency. A military commanding officer is part of a government agency.

14. WORKSHOP COMMENT

The District should add language to the definition of “Emergency Renovation Operation” in new Subsection (c)(13) to clarify that there may be other emergency renovation operations that are not covered by the specified items.

DISTRICT RESPONSE

The District agrees and has added language to the definition in new Subsection (c)(13) that allows emergency renovation operations to include other possible emergency situations.

15. WORKSHOP COMMENT

Does “Facility,” as defined in new Subsection (c)(15), apply to either a community of homes (e.g., retirement community) or to a neighborhood that has a Homeowners Association (HOA)?

DISTRICT RESPONSE

Yes. If a community of homes or a neighborhood HOA is operated as a residential cooperative, and acts as the owner or operator of the renovation or demolition, then it meets the definition of a “Facility” and is subject to the proposed rule.

16. WORKSHOP COMMENT

Does “Facility,” as defined in new Subsection (c)(15), apply to single family dwellings with a Zero Property Line (two homes share the same driveway)?

DISTRICT RESPONSE

If the single family dwellings meet the definition of “Installation,” as defined in new Subsection (c)(22) (i.e., they are under the control of a common owner or operator and they are on a contiguous parcel of land), they would fall within the definition of a “Facility.”

17. WORKSHOP COMMENT

Does the District consider mechanical removal, such as bobcat equipment with a blade to remove floor tile and mastic, to be equivalent to “sanding, grinding, cutting, or abrading”, therefore meeting the definition of “Regulated Asbestos Containing Material (RACM)” found in new Subsection (c)(35)(iii)?

DISTRICT RESPONSE

Yes. Materials removed by mechanical means, such as with a bobcat that sands, grinds, cuts, or abrades and renders the Category I Nonfriable ACM friable, would meet the definition of RACM.

18. WORKSHOP COMMENT

A renovation or demolition operation is being performed on a large building that can take up to four days to set up the asbestos abatement containment. If Day 1 and 2 are strictly set-up days and no asbestos removal is performed until Day 3, would Day 1 be considered the start date?

DISTRICT RESPONSE

Per the definition of “Start Date” in new Subsection (c)(40):

Day 1 would be considered the start date, for a renovation, only if the process of setting up disturbs or would disturb asbestos containing materials (e.g., acoustic ceiling materials). Otherwise, Day 3 would be considered the start date of the renovation operation. An inspector would expect to see some removal or disturbance of RACM occurring on the start date.

For a demolition, the start date is the first date that a load bearing structural member of a facility is wrecked or taken out, including the intentional burning of a facility, along with any related handling operations.

19. WORKSHOP COMMENT

Would the District consider putting poly sheeting on the wall for acoustic ceiling removal as the start date for a renovation or demolition? Would District inspectors expect to see a bag on the ground full of ACM on the start date?

DISTRICT RESPONSE

See District Response to Workshop Comment No 18.

20. WORKSHOP COMMENT

The District should replace the definition of “Suspect Material” in new Subsection (c)(43) with “any material with a propensity to contain asbestos.”

DISTRICT RESPONSE

The District disagrees. The definition of “Suspect Material” specifically lists RACM, Category I and II Nonfriable ACM, as well as examples of some building materials that have a history of manufacture involving asbestos. This definition is necessary to clarify which materials are regulated.

21. WORKSHOP COMMENT

The District should revise the definition of “Suspect Material” in new Subsection (c)(43) to exclude non-cement pipe. Plastic and metal pipe do not contain asbestos.

DISTRICT RESPONSE

The District agrees and has added language to the definition to clarify that only concrete pipes may be suspect materials.

22. WORKSHOP COMMENT

The District should remove “paint” from the definition of “Suspect Material” found in new Subsection (c)(43)(iv). All paints should not be categorized as suspect materials. Asbestos was used in paint for very specific purposes and categorizing all paint as suspect materials would require the hiring of asbestos consultants to address paint that does not contain any asbestos.

DISTRICT RESPONSE

The District agrees and has removed the word “paint” from new Subsection (c)(43)(iv). There are paints and coatings that have a propensity to contain asbestos (e.g., those used in military applications) and are considered by the District to be a suspect material and should be surveyed at a regulated facility.

(d) FACILITY SURVEY REQUIREMENTS

23. WORKSHOP COMMENT

The District should clarify whether a plumber needs to perform a facility survey for asbestos when required to disconnect the union in order to fix a backed up sink at a cafeteria.

DISTRICT RESPONSE

A facility survey is not required when conducting a plumbing project that disturbs less than 100 square feet of building materials in total at a given facility in any consecutive 365-day period. Such minor plumbing work would be exempt from the entire rule under Subsection (b)(1)(i).

24. WORKSHOP COMMENT

The facility survey report could be a very lengthy document (several inches thick). Submitting the facility survey report with the renovation or demolition notification, pursuant to Subsection (d)(1), would be burdensome. The District should require these reports to be submitted only upon request.

DISTRICT RESPONSE

The District agrees and has revised Subsection (d)(1) to state that the facility survey shall be made immediately available to the District upon request.

25. WORKSHOP COMMENT

Subsection (d)(1) requires a facility survey to be performed prior to the commencement of a renovation or demolition operation. At times, for large projects (e.g., for hospitals or universities), a facility survey may be performed years before the actual start of the renovation or demolition operation. At other times, a simple facility survey may be performed as part of a real estate transaction, potentially years before any renovation or demolition work is performed. What is an acceptable timeline from the time the survey is conducted to the time the renovation or demolition work begins?

DISTRICT RESPONSE

Facility surveys performed within three years of the start of a renovation or demolition operation will be accepted. Subsection (d)(1) has been amended accordingly.

All facility surveys conducted must be thorough and performed according to the procedures outlined in the EPA-approved Building Inspector Course, and should take into account any recent changes to the facility that may render the previous facility survey void or in need of an update.

26. WORKSHOP COMMENT

The requirement to perform a facility survey prior to the commencement of a renovation or demolition operation is more stringent than the NESHAP, which only requires a thorough inspection and the testing of Friable ACM, Category I Nonfriable ACM, and Category II Nonfriable ACM.

The District should provide more guidance as to how the facility survey should be performed and what information should be included in the facility survey report.

DISTRICT RESPONSE

The EPA-approved Building Inspector Course outlines procedures on performing facility surveys. At a minimum, the information specified in Subsection (d)(6) shall be documented in the facility survey report. In addition, the District will update its Asbestos Program webpage to include a list of available contractors who provide an EPA-approved Building Inspector Course training class.

The District is proposing these additional requirements due to a number of incomplete and improperly conducted facility inspections that resulted in asbestos related violations and associated risks to public health. For context, the proposed facility survey requirement is consistent with asbestos regulations in other California air districts, such as SCAQMD and the Sacramento Metropolitan Air Quality Management District (SMAQMD).

27. WORKSHOP COMMENT

The Asbestos Hazard Emergency Response Act (AHERA) allows the use of a letter from a project manager or architect stating that there is no asbestos present at a school. Will the District allow the use of these letters in place of a facility survey?

DISTRICT RESPONSE

No. A letter from a project manager or architect would not meet the requirement for a facility survey to be performed by a person who completed and passed an EPA-approved Building Inspector Course.

28. WORKSHOP COMMENT

AHERA only requires the sampling of asbestos-containing building material (ACBM) which includes materials used in the interior construction of a school. Does the NESHAP apply to only these interior building materials?

DISTRICT RESPONSE

No. While AHERA worker requirements apply to interior components of schools, the NESHAP and the proposed rule apply to both interior and exterior building components.

29. WORKSHOP COMMENT

Subsection (d)(2) allows for an electronic version of the facility survey to be made available to the District upon request. What electronic version is acceptable? Is the District capable of viewing CAD reports, PDF, Word, Word Perfect, and other software formats?

DISTRICT RESPONSE

The District is currently capable of viewing PDF and Word electronic document formats and submissions should be in one of those formats.

30. WORKSHOP COMMENT

Subsection (d)(3) requires the owner or operator of the renovation or demolition operation to maintain a copy of the facility survey for a period of three years, and make that copy available to the District upon request. Does the owner or operator refer to the facility owner or the contractor?

DISTRICT RESPONSE

The facility owner and/or the contractor could be considered the “Owner or Operator” as defined in new Subsection (c)(30). The definition of “Owner or Operator” has been revised to clarify that the Owner or Operator is any person, business, association, organization, or entity that owns, leases, operates, controls, or supervises the facility being renovated or demolished; or any person, business, association, organization, or entity that conducts, controls, or supervises the renovation or demolition operation; or both.

31. WORKSHOP COMMENT

Subsection (d)(4) requires, for emergency demolition operations, that a facility survey be completed prior to the removal of any debris and within two working days of when the structure is no longer in danger of imminent collapse.

The District should revise this requirement because two working days is not enough time to complete a survey, get samples to the lab, get results from the lab, write the report, and return to the owner, and the short timeframe may lead to incomplete and erroneous results.

DISTRICT RESPONSE

The District agrees. Subsection (d)(4) has been revised to allow for extensions on a case-by-case basis, as approved by the Air Pollution Control Officer. In addition, a new exemption was added, as new Subsection (b)(2), to clarify that the facility survey requirement does not apply to any renovation or demolition operation where suspect materials are handled and disposed of as RACM.

32. WORKSHOP COMMENT

Subsection (d)(5) requires all persons conducting facility surveys to be certified. The District should remove this requirement. The Division of Occupational Safety and Health (Cal/OSHA) and AHERA state that an employee of an entity can do their own survey with the satisfactory completion of the EPA-approved Building Inspector Course.

Schools, federal facilities, universities, and other large institutions have their own employees trained in accordance with AHERA for surveys and other asbestos related work.

DISTRICT RESPONSE

The District agrees and has revised Subsection (d)(5) to remove the Cal/OSHA certification requirement. Persons conducting facility surveys must have taken and passed an EPA-approved Building Inspector Course.

33. WORKSHOP COMMENT

Why does the District need a written statement of the qualifications of the person who conducted the facility survey to be included in the facility survey report? Would the District accept copies of the training certificates instead of a written statement?

DISTRICT RESPONSE

The District needs the qualifications of the person conducting the facility survey to verify the validity of the report and compliance with the rule requirements. This includes verifying that an EPA-approved Building Inspector Course has been taken and passed by the person conducting the facility survey. A copy of the training certificate will be acceptable.

34. WORKSHOP COMMENT

Subsection (d)(6)(iv) requires the facility survey report to include a listing of all suspect materials sampled and analyzed or assumed to be ACM, a sketch of the location(s) of each suspect material, and the location of each sample taken. The District should remove the requirement to provide a sketch of each suspect material location because it significantly increases the scope of the facility survey report.

DISTRICT RESPONSE

The District agrees. Subsection (d)(6)(iv) has been revised as suggested. Subsection (d)(6)(iv) was further amended to now require the listing, location, and percent content of asbestos of all suspect materials sampled and analyzed or assumed to be RACM.

35. WORKSHOP COMMENT

Why is a statement of the qualifications of the laboratory that conducted the analyses required with the facility survey report? Would the District accept a copy of the certification or accreditation instead of a written statement?

DISTRICT RESPONSE

The District is requiring the qualification statement as verification that the laboratory meets the requirements for certification by the National Voluntary Laboratory Accreditation Program (NVLAP). A copy of the certification or accreditation will be acceptable.

36. WORKSHOP COMMENT

The District should remove Subsection (d)(6)(ix) from the proposed rule. The person conducting the facility survey should not be required to categorize materials either as friable ACM, Category I Nonfriable ACM, or Category II Nonfriable ACM. The requirement in the NESHAP to categorize materials in such a manner is found within the NESHAP's notification requirements.

DISTRICT RESPONSE

The District agrees and has removed Subsection (d)(6)(ix) from the proposed rule.

37. WORKSHOP COMMENT

Subsection (d)(6)(x) requires a general description of the condition of the facility to be included in the facility survey report, including any known fire or structural damage. Many asbestos inspectors are not licensed or qualified to say if there is structural damage, or make a determination on building systems (e.g., HVAC, electrical, plumbing, etc.).

DISTRICT RESPONSE

The District agrees and has removed Subsection (d)(6)(x) from the proposed rule. A general description of the condition of the facility is only required in the notification for an emergency renovation or emergency demolition.

(e) **NOTIFICATION REQUIREMENTS**

38. WORKSHOP COMMENT

If a renovation or demolition operation at a facility exceeds the 100 square foot of RACM exemption threshold, would all further RACM removals, regardless of amount of asbestos, need to be notified?

DISTRICT RESPONSE

Yes. After the exemption threshold has been exceeded at a facility for any consecutive 365-day period, any additional RACM removed from each individual project will require a separate notification, regardless of the amount of RACM removed.

39. WORKSHOP COMMENT

Is the District planning on revising the current renovation or demolition notification form?

DISTRICT RESPONSE

If the proposed rule is adopted, the District will revise the notification form to conform to the latest requirements. Additionally, the District plans on developing an electronic notification form to enable online submittal of notifications and payments.

40. WORKSHOP COMMENT

Is there a way to verify that the contractor's notification submittal, pursuant to Subsection (e)(2), was accepted without the contractor having to call or e-mail the District? Can other individuals verify that a notification submittal has been made and accepted? Can individuals call the District to get a copy of the notifications?

DISTRICT RESPONSE

The District currently offers a service, Citizen Access, that allows online access to the records that are submitted to the District and users can designate other users to allow them to view the records. Citizen Access can be found at the following link:
<https://publicservices.sdcounty.ca.gov/citizenaccess/>.

Additionally, a notification is public record and can be requested via a "public records request" to the District. The District plans to develop an electronic notification form that would generate an automatic e-mail to the sender that confirms the District has received the notification.

41. WORKSHOP COMMENT

The District should exempt federal, state, and local government agencies from paying notification fees as required in Subsection (e)(4), or alternatively, give planned notifications a flat fee of \$500.

Planned notifications cannot be precise as to the particulars of many small actions. Therefore, the District is not able to come out to witness them. As such, charging variable fees for variable amounts of asbestos does not seem reasonable.

DISTRICT RESPONSE

The District disagrees. The District inspects planned renovation operations and is required to recover its costs for all services provided. The fees for the Asbestos Program are specified in District Rule 40 – Permit and Other Fees. The most recent amendments to Rule 40, which take effect on July 1, 2017, lower the overall notification fee for planned (annual) renovation operations.

42. WORKSHOP COMMENT

Will the District accept payments electronically? If so, what credit cards will the District accept? Will there be a service fee for using a credit card?

DISTRICT RESPONSE

Credit card transactions can presently only be processed in person or over the phone with an American Express or Discover card. However, effective July 1, 2017, the District will be able to accept other types of credit cards and online payments. Credit card payments made in person or over the phone will be assessed a processing fee of 2.2% of the amount paid. Payments made online will be subject to fees charged by the online submittal system vendor for the service.

43. WORKSHOP COMMENT

The proposed rule requires that payment be received by the District within one working day of the effective date of the notification. Currently, when notifications are faxed and payment made with a credit card, the District may take weeks to process the payment. Will the District consider the payment as received even if it has not been processed by the District?

DISTRICT RESPONSE

Yes. If the credit card payment is successfully processed by the District (meaning the credit card is valid and the charge was successful), the District will consider the date of submittal as the payment received date.

44. WORKSHOP COMMENT

Does the District require a 10-day notice prior to asbestos abatement or a demolition of a regulated facility?

DISTRICT RESPONSE

Yes, a completed notification is required 10 working days prior to the start date.

45. WORKSHOP COMMENT

The District should revise Subsection (e)(5)(ii) to include a specific deadline for the annual submittal of Planned Renovations instead of the 10 working days prior to the start of the calendar year.

DISTRICT RESPONSE

The District agrees and has revised Subsection (e)(5)(ii) to specify that notifications shall be submitted by December 17 of the year preceding the calendar year for which notice is being given.

46. WORKSHOP COMMENT

Subsection (e)(5)(iii) requires that for emergency renovations or emergency demolitions, notification be submitted and approved within one working day after the start of any emergency renovation or emergency demolition. The District should clarify that "within one working day" means "within 24 hours" or "by the close of business."

DISTRICT RESPONSE

The District agrees and has revised Subsection (e)(5)(iii) to clarify that the notifications should be submitted prior to the close of business of the next working day after the start of any emergency renovation or emergency demolition.

47. WORKSHOP COMMENT

What if the District decides that a renovation or demolition is not an emergency after the notification is submitted?

DISTRICT RESPONSE

If the District determines that a renovation or demolition is not an emergency and RACM has been removed, the owner or operator will be subject to compliance action.

48. WORKSHOP COMMENT

If a renovation or demolition notification is cancelled on the start date or the day after, can the notification fees be refunded?

DISTRICT RESPONSE

No. Notification fees can be refunded, less a \$60 cancellation fee, only if a cancellation notice is received by the District by noon on the working day prior to the notification start date.

49. WORKSHOP COMMENT

The notification forms are required to be signed and certified to the accuracy of the information provided. When the notification form is signed by the Owner/Operator, who does the signature represent?

DISTRICT RESPONSE

Whoever signs the renovation or demolition notification form claims responsibility for the content in the notification and represents the company they are employed by.

50. WORKSHOP COMMENT

The District should revise Subsection (e)(7)(xi) to include Category I Nonfriable ACM, in addition to RACM and Category II Nonfriable ACM.

DISTRICT RESPONSE

The District agrees and has revised Subsection (e)(7)(xi) as suggested.

51. WORKSHOP COMMENT

Does the proposed rule require the written analytical procedure used by the laboratories for analysis to be specified in the notification form?

DISTRICT RESPONSE

Yes, this requirement is specified in Subsection (e)(7)(xix).

52. WORKSHOP COMMENT

The District should remove the requirement on the notification form to identify both Category I and Category II Nonfriable ACM in Subsection (e)(7)(xx). The requirement should be to identify only Nonfriable ACM, which is the main concern.

DISTRICT RESPONSE

The District disagrees. The two categories differentiate the level of resilience that, depending on the method of removal, would render ACM friable. These categories also differentiate what can remain in place during a demolition, and thus are needed in the notification form.

53. WORKSHOP COMMENT

Subsection (e)(7)(xxi) specifies that the notification form should include a description of the facility components containing ACM to be removed, stripped, or disturbed. Does the District mean a list of facility components?

DISTRICT RESPONSE

Yes, a list of facility components shall be specified in the notification (e.g., acoustic ceiling, floor mastic, ceiling tiles, etc.).

(f) PROCEDURES FOR ASBESTOS EMISSION CONTROL

54. WORKSHOP COMMENT

An asbestos violation in the SCAQMD is called a P5 designation. What is an asbestos violation called in San Diego County? Does the District have a set penalty amount for asbestos violations?

DISTRICT RESPONSE

The District does not have a specific designation for asbestos violations nor a specific penalty amount for these violations. The District issues a “Notice of Violation” for violations of the existing District Asbestos Rules and the NESHAP, and these violations are assessed penalties in accordance with the Health and Safety Code. Information about the “Notice of Violation” process is available on the District website at:

http://www.sdapcd.org/content/sdc/apcd/en/compliance-programs/Violation_Information.html

55. WORKSHOP COMMENT

Does the District believe a building can be demolished with the roof in place without asbestos being disturbed?

DISTRICT RESPONSE

Category I Nonfriable ACM roofing material (e.g., asphalt tiles) in good condition can remain in place during a demolition as these materials exhibit physical characteristics that make them unlikely to be rendered friable during the demolition process. Cementitious based Category II Nonfriable ACM based roofing material (e.g., transite roof tiles) must be removed prior to a demolition. All Category I and II Nonfriable ACM that are in poor condition must be removed before a demolition. EPA has determined that these materials have a tendency to become friable during a demolition.

56. WORKSHOP COMMENT

Subsection (f)(1)(i) specifies that RACM does not need to be removed before demolition if it is Category I Nonfriable ACM and the material is not in poor condition and is not friable. Why would the District allow ACM to remain in the facility during demolition if it could have been removed?

DISTRICT RESPONSE

The EPA has determined that Category I Nonfriable ACM that is not in poor condition and is not friable can remain in a facility that will be demolished because these materials exhibit physical characteristics that make them unlikely to be rendered friable during the demolition process. If a mechanical removal method is employed and it renders such materials friable, then the owner or operator may be cited. The language in Subsection (f)(1)(i) is consistent with EPA Letters of Determination.

57. WORKSHOP COMMENT

The District should rewrite Subsections (f)(1)(i) and (ii) to correct the terminology and make it consistent with how the terms are defined in the proposed rule. For example, a Category I Nonfriable ACM that is not in poor condition (meaning good condition) and that has not become friable is not RACM as defined in new Subsection (c)(35).

DISTRICT RESPONSE

The District agrees and has revised Subsections (f)(1)(i) and (ii) to make the language consistent with the definition of RACM defined in new Subsection (c)(35).

58. WORKSHOP COMMENT

Keeping RACM adequately wet from the moment it is uncovered until it is removed could prove prohibitively expensive and/or result in damage to the facility. The District should add “or otherwise contain” to allow other reasonable options that would be equally effective to isolate the material, especially in the event utilities are inaccessible for continuous use.

DISTRICT RESPONSE

The District disagrees. The suggested language would make the proposed rule less stringent than the NESHAP, which is not allowed by CARB or EPA.

59. WORKSHOP COMMENT

The District should clarify Subsection (f)(10) by replacing “...all RACM, Category I, and Category II Nonfriable ACM...” with “...all ACM...”

DISTRICT RESPONSE

The District agrees and has revised Subsection (f)(10) as suggested.

60. WORKSHOP COMMENT

Subsection (f)(11) requires all asbestos renovation operation containment areas to install transparent viewports. If the containment areas are offices inside of other offices, how could transparent viewports be installed?

DISTRICT RESPONSE

Subsection (f)(11) requires a transparent viewport to be installed wherever there is an open area. If containment is located where the only open area is through a three stage decontamination, then a viewport would not be required.

(g) WASTE HANDLING AND DISPOSAL

61. WORKSHOP COMMENT

Does Section (g) apply to Miramar Landfill or to Sycamore Landfill?

DISTRICT RESPONSE

No. Section (g) applies to the waste handling and disposal of Asbestos-Containing Waste Material (ACWM), and Miramar Landfill and Sycamore Landfill do not accept ACWM.

62. WORKSHOP COMMENT

Subsection (g)(2) requires that a slurry be formed from the asbestos waste off of control devices by mixing that waste with water. How does the District recommend that slurry be made from a HEPA filter from a negative air machine or filters from HEPA vacuums?

DISTRICT RESPONSE

The addition of water or soapy water onto the filters prior to removal and ultimate disposal is sufficient to create a slurry (fiber and water/soapy water mixture).

63. WORKSHOP COMMENT

Asbestos danger signs are required to be posted at all the entrances to a containment area. Do these asbestos warning signs have to be put up during set-up or as soon as the poly sheeting is put up?

DISTRICT RESPONSE

The proposed rule and the NESHAP do not require that asbestos danger signs be put up around poly sheeting containment areas. However, federal OSHA and Cal/OSHA specify the requirements for these asbestos danger signs under 29 CFR 1926.1101(k)(7) and 8 CCR 1529(k)(7), respectively.

64. WORKSHOP COMMENT

What kind of certification does the District require pursuant to Subsection (g)(11)(viii)?

DISTRICT RESPONSE

Subsection (g)(11)(viii) requires a signed declaration, from the waste generator, that the waste shipment records are accurate.

65. WORKSHOP COMMENT

Subsections (g)(12) and (g)(13) are contradictory. Subsection (g)(12) specifies that the waste shipment record shall be provided at point of disposal, while Subsection (g)(13) gives up to 35 days. The District should delete Subsection (g)(13) from the proposed rule.

DISTRICT RESPONSE

The District disagrees. It is common practice for a waste transporter to store ACWM received from a waste generator at a contained facility until enough ACWM is accumulated to economically justify delivering the waste to a certified landfill. Subsection (g)(13) requires the waste generator to track ACWM once it is delivered to a waste transporter to ensure that the waste is delivered to a certified landfill within 35 days of the date the ACWM was accepted by the initial transporter.

66. WORKSHOP COMMENT

Is it the District's intention that Subsections (g)(13) and (g)(14) cover waste shipping requirements for nonfriable asbestos as well as friable asbestos? Are these requirements new?

DISTRICT RESPONSE

The requirements specified in Subsections (g)(13) and (g)(14) for waste handling and disposal are consistent with language in the District Asbestos Rules. These are not new requirements.

Section (g) applies to the waste handling and disposal of RACM. In cases where nonfriable ACM is in poor condition or is rendered friable in the renovation or demolition process, the ACWM are considered regulated. If the waste consists of RACM, then the waste shipment requirements of Section (g) apply. If the ACWM is nonfriable, and does not have a potential to become friable, then Section (g) will not apply.

(h) TEST METHODS

67. WORKSHOP COMMENT

Is Transmission Electron Microscopy (TEM) an acceptable test method to analyze asbestos containing tiles?

DISTRICT RESPONSE

Yes, TEM is an acceptable test method.

68. WORKSHOP COMMENT

If the TEM test method is used, does the Polarized Light Microscopy (PLM) test method need to be performed first?

DISTRICT RESPONSE

No. PLM is not required to be performed prior to conducting TEM.

69. WORKSHOP COMMENT

The District should add language to Subsection (h)(1) to allow the asbestos content to be analyzed by a Department of Defense (DoD) equivalent laboratory or a DoD-contracted laboratory for work performed on U.S. military bases. This will help ensure consistency across the U.S. military and common federal standards.

DISTRICT RESPONSE

Additional language is not required because the use of a DoD equivalent laboratory is acceptable, provided it is certified by the NVLAP and asbestos content is analyzed per the test methods specified in Section (h).

70. WORKSHOP COMMENT

Subsection (h)(1)(i) should be revised to add a comma between the words “drywall” and “tape.”

DISTRICT RESPONSE

The District disagrees. The use of the comma as suggested is not appropriate since this provision was intended to address drywall tape and joint compound when used to cover joints, nail holes, and cracks.

71. WORKSHOP COMMENT

Does the District want bulk samples of drywall and associated joint compound to be analyzed as a composite sample pursuant to Subsection (h)(1)(i)?

DISTRICT RESPONSE

No. As stated in Subsection (h)(1)(i), for layered systems, each distinct layer shall be analyzed as a separate material for determining compliance with the rule. A composite sample is appropriate for drywall tape and joint compound when used to cover joints, nail holes, and cracks.

72. WORKSHOP COMMENT

Is the point counting technique verification required for asbestos material that is assumed to be RACM and will be disposed of as RACM?

DISTRICT RESPONSE

No. The point counting verification is not required. Subsection (h)(1)(iii) has been deleted from the proposed rule.

73. WORKSHOP COMMENT

Please consider slowing down the rule development process and forming a workgroup involving the affected industry and asbestos-knowledgeable professionals to develop the revised rule.

DISTRICT RESPONSE

The District will hold a second workshop in June 2017 to present, discuss, and receive input on the proposed rule. The District will be accepting additional comments at this workshop and will publish a second workshop report. Additionally, the District is available to further meet with stakeholders to discuss specific concerns regarding the proposed rule.

74. WORKSHOP COMMENT

Proposed new draft Rule 1206 should be consistent with the NESHAP. The NESHAP is well-established and any deviations should be clearly justified. There are a number of guidance materials available to help facilities comply with the requirements.

DISTRICT RESPONSE

The proposed rule was developed to further protect the public from the health risks associated with asbestos exposure. The proposed rule clarifies requirements from the NESHAP and incorporates associated standards from EPA Letters of Determination to ensure stakeholders know what is required to comply with existing standards.

The District is proposing some additional requirements than those found in the NESHAP to address a number of asbestos related violations. Other new requirements were added for consistency with asbestos regulations adopted by other air districts in California, such as SCAQMD, SMAQMD, Bay Area Air Quality Management District, and Yolo Solano Air Quality Management District.

75. CALIFORNIA AIR RESOURCES BOARD COMMENTS

CARB has no official comments at this time.

AMO:jl
04/14/17

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**REVISED DRAFT RULE 1206 –
ASBESTOS REMOVAL, RENOVATION, AND DEMOLITION**

WORKSHOP REPORT

A workshop notice on revised draft Rule 1206 – Asbestos Removal, Renovation, and Demolition, was mailed to asbestos consultants and site surveillance technicians, City and County planning and development departments, national and regional realtors, landfills, registered transporters, testing labs, demolition contractors, training consultants, and multi-family residential facilities. Notices were also mailed to all economic development corporations and chambers of commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and other interested parties.

An initial workshop was held on February 23, 2017. Oral and written comments on proposed draft Rule 1206 were received before, during, and after the workshop. A workshop report was issued on April 20, 2017, which addressed comments received prior to that point.

A second workshop was held to discuss revised draft Rule 1206 on June 1, 2017, and was attended by 80 people. Oral and written comments were received before, during, and after the workshop. A summary of the comments and the Air Pollution Control District's (District) responses to these comments are as follows:

(b) EXEMPTIONS

1. WORKSHOP COMMENT

Please clarify how to estimate the square footage of asbestos-containing pipe and asbestos-containing pipe insulation when determining applicability with the proposed rule.

DISTRICT RESPONSE

To determine if the removal of asbestos-containing pipe or asbestos-containing pipe insulation is regulated under the proposed rule, the square footage of pipe or insulation that will be disturbed shall be measured as follows:

$$A = \frac{3.14 \times L \times D}{12}$$

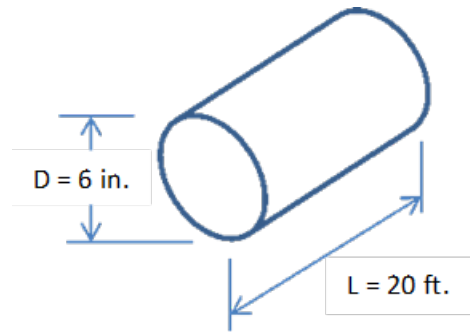
Where:

- A = Area in square feet
- L = Linear length of piping or the total length of insulation (wrap) to be cut, in feet
- D = Outside diameter of asbestos-containing pipe or pipe insulation (wrap), in inches

Example #1: pipe insulation (wrap) or when entire length of transite pipe being disturbed:

L = 20 feet of pipe insulation wrap/pipe
D = outside diameter of insulation wrap/pipe is 6 inches

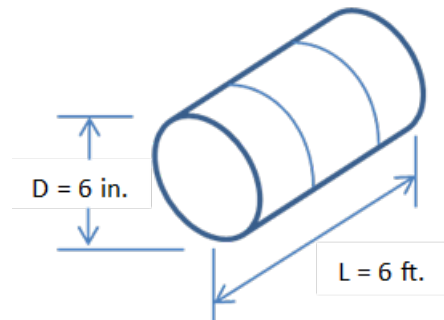
$$A = \frac{3.14 \times 20 \times 6}{12} = 31.4 \text{ ft}^2$$



Example #2: partial section of 20 feet transite pipe being disturbed:

L = 3 cuts with a length of 2 feet each = 6 total feet being cut out of a 20 ft. transite pipe
D = outside diameter of transite pipe is 6 inches

$$A = \frac{3.14 \times 6 \times 6}{12} = 9.4 \text{ ft}^2$$



(c) DEFINITIONS

2. WORKSHOP COMMENT

Why did the District remove “flooring mastics” and “adhesives” from the definition of “Category I Nonfriable ACM” found in Subsection (c)(7)? Do these materials need to be removed prior to a demolition like other Category II nonfriables? Are other materials (e.g., materials found behind mirrors, under counter tops, under ceiling tiles, or behind wallpaper or other wall coverings) considered Category II nonfriable materials?

DISTRICT RESPONSE

The EPA has issued a series of determinations to clarify how the federal Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP) applies to certain activities or situations. Floor mastics and adhesives were removed from the definition of “Category I Nonfriable ACM” in the proposed rule for consistency with EPA’s determination that all asbestos-containing mastics and adhesives are considered Category II Nonfriable Asbestos-Containing Materials (ACM).

Category II Nonfriable ACM is required to be removed from a facility prior to a renovation or demolition when it is in poor condition, or has a probability of becoming or will become crumbled, pulverized, or reduced to powder. All mastics and adhesives containing asbestos that

are not in poor condition and not likely to become crumbled, pulverized, or reduced to powder during the renovation or demolition operation are not required to be removed from a facility being renovated or demolished.

3. WORKSHOP COMMENT

Do concrete/asphalt parking lots, driveways, runways, walkways, loading docks, streets, and bridges fall under the definition of a “facility” found in Subsection (c)(16)?

DISTRICT RESPONSE

Yes. The proposed rule defines “facility” as “any institutional, commercial, public, industrial or residential structure....” EPA has determined that a bridge is a facility. Concrete/asphalt parking lots, driveways, runways, walkways, loading docks, and streets are considered facility components and regulated by the proposed rule when located on contiguous, attached or adjacent facility property.

4. WORKSHOP COMMENT

Please revise the definition of “Nonscheduled Renovation Operation” found in Subsection (c)(29) as follows: “a renovation operation, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.”

It is not clear why the nonscheduled renovation operation must be associated with the planned renovation. Also, it is not clear why “routine failure” is required. In Navy terms, it could be necessitated by a component that is worn but indefinitely serviceable, such as floor tiles, but that just becomes feasible due to funding.

DISTRICT RESPONSE

The District disagrees with the requested revision. Individual nonscheduled renovations are included in the annual notification for planned renovation if a number of such operations can be predicted to occur during a calendar year based on operating experience.

Any individual renovation activity not covered by the annual notification that is 100 square feet or more of Regulated Asbestos-Containing Material (RACM) will be subject to separate individual notification. Any smaller individual renovation activity (less than 100 square feet of RACM), not covered by the annual notification, does not need individual notification. However, if all the smaller individual renovation activities total more than 20 percent of the notified amount of RACM, a revised notification shall be submitted to the District.

A routine failure, as found in the definition of “Nonscheduled Renovation Operation,” refers to the failure of equipment (e.g., old water pipes in a ceiling bursting and leaking into an apartment unit, deteriorating ceiling tiles, boiler malfunctions, etc.) which may result in the need for RACM to be removed to address the routine failure.

5. WORKSHOP COMMENT

Please revise the definition of “Renovation Operation” found in Subsection (c)(39) as follows: “Renovation Operation” means the process of remodeling or upgrading an existing structure. This process includes the selective interior demolition and possibly some exterior demolition of a structure as the first step before renovation begins.”

DISTRICT RESPONSE

The District disagrees with the requested revision. The definition of “Renovation Operation” is consistent with the definition in the federal Asbestos NESHAP and accurately describes the asbestos removal operations that are regulated.

6. WORKSHOP COMMENT

Please explain how the proposed rule defines the “start date” of a demolition as found in Subsection (c)(41).

DISTRICT RESPONSE

The “start date” of a demolition operation is the first day that a load bearing structural member of a facility is wrecked or taken out, including the intentional burning of a facility, along with any related handling operations. For purposes of this proposed rule, related handling operations means any cutting, disjoints, stripping or removal of any suspect material associated with the wrecking or taking out of any load supporting structural member associated with a demolition.

The “start date” of a renovation operation is the first date that RACM is removed or when operations or site preparation work begins that would break up, dislodge, or similarly disturb RACM.

7. WORKSHOP COMMENT

The definition of “Suspect Material” found in Subsection (c)(44)(iv) has been amended to remove paint from the list of building materials that have a history of manufacture involving asbestos. We disagree with the District’s response to Workshop Comment No. 22 found in the previous workshop report (dated 4/14/17). The District’s response states that paints used in military application have a propensity to contain asbestos, are considered by the District to be a

suspect material, and should be surveyed at a regulated facility. The Navy has not seen any evidence that substantiates this statement. Most military paint is asbestos free as documented in the United States Military Standards (MILSPECs). We request that the District retract this statement to avoid any misunderstanding during future inspections and rule enforcement.

DISTRICT RESPONSE

The District agrees that military paint does not have a propensity to contain asbestos. Accordingly, this response supersedes the District's response to Workshop Comment No. 22 found in the previous workshop report (dated 4/14/17).

Although military paints do not typically contain asbestos and would not normally be sampled, if any paint is suspected of containing asbestos, then it should be sampled and analyzed for the presence of asbestos.

8. WORKSHOP COMMENT

Would the definition of "Suspect Material" in Subsection (c)(44)(iv) include materials made with concrete/asphalt, but not limited to walls, ceilings, floors, cementitious texture coats, parking lots, driveways, runways, walkways, stairs, stairwells, porches, loading docks, streets, and bridges?

DISTRICT RESPONSE

The definition of "Suspect Material" lists the most common examples of building materials that have a history of manufacture involving asbestos. Although asbestos is not commonly found in materials made with concrete and asphalt, the District has observed concrete and asphalt materials in the past that contained asbestos. It is the responsibility of the owner/operator of a facility to sample and analyze any materials suspected of containing asbestos in accordance with the test methods specified in Section (h) of the proposed rule.

(d) FACILITY SURVEY REQUIREMENTS

9. WORKSHOP COMMENT

Does the proposed rule require a "Procedure 5 Work Plan" and/or a facility survey to be completed prior to the removal of asbestos-containing pipe?

DISTRICT RESPONSE

A facility survey is required to determine the presence of asbestos on or in the pipes prior to removing them. However, if the pipes are presumed to contain RACM, asbestos sampling of the materials on or in the pipe is not required provided the facility survey documents that the pipes

are presumed to contain RACM, a notification is submitted, and the pipes are removed and disposed of as RACM in accordance with the proposed rule. The proposed rule does not require a specific work plan for asbestos renovations or demolitions.

10. WORKSHOP COMMENT

Are there manufacturers that provide asbestos-free certification of materials that would be adequate to meet the facility survey requirements?

DISTRICT RESPONSE

No, the presence of asbestos in suspect materials can only be determined by sampling and analyzing them in accordance with the test methods specified in Section (h) of the proposed rule. The EPA has issued several determinations reaffirming this requirement.

11. WORKSHOP COMMENT

We have new buildings certified as energy efficient. What is required to certify a building as asbestos-free? Can information from the developer and architect saying they obtained and used asbestos-free materials in the building be enough to certify the building as asbestos-free?

DISTRICT RESPONSE

See District Response to Workshop Comment No. 10 above.

12. WORKSHOP COMMENT

Would a facility survey be required if a job only consisted of removing building components such as drywall, cabinets, flooring, etc. (no load-bearing structures)?

DISTRICT RESPONSE

Yes, a facility survey is required provided the amount of RACM disturbed, as a result of the above work, exceeds the exemption thresholds stated in Section (b) of the proposed rule.

13. WORKSHOP COMMENT

Please add the following language to the end of Subsection (d)(1): “If a facility survey, performed after the renovation or demolition activity, demonstrates that no ACM is present, the facility is deemed to be in compliance with the rule and no notice of violation will be issued.”

The purpose of the requested change is to address potential situations where the inspector and the facility disagree over the presence of a suspect material, which ultimately is proven to be asbestos-free. Because the definition of “Suspect Material” is broad and subject to interpretation, it is possible that the facility may proceed with a survey that inadvertently leaves out a specific material. If that material is later tested and proved to be asbestos-free, there should be no cause for enforcement or NOV, since there was no harm to public health.

DISTRICT RESPONSE

The District disagrees with the requested language as it is not consistent with federal requirements. However, no enforcement action will be taken if a material that is not listed as a “suspect material” per Subsection (c)(44) is not surveyed prior to a renovation or demolition and is later found to not contain asbestos.

If the facility owner/operator has any questions regarding a specific material, they can either consult with the District or sample and analyze the material for the presence of asbestos in accordance with the test methods specified in Section (h) of the proposed rule.

14. WORKSHOP COMMENT

Please revise Subsection (d)(1) to state that, “a facility survey needs only to be conducted on the area to be disturbed, as opposed to the entire building if the entire building will not be disturbed.”

DISTRICT RESPONSE

The District disagrees that the requested wording is necessary. Subsection (d)(1) already states only “suspect materials that will be removed, stripped, or disturbed by the renovation or demolition operations shall be sampled and analyzed for asbestos content.” Accordingly, a facility survey is not required of suspect materials in a facility if there is no renovation or demolition.

15. WORKSHOP COMMENT

Please remove the language in Subsection (d)(1) that requires facility surveys to be no older than three years. The cost to pay for surveys every three years is exorbitant and unnecessary. As long as the survey covers the material being demolished/renovated and no major changes to the structure have occurred since the survey was completed, the survey should be valid and relevant.

DISTRICT RESPONSE

The District agrees and has deleted the proposed three year limitation for facility surveys.

16. WORKSHOP COMMENT

Subsection (d)(3) should be revised as follows: “For emergency demolition operations, a facility survey shall be required to determine the presence or absence of ACM prior to the removal of any debris.”

DISTRICT RESPONSE

The District disagrees. Pursuant to federal requirements, the District requires that a facility survey be conducted of all facilities prior to a demolition. However, emergency demolition operations are unique operations where demolition work must begin immediately to avoid public safety or health hazards for a structurally unsound facility in danger of imminent collapse. As a result, the District provides a different timeline to submit notifications and conduct the facility surveys for these emergency demolition operations.

17. WORKSHOP COMMENT

Subsection (d)(4) should require individuals conducting facility surveys to maintain a valid and *current* EPA-approved Building Inspector Course certificate.

DISTRICT RESPONSE

The District agrees and has revised Subsection (d)(4) as recommended.

18. WORKSHOP COMMENT

The California Division of Occupational Safety and Health (Cal/OSHA) requires that a Certified Asbestos Consultant (CAC) be involved when there is over 100 square feet of material being sampled for asbestos. Can the proposed rule specify when an individual conducting a facility survey is required to be a CAC or required to take and pass an EPA-approved Building Inspector Course?

DISTRICT RESPONSE

The proposed rule requires persons conducting facility surveys to have taken and passed a current EPA-approved Building Inspector Course.

The District is responsible for enforcing the federal Asbestos NESHAP but has no jurisdiction over and does not enforce Cal/OSHA requirements. It is the responsibility of an owner/operator to comply with all other applicable regulations that are enforced by other regulatory agencies (e.g., Department of Environmental Health, Cal/OSHA, etc.).

19. WORKSHOP COMMENT

If you have a certified building inspector conducting a facility survey and is taking samples of suspect materials from multiple apartment units, would the inspector have to sample the same material in each apartment unit even if the material is homogeneous?

DISTRICT RESPONSE

No. Individuals conducting a facility survey will be required to take representative samples of each type of homogenous suspect material located at a facility. Each unit does not have to be sampled if it contains the same types of homogenous materials.

(e) NOTIFICATION REQUIREMENTS

20. WORKSHOP COMMENT

Would the removal of asbestos-containing pipe require a notification if the asbestos-containing pipe is nonfriable and is not likely to be rendered friable during its removal?

DISTRICT RESPONSE

A notification is not required for the removal of the asbestos-containing pipe if it is not in poor condition and does not have a probability of becoming or has not become pulverized, or reduced to powder by the forces expected to act on the pipe during the renovation or demolition operation.

21. WORKSHOP COMMENT

Can the requirement to submit notifications 10 working days in advance be waived for an emergency demolition?

DISTRICT RESPONSE

Yes. Emergency demolitions and renovations, as defined per Subsections (c)(13) and (c)(14), respectively, are not subject to the 10 working day notification requirement. Instead, Subsection (e)(5)(iii) specifies the timing of these notification submittals.

22. WORKSHOP COMMENT

May a single notification form be submitted for a combined renovation and demolition project?

DISTRICT RESPONSE

Yes. The District prefers receiving a single notification form whenever renovation and demolition operations occur at the same facility because it expedites notification processing. Nevertheless, the owner/operator may submit separate notifications for combined renovation and demolition projects if preferred.

23. WORKSHOP COMMENT

If you have material presumed to be nonfriable ACM, is a facility survey (sampling) and notification for the presence and removal of asbestos required?

DISTRICT RESPONSE

Sampling of materials presumed to contain RACM is not required for any renovation or demolition operation provided the facility survey documents that the materials are presumed to contain RACM, a notification is submitted, and the materials are removed and disposed of as RACM in accordance with the proposed rule.

24. WORKSHOP COMMENT

What if there was a fire or other natural disaster that affected a structure and the owner did not do anything with the structure for a while? Is this facility regulated by the proposed rule?

DISTRICT RESPONSE

If the fire or other natural disaster did not result in the complete destruction of the structure and a demolition of the remaining structure must take place, then the proposed rule would apply. However, if the fire or other natural disaster resulted in the complete destruction of the structure, then the proposed rule would not apply.

Please be aware that even where complete destruction of the structure has occurred, building debris determined to contain asbestos, and posing a threat to the public, may be subject to District Rule 51 – Nuisance. The owner/operator must properly remove the asbestos-containing debris according to the applicable requirements of other regulatory agencies.

25. WORKSHOP COMMENT

The proposed notification requirements specified in Subsection (e)(7), as they apply to planned renovations, are not practical, and in some cases not possible to comply with for a military facility. Although many military facility Asbestos Program Managers know from experience that their bases will have multiple nonscheduled renovations, they usually do not have sufficient

specificity a year in advance to prepare an annual notice that complies with all the provisions of Subsection (e)(7). We are requesting streamlined notification requirements for small nonscheduled planned renovations.

DISTRICT RESPONSE

The District understands that information submitted in a planned notification may change during the course of a calendar year. For planned renovation operations, the notification form should be completed based on prior operating experience and with the most accurate information available at the time of submittal. If there are any updates (e.g., related to the start/end dates, quantity of regulated asbestos to be removed, removal/renovation contractor, work practice, engineering controls, etc.) after the notification is submitted, then the facility must submit notification updates or a revision.

Please be aware that the proposed rule only requires a revised notification when there is a change in the start date or if the amount of RACM to be removed increases by at least 20 percent. Further, any individual scheduled renovation of 100 square feet or more of RACM that is not covered by a planned renovation notification will require a separate notification.

Additionally, the District is developing a service for submitting electronic asbestos notifications and online payments, which can make the notification process more convenient for regulated facilities.

(f) PROCEDURES FOR ASBESTOS EMISSION CONTROL

26. WORKSHOP COMMENT

Subsection (f)(1) specifies conditions under which RACM does not have to be removed prior to a demolition. According to the definition of “Regulated Asbestos-Containing Material (RACM)”, the specified conditions would not qualify as RACM. The District should replace RACM with ACM in Subsection (f)(1).

DISTRICT RESPONSE

The District disagrees. The language is consistent with that found in the federal Asbestos NESHAP.

27. WORKSHOP COMMENT

Subsections (f)(1)(i) and (f)(1)(ii) specify when Category I Nonfriable ACM and Category II Nonfriable ACM do not need to be removed from a facility prior to a demolition. If a wrecking ball or bulldozer hits the side of a building, would that be considered a mechanical removal that would render the above mentioned ACM regulated?

DISTRICT RESPONSE

Yes, a wrecking ball or a bulldozer is considered a mechanical removal and is likely to render Category I Nonfriable ACM and Category II Nonfriable ACM regulated.

28. WORKSHOP COMMENT

Under what circumstances could ACM be left in place during a demolition?

DISTRICT RESPONSE

All Category I Nonfriable ACM and non-cementitious Category II Nonfriable ACM not in poor condition can remain in place during a demolition because these materials exhibit physical characteristics that make them unlikely to be rendered friable. For example, Category I Nonfriable ACM roofing material (e.g., asphalt tiles) in good condition can remain in place during a demolition. By contrast, cementitious based Category II Nonfriable ACM roofing material (e.g., transite roof tiles) must be removed prior to a demolition. Similarly, all Category I and II Nonfriable ACM that are in poor condition must be removed before a demolition. EPA has determined that these materials have a tendency to become friable during a demolition.

29. WORKSHOP COMMENT

The District should allow the use of translucent leak-tight wrapping to be used for asbestos emission control. Navy instructions require that asbestos waste bags be color coded for easy recognition of hazards. Currently, the Navy uses translucent blue asbestos waste bags not just locally, but worldwide.

DISTRICT RESPONSE

The purpose of requiring clear bags is to allow the inspector to determine that the RACM inside a bag is kept adequately wet. Translucent (semi-transparent) bags will be allowed as long as the inspectors can verify that the contents of the bag are adequately wet in situations where wetting is required. A definition for “Clear Leak-Tight Wrapping” has been added in proposed Subsection (c)(9) to clarify.

30. WORKSHOP COMMENT

The District should add a requirement that a competent person trained with a 5-day Asbestos Hazard Emergency Response Act (AHERA) Contractor Supervisor Course be on site during demolition activities. This may help resolve the problem of how to properly respond when additional suspect material is uncovered during a renovation or demolition.

DISTRICT RESPONSE

A trained onsite supervisor as specified in Subsection (f)(8) is only required during the removal of RACM. An owner/operator may choose to have trained personnel onsite during other renovation or demolition activities if there is a likelihood that additional suspect materials will be uncovered. Please be aware that it is the owner/operator's responsibility to ensure that a thorough facility survey is conducted to determine the presence of asbestos and to ensure that all RACM is removed prior to a renovation or demolition.

(h) TEST METHODS

31. WORKSHOP COMMENT

Can the point counting technique be used for all materials?

DISTRICT RESPONSE

Yes. The point counting technique may be used to determine or verify the presence of asbestos in any material.

GENERAL QUESTIONS

32. WORKSHOP COMMENT

During the workshop, the District stated that additional meetings will take place after the rule is adopted to further educate owners/operators. Will notifications for these meetings be sent out via e-mail, or will they be available through the website?

DISTRICT RESPONSE

If the Air Pollution Control Board adopts the proposed rule, then the District will set up additional training sessions to assist the public in complying with the rule. Notification of these training sessions will be e-mailed to all workshop participants and will also be available on the District's website.

Additionally, District staff is available to conduct training sessions at a facility's site. Onsite training sessions can be arranged by contacting Matthew Allison at (858) 586-2678 or matthew.allison@sdcounty.ca.gov.

33. WORKSHOP COMMENT

Is there a transition plan for renovation and demolition projects that are already entering in the design or construction phase while the proposed rule is in the approval process?

DISTRICT RESPONSE

Presently, all renovations and demolitions are subject to the existing District Asbestos Rules (Rules 361.140 through 361.156) and the federal Asbestos NESHAP. If the proposed new rule is adopted, all renovations and demolitions for which notifications are submitted on or after the date of rule adoption will be subject to the new rule.

AMO:jl
08/09/17

RULE 1206. ASBESTOS REMOVAL, RENOVATION, AND DEMOLITION
(Adopted & Effective *(date of adoption)*)

(a) **APPLICABILITY**

Except as otherwise provided in Section (b), this rule is applicable to owners and operators of any renovation or demolition operation.

(b) **EXEMPTIONS**

(1) ~~This~~ The provisions of this rule shall not apply to the following:

(i) The renovation of a facility involving the disturbance of any combination of building materials in any consecutive 365-day period totaling less than 100 square feet ~~for~~ on facility components, and less than 20 cubic feet for materials removed from facility components where the area could not be measured prior to removal, stripping, or disturbance.

(ii) Renovation or demolition operations conducted:

(A) at a residential building or structure that contain four or fewer dwelling units.

(B) ~~on recreational vehicles.~~ at a single mobile, manufactured, or modular home. The relocation of one residential mobile, manufactured, or modular home by its owner and resident is not considered a demolition operation.

(C) ~~at mobile, manufactured, or modular structures that are immediately ready for road travel and can easily be relocated or moved without disturbance of a structural member. The relocation of one residential mobile, manufactured, or modular home by its owner and resident is not considered a demolition operation.~~

Subsection (b)(1)(ii) This exemption does not apply to: 1) a group of residential structures meeting the definition of an installation, even when there are four or fewer dwelling units in each building; or 2) to a single residential structure(s) or group of residential structures, including mobile, manufactured, or modular structures, used for any institutional, commercial, public, or industrial purpose.

(iii) Renovation or demolition operations conducted on recreational vehicles.

(iv) The movement or relocation of mobile, manufactured, or modular structures that are immediately ready for road travel, when they can be easily relocated or moved without disturbance of a structural member.

(2) The provisions of Subsection (d)(1) and (d)(4) shall not apply to any renovation or demolition operation where suspect materials are handled and disposed of as regulated asbestos-containing material (RACM).

~~(2-3) The provisions of Subsections (d)(1) and (f)(1) through (f)(7) shall not apply to a facility being demolished under the written order of a federal, state, or local government agency, and considered an emergency demolition operations, as defined in Subsection (e)(14).~~

~~(3-4) The provisions of Sections (e), (f) and (g) shall not apply to renovation operations in which the amounts of regulated asbestos-containing material (RACM), as documented in the facility survey, to be removed, stripped, or disturbed at a facility in any one consecutive 365-day period measure (or will measure during a calendar year, for planned renovations) less than 100 square feet on facility components, and less than 20 cubic feet removed from facility components where the area could not be measured prior to removal, stripping, or disturbance.~~

~~(4-5) The provisions of Sections (f) and (g) shall not apply to demolition operations in which the amounts of RACM, as documented in the facility survey, to be removed, stripped, or disturbed at a facility in any one consecutive 365-day period measure less than 100 square feet on facility components, and less than 20 cubic feet removed from facility components where the area could not be measured prior to removal, stripping, or disturbance.~~

(c) **DEFINITIONS**

For the purposes of this rule, the following definitions shall apply:

(1) **“Abrading”** means to rub or wear away by means of mechanical action or friction.

(2) **“Adequately Wet”** means sufficiently mixed with a liquid or penetrated by a liquid to prevent the release of particulate matter. If visible emissions are observed coming from RACM, then the RACM has not been adequately wet. However, the absence of visible emissions coming from RACM is not sufficient evidence of being adequately wet.

(3) **“Asbestos”** means the asbestiform variety of six naturally occurring hydrated silicate minerals; these include chrysotile, the asbestiform member of the serpentine group, and five minerals of the amphibole group: (1) crocidolite, the asbestiform variety of riebeckite, (2) amosite, the asbestiform variety of cummingtonite-grunerite, (3) anthophyllite asbestos, (4) actinolite asbestos, and (5) tremolite asbestos.

(4) **“Asbestos-Containing Materials (ACM)”** means any material that contains more than one percent asbestos including ~~includes~~ Friable ACM, Category I Nonfriable ACM and Category II Nonfriable ACM.

(5) **“Asbestos-Containing Waste Material (ACWM)”** means any waste that contains or is contaminated with RACM generated by a facility subject to this rule. ACWM includes, but is not limited to, RACM stripped or removed from a facility or a facility component, any materials, soils, and/or debris contaminated with RACM including equipment and clothing, RACM waste and filters from control devices, particulate asbestos material, RACM slurries, bags, packages and containers that previously contained RACM.

(6) **“ACWM Disposal Site”** means any location where ACWM has been abandoned, buried, covered, deposited, or stored. This term includes locations with ACWM where the original source and date of generation cannot be determined.

~~(7) **“Cal/OSHA Certified Asbestos Consultant”** means an asbestos consultant as defined in California Business and Professions Code Section 7181 that is certified by Cal/OSHA pursuant to Section 341.15 of Title 8 of the California Code of Regulations. This includes any person who contracts to provide professional health and safety services relating to ACM, including building inspection, abatement project design, contract administration, sample collection, preparation of asbestos management plans, and clearance air monitoring.~~

~~(8) **“Cal/OSHA Certified Site Surveillance Technician”** means a site surveillance technician as defined in California Business and Professions Code Section 7182 that is certified by Cal/OSHA pursuant to Section 341.15 of Title 8 of the California Code of Regulations. This includes any person who acts as an independent onsite representative of a Cal/OSHA Certified Asbestos Consultant who monitors the asbestos abatement activities of others, provides asbestos air monitoring services for area and personnel samples, and performs building surveys and contract administration at the direction of an asbestos consultant.~~

(9-7) **“Category I Nonfriable ACM”** means asbestos-containing packings, gaskets, resilient floor coverings, ~~flooring mastics and adhesives,~~ and asphalt roofing products, that when dry cannot be crumbled, or reduced to powder by hand pressure, and that contain more than one percent asbestos.

(10-8) **“Category II Nonfriable ACM”** means any material, excluding Category I Nonfriable ACM, that when dry cannot be crumbled, pulverized, or reduced to powder by hand pressure, and that contains more than one percent asbestos.

(11-9) **“Cutting”** means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

(12-10) **“Demolition Operation”** means 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.

(13-11) **“District”** means the San Diego County Air Pollution Control District.

(14-12) **“Emergency Demolition Operation”** means any demolition under order of a federal, state, or local government agency when such order is issued for a structurally unsound facility in danger of imminent collapse.

(15-13) **“Emergency Renovation Operation”** means an unplanned renovation operation resulting from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard. This includes, but is not limited to:

- (i) Renovations due to fire, water, or earthquake damage; or
- (ii) An unanticipated discovery of RACM during renovation, demolition, or construction activity; or
- (iii) The conversion of previously nonfriable asbestos containing material to friable material during the course of a renovation; or
- (iv) Operations necessary to protect equipment from damage.

(16-14) **“EPA”** is the United States Environmental Protection Agency.

(17-15) **“Facility”** means 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 ACWM disposal site.

(18-16) **“Facility Component”** means any part of a facility and includes equipment located at a facility.

(19-17) **“Facility Survey”** means a thorough inspection for asbestos of the affected facility or part of a facility where the renovation or demolition operation will occur, ~~as required by Section (d).~~

(20-18) **“Friable ACM”** means any material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure and that contains more than one percent asbestos.

(21-19) **“Glove-Bag System”** means asbestos removal bags designed to form a leak-tight enclosure around ACM being removed. The system includes internal sleeves for arms and hands for workers removing ACM.

(22-20) **“Grinding”** means to reduce to powder or small fragments and includes mechanical chipping or drilling.

(23-21) **“Group”** means more than one.

(24-22) **“Installation”** means ~~any building or structure or any group of buildings or structures~~ (including mobile, manufactured or modular structures) that are under the control of a common owner or operator that are:

- (i) on a contiguous parcel of land; or
- (ii) not on the same contiguous parcel of land when they are involved in a coordinated project.

(25-23) **“Leak-tight”** means that solids, dust, or liquids cannot escape or leak out.

(26-24) **“Locked”** means securely closed and able to be opened only with a key, biometric access, or access code.

(27-25) **“Mobile Home”** or **“Manufactured Home”** means a residential structure, ~~installation, or building~~ that is:

- (i) transportable in one or more sections,
- (ii) built on a permanent chassis, and
- (iii) designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and contains one or more of the following: plumbing, heating, air conditioning, or electrical systems.

(28-26) **“Mobile, Manufactured, and Modular Structures”** means any institutional, commercial, public, industrial or residential structure, installation, or building that:

- (i) is transportable in one or more sections,
- (ii) has a permanent chassis, a foundation, or any other load supporting structure, and
- (iii) contains one or more of the following required utilities: plumbing, heating, air conditioning, or electrical systems.

(29-27) **“Modular Home”** means a mobile or manufactured home that is prefabricated and that is not built on a permanent chassis.

(30-28) **“Nonscheduled Renovation Operation”** means a renovation operation necessitated by the routine failure of equipment or facility components associated with a planned renovation, which is expected to occur within a ~~given period~~ calendar year based on past operating experience, but for which an exact date cannot be predicted.

(31-29) **“Outside Air”** means the air outside of buildings or structures.

(32-30) **“Owner or Operator”** means any person, business, association, organization, or entity that owns, leases, operates, controls, or supervises the facility being renovated or demolished; or any person, business, association, organization, or entity that ~~owns, leases, operates, conducts,~~ controls, or supervises the renovation or demolition operation; or both.

(33-31) **“Particulate Asbestos Material”** means finely divided particles of asbestos or a material containing asbestos.

(34-32) **“Planned Renovation Operation”** is a renovation, or a number of such operations, in which the amount of RACM that will be removed or stripped within a ~~given period of time~~ calendar year can be predicted. Individual nonscheduled renovations are included if a number of such operations can be predicted to occur during a ~~given period of time~~ calendar year based on operating experience.

(35-33) **“Poor Condition”** means the binding of a material is losing its integrity. Evidence of being in poor condition includes, but is not limited to, peeling, cracking, exfoliating, fragmenting, weathering, being broken into smaller pieces, or crumbling of the material.

(~~36-34~~) **“Recreational Vehicles”** means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy that is built on a single chassis and is immediately ready for road travel by being self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(~~37-35~~) **“Regulated Asbestos-Containing Material (RACM)”** means:

- (i) Friable ACM;
- (ii) Category I Nonfriable ACM that is in poor condition or has become friable;
- (iii) Category I Nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading;
- (iv) Category II Nonfriable ACM that is in poor condition, or has a probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material while onsite at the facility where the renovation or demolition operations occur; or
- (v) Any ACM that contains more than one percent asbestos and has been damaged by fire.

(~~38-36~~) **“Related Handling Operations”** means any cutting, disjoints, stripping or removal of any suspect material associated with the wrecking or taking out of any load supporting structural member associated with a demolition.

(~~39-37~~) **“Remove”** means to take out ACM or facility components that contain or are covered with ACM from a facility.

(~~40-38~~) **“Renovation Operation”** means altering a facility or any facility components in any way, including the stripping or removal of RACM from a facility or facility component, or the removal of ACWM from a facility.

(~~41-39~~) **“Resilient Floor Covering”** means asbestos containing floor tile, including, but not limited to, asphalt and vinyl floor tile, and sheet vinyl floor covering.

(~~42-40~~) **“Start Date”** means, for a renovation operation, the first date that RACM is removed or when operations or site preparation work begins that would break up, dislodge, or similarly disturb RACM. The start ~~day-date~~ of a demolition operation is the first ~~date~~ day that a load bearing structural member of a facility is wrecked or taken out, including the intentional burning of a facility, along with any related handling operations.

(43-41) **“Strip”** means to take RACM off any part of a facility or facility component.

(44-42) **“Structural Member”** means any load-supporting member of a facility including, but not limited to, beams, load supporting walls, headers, joists, posts, rafters, or any non-load supporting members including, but not limited to, ceilings and non-load supporting walls.

(45-43) **“Suspect Material”** means any material with a propensity to contain:

- (i) RACM;
- (ii) Category I Nonfriable ACM;
- (iii) Category II Nonfriable ACM; or

(iv) Building materials that have a history of manufacture involving asbestos, including, but not limited to: floor tiles, floor mastics and adhesives, linoleum, sheet vinyl flooring, paper backing on sheet vinyl flooring, thermal paper products, roofing materials (tiles, asphalt, putty, felts, mastics), fireproofing, siding and siding shingles, furnace and boiler components, furnace and stove vents, walls and floors and ceilings around furnaces and boilers, air ducts and air duct connections, duct wrap, insulating materials, packings, gaskets, ~~paints~~, wallboard materials (including tape, joint compounds, and texturing compounds), plaster, stucco, ceiling tiles, acoustic tiles, spray on acoustic ceiling material, concrete pipes, and pipe insulation.

(46-44) **“Visible Emissions”** means any emission, or evidence of emissions, including, but not limited to: dust, debris, particles, or fibers coming from any RACM or ACWM that are visually detectable without the aid of instruments. Visible emissions include, but are not limited to, any RACM or ACWM found outside of contained work areas or outside the containers specified by Subsection (g)(4).

(47-45) **“Waste Generator”** means any owner or operator of a facility covered by this rule whose act or process produces ACWM.

(48-46) **“Waste Shipment Record”** means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of ACWM.

(49-47) **“Working Day”** means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

(50-48) **“Wrecking Operation”** means any disturbance of building materials associated with an emergency demolition.

(51-49) **“Wrecking or Taking Out”** means the removal of a facility structural member with the intent to destroy a facility or facility structural member. Altering or re-supporting a facility structural member is not considered wrecking or taking out.

(d) **FACILITY SURVEY REQUIREMENTS**

(1) Except as provided in Subsection (d)(4) below, prior to commencement of renovation or demolition operations and prior to submitting the notifications required by Section (e), a facility survey shall be performed to determine the presence or absence of ACM, regardless of the age of the facility. Suspect materials that will be removed, stripped, or disturbed by the renovation or demolition operations shall be sampled and analyzed for asbestos content. ~~The facility survey shall be provided when~~ Once the renovation or demolition notification is ~~is~~ has been submitted to the District, the facility survey shall be made immediately available to the District upon request. This facility survey must be no more than three years old.

(2) A complete copy of the facility survey shall be maintained onsite for the duration of the renovation and/or demolition operation, and shall be made available to the District upon request. An electronic version of the facility survey is acceptable.

(3) After the conclusion of the renovation or demolition operation, the owner or operator of such operation shall maintain a copy of the facility survey for a period of three years and shall make that copy available to the District upon request.

(4) For emergency demolition operations, a facility survey to determine the presence or absence of ACM shall be completed prior to the removal of any debris and within two working days of when the structure is no longer in danger of imminent collapse. The Air Pollution Control Officer may grant an extension on a case by case basis, provided the extension request is received by the District prior to the removal of any debris. All suspect materials shall be sampled and analyzed for asbestos content, or shall be assumed to be RACM. The facility survey shall be maintained onsite for the duration of the emergency demolition operation and shall be made available to the District upon request.

(5) ~~Persons conducting facility surveys shall be either a Cal/OSHA certified asbestos consultant or a Cal/OSHA certified site surveillance technician, and shall have taken and passed an EPA-approved Building Inspector Course. The facility survey shall conform to the procedures outlined in the EPA-approved Building Inspector Course.~~

(6) The facility survey shall be documented in writing with the following information:

(i) Facility information including the name of the building (if any), the building address and the building owner's address and telephone number;

(ii) Information about the person conducting the facility survey including his/her name and title, the name, address and telephone number of the company the person works for, and a written statement of the qualifications of the person who conducted the facility survey demonstrating compliance with Subsection (d)(5);

(iii) The date(s) that the facility survey was conducted;

(iv) A listing, location, and percent content of asbestos of all suspect materials sampled and analyzed or assumed to be RACM, ~~a sketch of the location(s) of each suspect material, and the location of each sample taken;~~

(v) The name, address and telephone number of the laboratory performing analyses of the samples for asbestos content;

(vi) A statement of the qualifications of the laboratory that conducted the analyses, demonstrating compliance with Section (h);

(vii) A list of the test methods used to determine asbestos content, demonstrating compliance with Section (h);

~~(viii) The amounts and condition of each ACM and/or ACWM identified by the facility survey, or a statement by the person conducting the facility survey that no ACM or ACWM were identified at the facility that will be, or could be, disturbed by the renovation or demolition operations;~~

~~(ix) A categorization of each ACM identified by the facility survey as friable asbestos material, Category I Nonfriable ACM, or Category II Nonfriable ACM; and~~

~~(x) A general description of the condition of the facility including, but not limited to, any known fire or structural damage.~~

(e) **NOTIFICATION REQUIREMENTS**

(1) Notifications. Each owner or operator of a renovation or demolition operation to which this rule applies shall notify the District, in writing, with District-approved notification forms. The notification forms shall be filled out completely and accurately. Notification forms that are inaccurate or missing information are invalid and will be rejected.

(2) Submittal of Notifications. Notifications shall be electronically received, postmarked, or delivered at the District office.

(3) Effective Date of Notifications. The effective date of the notification is the date of receipt of the notification at the District office, or the date of the notification postmark if the notification is received by the District no later than three working days from the postmark date.

(4) Payment. All notifications shall be fully paid in accordance with District Rule 40 – Permit and Other Fees, within one working day of the effective date of the notification. If payment is not received prior to the close of business of the next ~~within one~~ working day after ~~of~~ the effective date of the notification, the notification will be invalid and shall be rejected.

(5) Timing of Notifications

(i) Renovation or Demolition Operation. Unless otherwise stated in Subsections (e)(5)(ii) and (e)(5)(iii) below, notification forms shall be submitted no later than 10 working days prior to the start of the renovation or demolition operation. Work may begin on the eleventh day after 10 working days have passed from the effective date of the notification.

(ii) Planned Renovation – Annual Notification. Notifications shall be submitted ~~no later than 10 working days prior to the start of~~ by December 17 of the year preceding the calendar year for which notice is being given for planned renovation activities ~~involving nonscheduled renovation operations where the amount of RACM to be removed, stripped or disturbed totals 100 square feet or more on facility components, or 20 cubic feet or more from facility components where the area could not be measured prior to removal, stripping, or disturbance.~~

(iii) Emergency Renovation or Emergency Demolition. Notifications shall be submitted and approved by the District prior to the close of business of the next ~~within one~~ working day after the start of any emergency renovation or emergency demolition.

(6) Cancellations. Refunds of asbestos notification fees shall be issued, less a \$60 cancellation fee, only if a cancellation notice is received by the District by noon on the working day prior to the notification start date of the renovation or demolition operation. A refund will not be issued if the notice of cancellation is received by the District on or after the notification start date.

(7) Notification Information Requirements. All notifications shall include, at a minimum, the following information:

- (i) The name and company of the person completing the notification form.
- (ii) The type of notice (i.e., whether the notice is an original notification, a revision to an existing notification, including the type of revision, or a cancellation of an existing notification).
- (iii) Type of operation (i.e., whether the operation(s) is a renovation, demolition, emergency renovation, emergency demolition, or planned renovation).
- (iv) The facility name, address, building number, suite number, room number, city, state, and zip code.
- (v) The facility owner's name, address, city, state, zip code, contact person and title, and phone number.
- (vi) The removal contractor's name, address, city, state, zip code, contractor's license number, contact person and title, and phone number.
- (vii) The demolition contractor's name, address, city, state, zip code, contractor's license number, contact person and title, and phone number.
- (viii) A description of the facility, including the number of floors, the number of dwelling units, age of the facility, and the past and present use of the facility.
- (ix) Scheduled start and completion dates of renovation operations and/or of demolition operations.
- (x) The work practices, equipment, and engineering controls to be used in demolition operations.

(xi) Description of procedures to be followed in the event that unexpected RACM is found or any Category I Nonfriable ACM or Category II Nonfriable ACM becomes crumbled, pulverized, broken into smaller pieces, or reduced to powder.

(xii) The name, address, city, state, zip code, contact person and title, and phone number of the waste transporter for all demolition debris containing no asbestos.

(xiii) The name, address, city, state, zip code, and phone number of the waste disposal site for all demolition debris containing no asbestos.

(xiv) For emergency demolition operations, the name, title, and authority of the federal, state or local government representative who has ordered the demolition, the date the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification.

(xv) For emergency renovation operations, the date and hour that the emergency occurred, a description and photos of the sudden unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage.

(xvi) A certification that at least one person trained in accordance with Subsection (f)(8) will supervise the stripping and removal described by this notification.

(xvii) Information about the individual conducting the facility survey including: name, company, title, mailing address and phone number, ~~and the Cal/OSHA certification number for certified asbestos consultants or certified site surveillance technicians,~~ and the certification number for the EPA-Approved Building Inspector Course passed by the individual.

(xviii) The condition of each ACM identified by the facility survey to be removed, stripped, or disturbed, or a statement that no ACM to be disturbed by renovation or demolition operations has been identified at the facility.

(xix) The procedure(s), including analytical methods, used to detect the presence of RACM, Category I Nonfriable ACM, and Category II Nonfriable ACM.

(xx) For all ACM to be removed, stripped, or disturbed, the categorization of each material containing more than one percent asbestos as friable ACM, Category I Nonfriable ACM, or Category II Nonfriable ACM.

(xxi) A description of the facility components containing ACM to be removed, stripped, or disturbed.

(xxii) An estimate for the total amount of ACM to be removed, stripped, or disturbed from the facility including the surface area in square feet on other facility components, or volume in cubic feet if square footage cannot be established in the course of renovation or demolition operations regulated by this rule.

(xxiii) The specific work practices, equipment, and engineering controls that will be used to remove each ACM.

(xxiv) The name, address, city, state, zip code, contact person and title, and phone number of the waste transporter for all ACWM.

(xxv) The name, address, city, state, zip code, and phone number of the waste disposal site for all ACWM.

(8) Expirations of Notifications for Renovation and Demolition Projects. Notifications for renovation and demolition projects shall expire within 365 days from the effective date of the original notification. If a renovation or demolition project is to exceed 365 days, a new notification must be submitted to the District no later than 10 working days prior to expiration, in accordance with the requirements in this section.

(9) Revisions to Current Notifications. ~~All notifications~~ A revised notification form, along with associated fees, shall be updated-received by the District when any of the following conditions arise:

(i) Change in Quantity of Asbestos. An increase in the quantity of RACM by 20 percent or more from the notified amount (including planned renovation notifications) shall be reported to the District. A revised notification shall be received before the removal of the increased amount of asbestos.

(ii) Postponed Start Date. A delay in the start date of any renovation or demolition operation shall be reported to the District by a revised written notification as soon as the information becomes available and before the original start date.

(iii) Earlier Start Date. A change in the start date of any renovation or demolition operation to an earlier start date shall be reported to the District, in writing, no later than 10 working days prior to the start of any renovation or demolition operation.

(f) **PROCEDURES FOR ASBESTOS EMISSION CONTROL**

Each owner or operator of a renovation or demolition operation to which this rule applies shall comply with the following procedures:

(1) Remove all RACM from a facility being renovated or demolished before starting any activity that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. For a demolition operation, cementitious based Category II Nonfriable ACM shall be removed. RACM does not need to be removed before demolition if:

(i) ~~It meets the definition of~~ The RACM is Category I Nonfriable ACM and the material that is not in poor condition and is not friable; or

(ii) ~~It meets the definition of~~ The RACM is Category II Nonfriable ACM that is not in poor condition and there is a low probability the materials will not become crumbled, pulverized, or reduced to powder. This includes, but is not limited to, paint or electric wire insulation. ~~Cementitious based Category II Nonfriable ACM shall be removed before the demolition;~~ or

(iii) It is on a facility component that is encased in concrete or other similarly hard material, and the materials will not become crumbled, pulverized, or reduced to powder, and the material is adequately wet whenever exposed during demolition; or

(iv) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as ACWM and kept adequately wet at all times until disposed of.

(2) When a facility component that contains, is covered with or is coated with RACM is being taken out of the facility as a unit or in sections:

(i) All RACM exposed during cutting or disjoining operations shall be adequately wet; and

(ii) Each unit or section must be carefully lowered to the floor or to ground level by not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.

(3) When RACM is stripped from a facility component while it remains in place at the facility, the RACM must be kept adequately wet during the stripping operation.

(i) In renovation operations, wetting is not required if:

(A) The owner or operator has obtained prior written approval from the District based on a written application that wetting to comply with this paragraph would unavoidably damage equipment or present a safety hazard. A copy of the District's written approval shall be kept at the worksite and made available for inspection; and

(B) The owner or operator uses one of the following emission control methods:

(1) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air and be designed and operated in accordance with the requirements in 40 CFR, Part 61, Section 61.152; or

(2) A glove-bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials; or

(3) All RACM is contained by clear leak-tight wrapping prior to dismantlement.

(ii) In renovation operations where wetting would result in equipment damage or a safety hazard, and the methods allowed in Subsection (f)(3)(i)(B) cannot be used, another method may be used after obtaining written approval from the District based upon a determination that it is equivalent to wetting in controlling emissions or to the methods allowed in Subsection (f)(3)(i)(B). A copy of the District's written approval shall be kept at the worksite and made available for inspection.

(4) After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections pursuant to Subsection (f)(2), it shall be stripped or contained in clear leak-tight wrapping, except as described in Subsection (f)(5). If stripped, either:

(i) The RACM must be kept adequately wet during stripping while carefully lowering each section to the floor and to the ground level, while not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM that would exhibit visible emissions; or

(ii) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping shall be used. The system shall not exhibit any visible emissions to the outside air and shall be designed and operated in accordance with the requirements in 40 CFR, Part 61, Section 61.152.

(5) For large facility components such as reactor vessels, large tanks and steam generators, but not beams (which must be handled in accordance with Subsections (f)(2) thru (f)(4)), the RACM is not required to be stripped if the following requirements are met:

(i) The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM; and

(ii) The component is encased in a clear leak-tight wrapping; and

(iii) The clear leak-tight wrapping is labeled according to Subsection (g)(5) during all loading and unloading operations and during storage.

(6) For all RACM, including material that has been removed or stripped:

(i) The material must be kept adequately wet until collected and contained or treated in preparation for disposal in accordance with Section (g).

(ii) RACM contained in clear leak-tight wrapping that has been removed in accordance with Subsections (f)(3)(i)(B)(3) and (f)(4) need not be wetted.

(iii) The material must be carefully lowered to the ground and floor by not dropping, throwing, sliding, or otherwise damaging or disturbing the material.

(iv) The material must be transported to the ground in clear leak-tight wrapping via leak-tight chutes or containers if it has been removed or stripped more than 50 feet above ground level and was not removed as units or in sections. The receptacle (e.g., truck bed or dumpster) and the connection to the leak-tight chutes must also be made leak-tight.

(7) When the temperature at the point of wetting is below 32°F (0°C), as determined by a documented calibrated thermometer:

(i) The owner or operator need not comply with Subsections (f)(2)(i) and (f)(3).

(ii) The owner or operator shall remove facility components containing, coated with, or covered with RACM as units or in sections to the maximum extent possible pursuant to Subsection (f)(2)(ii).

(iii) During periods when wetting operations are suspended due to freezing temperatures, the owner or operator must record the temperature in the area containing the facility components at the beginning, middle, and end of each workday and keep daily temperature records available for inspection by the District during normal business hours at the renovation or demolition site. The owner or operator shall retain the temperature records for at least three years.

(8) No RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this rule unless:

(i) At least one onsite representative (such as a supervisor, a management-level person, or other authorized representative) has successfully completed and passed an EPA-approved Asbestos Contractor Supervisor Course pursuant to the Asbestos Hazard Emergency Response Act (AHERA).

(ii) Annually, the trained onsite representative shall successfully complete an EPA-approved Asbestos Contractor Supervisor Refresher Course. Evidence that the required training has been completed and is current shall be posted and made available to the District upon request at the renovation or demolition site. An electronic version of the current certificate of completion is acceptable, provided that it is made available during the inspection.

(iii) The trained onsite representative shall have a federal or state government issued photo identification card onsite, which shall be made available for inspection upon request by the District.

(9) During emergency demolitions, all portions of the facility that may contain suspect materials shall be kept adequately wet during the wrecking operation.

(10) If a facility is to be demolished by intentional burning, all ~~RACM, Category I, and Category II Nonfriable~~ ACM shall be removed in accordance with this rule prior to burning.

(11) All asbestos renovation operation containment areas shall have transparent view ports installed, with at least one on each wall side that faces an open area or window, to allow clear viewing of the asbestos removal operations from outside the containment area.

(g) WASTE HANDLING AND DISPOSAL

(1) All ACWM shall be kept adequately wet until sealed in leak-tight containers or clear leak-tight wrapping.

(2) Asbestos waste from control devices shall be mixed thoroughly with water to form a slurry.

(3) No visible emissions shall be discharged to the outside air from collection, mixing, wetting, and handling of ACWM.

(4) After wetting, all ACWM shall be sealed in leak-tight containers or clear leak-tight wrapping and must remain adequately wet. Materials that will not fit into containers without additional breaking shall be placed into clear leak-tight wrapping.

(5) The containers or wrapping specified in Subsection (g)(4) shall be labeled using warning labels specified by federal OSHA or Cal/OSHA under 29 CFR 1926.1101(k)(8)(iii) or 8 CCR 1529(k)(8)(C), respectively, printed in letters of sufficient size and contrast so as to be readily visible and legible.

(6) Containers and wrapping specified in Subsection (g)(4) shall be kept in secured areas such that the public cannot come into contact with ACWM. A secured area includes, but is not limited, to fully enclosed and locked storage containers or similar enclosures. Areas marked with only warning signs around containers and wrapping specified in Subsection (g)(4) are not considered secure areas.

(7) ACWM in containers or wrapping to be transported off the facility site must be properly labeled with the name and address of the waste generator and the location at which the waste was generated.

(8) For facilities demolished where the ACM is not removed prior to demolition according to Subsections (f)(1)(i) through (iv), or for emergency demolitions, ACWM shall be kept adequately wet at all times after demolition and kept wet during handling and loading for transport to a disposal site. ACWM covered by this paragraph does not have to be sealed in leak-tight containers or clear leak-tight wrapping for transport off site.

(9) All ACWM shall be deposited as soon as is practical by the waste generator at:

(i) A waste disposal site operated in accordance with the provisions of 40 CFR, Part 61, Section 61.154; or

(ii) An EPA-approved site that converts RACM and ACWM into non-asbestos (asbestos-free) material according to the provisions of 40 CFR, Part 61, Section 61.155.

(10) Vehicles used to transport ACWM during the loading and unloading of waste shall be marked so that the signs are visible and comply with requirements of all agencies having jurisdiction, including federal OSHA and Cal/OSHA. The signs must be displayed in such a manner and location so as to be readily visible and legible.

(11) Waste shipment records shall be maintained for all ACWM transported off the facility site. Such records shall include all of the following information:

- (i) The name, address, and telephone number of the waste generator;
- (ii) The name and address of the District;
- (iii) The approximate quantity of ACWM in cubic yards;
- (iv) The name and telephone number of the disposal site operator;
- (v) The name and physical site location of the disposal site;
- (vi) The date transported;
- (vii) The name(s), address(es), and telephone number(s) of the transporter(s);
and,

(viii) A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

(12) A copy of the waste shipment record, described in Subsection (g)(11), shall be provided to the disposal site owners or operators at the same time as the ACWM is delivered to the disposal site.

(13) For waste shipments where a copy of the waste shipment record, signed by the owner or operator of the designated disposal site, is not received by the waste generator within 35 days of the date the waste was accepted by the initial transporter, the waste generator shall contact the transporter and/or the owner or operator of the designated disposal site to determine the status of the waste shipment.

(14) The waste generator shall report in writing to the District if a copy of the waste shipment record, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter. The report shall include the following information:

(i) A copy of the waste shipment record for which a confirmation of delivery was not received; and

(ii) A cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

(15) A copy of all waste shipment records, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site, shall be retained by the waste generator for at least three years.

(16) All records required by this Section (g) shall be made available to the District within five working days of a request.

(h) **TEST METHODS**

(1) The asbestos content shall be analyzed by a laboratory certified by the National Voluntary Laboratory Accreditation Program (NVLAP). The asbestos content analysis, referenced in Subsections (d)(1) and (d)(4), shall be conducted in accordance with methods specified in Appendix E, Subpart E, 40 CFR, Part 763 – “Interim Method for the Determination of Asbestos in Bulk Insulation Samples” (EPA-600/M4-82-020 Dec. 1982) as modified by “Method for the Determination of Asbestos in Bulk Building Materials” (EPA/600/R-93/116 July 1993). In addition, the following requirements shall apply:

(i) For layered systems, except drywall tape and joint compound used to cover joints, nail holes, and cracks, each distinct layer shall be analyzed as a separate material for determining compliance with this rule. Joint compound used as a skim coat for texturing is an add-on material and shall be treated as a separate material.

(ii) If the material in the layered system has deteriorated such that the layers are indistinguishable and can no longer be sampled or tested separately, a bulk or composite sample shall be used.

~~(iii) If asbestos is present in a material in amounts greater than 1 percent, and equal to or less than 10 percent as determined by Polarized Light Microscopy (PLM) per EPA Method 600/R-93/116 July 1993, the asbestos content may be verified by point counting technique using PLM per the EPA Method.~~

(2) Other test methods which are determined to be equivalent to the test methods specified in this rule and approved, in writing, by the Air Pollution Control Officer and EPA may be used in place of the test methods specified in this rule.

RULE 1206. ASBESTOS REMOVAL, RENOVATION, AND DEMOLITION
(Adopted & Effective *(date of adoption)*)

(a) **APPLICABILITY**

Except as otherwise provided in Section (b), this rule is applicable to owners and operators of any renovation or demolition operation.

(b) **EXEMPTIONS**

(1) ~~This~~ The provisions of this rule shall not apply to the following:

(i) The renovation of a facility involving the disturbance of any combination of building materials in any consecutive 365-day period totaling less than 100 square feet ~~for~~ on facility components, and less than 20 cubic feet for materials removed from facility components where the area could not be measured prior to removal, stripping, or disturbance.

(ii) Renovation or demolition operations conducted:

(A) at a residential building or structure that contain four or fewer dwelling units.

(B) ~~on recreational vehicles.~~ at a single mobile, manufactured, or modular home. The relocation of one residential mobile, manufactured, or modular home by its owner and resident is not considered a demolition operation.

(C) ~~at mobile, manufactured, or modular structures that are immediately ready for road travel and can easily be relocated or moved without disturbance of a structural member. The relocation of one residential mobile, manufactured, or modular home by its owner and resident is not considered a demolition operation.~~

Subsection (b)(1)(ii) This exemption does not apply to: 1) a group of residential structures meeting the definition of an installation, even when there are four or fewer dwelling units in each building; or 2) to a single residential structure(s) or group of residential structures, including mobile, manufactured, or modular structures, used for any institutional, commercial, public, or industrial purpose.

(iii) Renovation or demolition operations conducted on recreational vehicles.

(iv) The movement or relocation of mobile, manufactured, or modular structures that are immediately ready for road travel, when they can be easily relocated or moved without disturbance of a structural member.

(2) The provisions of Subsection (d)(1) and (d)(4-3) shall not apply to any renovation or demolition operation where suspect materials are presumed to be regulated asbestos-containing material (RACM) and handled and disposed of as regulated asbestos-containing material (RACM).

~~(2-3) The provisions of Subsections (d)(1) and (f)(1) through (f)(7) shall not apply to a facility being demolished under the written order of a federal, state, or local government agency, and considered an emergency demolition operations, as defined in Subsection (e)(14).~~

~~(3-4) The provisions of Sections (e), (f) and (g) shall not apply to renovation operations in which the amounts of regulated asbestos-containing material (RACM), as documented in the facility survey, to be removed, stripped, or disturbed at a facility in any one consecutive 365-day period measure (or will measure during a calendar year, for planned renovations) less than 100 square feet on facility components, and less than 20 cubic feet removed from facility components where the area could not be measured prior to removal, stripping, or disturbance.~~

~~(4-5) The provisions of Sections (f) and (g) shall not apply to demolition operations in which the amounts of RACM, as documented in the facility survey, to be removed, stripped, or disturbed at a facility in any one consecutive 365-day period measure less than 100 square feet on facility components, and less than 20 cubic feet removed from facility components where the area could not be measured prior to removal, stripping, or disturbance.~~

(c) **DEFINITIONS**

For the purposes of this rule, the following definitions shall apply:

(1) **“Abrading”** means to rub or wear away by means of mechanical action or friction.

(2) **“Adequately Wet”** means sufficiently mixed with a liquid or penetrated by a liquid to prevent the release of particulate matter. If visible emissions are observed coming from RACM, then the RACM has not been adequately wet. However, the absence of visible emissions coming from RACM is not sufficient evidence of being adequately wet.

(3) **“Asbestos”** means the asbestiform variety of six naturally occurring hydrated silicate minerals; these include chrysotile, the asbestiform member of the serpentine group, and five minerals of the amphibole group: (1) crocidolite, the asbestiform variety of riebeckite, (2) amosite, the asbestiform variety of cummingtonite-grunerite, (3) anthophyllite asbestos, (4) actinolite asbestos, and (5) tremolite asbestos.

(4) **“Asbestos-Containing Materials (ACM)”** means any material that contains more than one percent asbestos including includes-Friable ACM, Category I Nonfriable ACM and Category II Nonfriable ACM.

(5) **“Asbestos-Containing Waste Material (ACWM)”** means any waste that contains or is contaminated with RACM generated by a facility subject to this rule. ACWM includes, but is not limited to, RACM stripped or removed from a facility or a facility component, any materials, soils, and/or debris contaminated with RACM including equipment and clothing, RACM waste and filters from control devices, particulate asbestos material, RACM slurries, bags, packages and containers that previously contained RACM.

(6) **“ACWM Disposal Site”** means any location where ACWM has been abandoned, buried, covered, deposited, or stored. This term includes locations with ACWM where the original source and date of generation cannot be determined.

~~(7) **“Cal/OSHA Certified Asbestos Consultant”** means an asbestos consultant as defined in California Business and Professions Code Section 7181 that is certified by Cal/OSHA pursuant to Section 341.15 of Title 8 of the California Code of Regulations. This includes any person who contracts to provide professional health and safety services relating to ACM, including building inspection, abatement project design, contract administration, sample collection, preparation of asbestos management plans, and clearance air monitoring.~~

~~(8) **“Cal/OSHA Certified Site Surveillance Technician”** means a site surveillance technician as defined in California Business and Professions Code Section 7182 that is certified by Cal/OSHA pursuant to Section 341.15 of Title 8 of the California Code of Regulations. This includes any person who acts as an independent onsite representative of a Cal/OSHA Certified Asbestos Consultant who monitors the asbestos abatement activities of others, provides asbestos air monitoring services for area and personnel samples, and performs building surveys and contract administration at the direction of an asbestos consultant.~~

~~(9-7) **“Category I Nonfriable ACM”** means asbestos-containing packings, gaskets, resilient floor coverings, flooring mastics and adhesives, and asphalt roofing products, that when dry cannot be crumbled, or reduced to powder by hand pressure, and that contain more than one percent asbestos.~~

~~(10-8) **“Category II Nonfriable ACM”** means any material, excluding Category I Nonfriable ACM, that when dry cannot be crumbled, pulverized, or reduced to powder by hand pressure, and that contains more than one percent asbestos.~~

(9) **“Clear Leak-Tight Wrapping”** means a clear or translucent bag that allows for visual confirmation that the RACM inside a bag is kept adequately wet in situations where wetting is required.

~~(11-9-10)~~ **“Cutting”** means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

~~(12-10-11)~~ **“Demolition Operation”** means 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.

~~(13-11-12)~~ **“District”** means the San Diego County Air Pollution Control District.

~~(14-12-13)~~ **“Emergency Demolition Operation”** means any demolition under order of a federal, state, or local government agency when such order is issued for a structurally unsound facility in danger of imminent collapse.

~~(15-13-14)~~ **“Emergency Renovation Operation”** means an unplanned renovation operation resulting from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard. This includes, but is not limited to:

- (i) Renovations due to fire, water, or earthquake damage; or
- (ii) An unanticipated discovery of RACM during renovation, demolition, or construction activity; or
- (iii) The conversion of previously nonfriable asbestos containing material to friable material during the course of a renovation; or
- (iv) Operations necessary to protect equipment from damage.

~~(16-14-15)~~ **“EPA”** is the United States Environmental Protection Agency.

~~(17-15-16)~~ **“Facility”** means 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 ACWM disposal site.

~~(18-16-17)~~ **“Facility Component”** means any part of a facility and includes equipment located at a facility.

~~(19-17-18)~~ **“Facility Survey”** means a thorough inspection for asbestos of the affected facility or part of a facility where the renovation or demolition operation will occur, ~~as required by Section (d).~~

~~(20-18-19)~~ **“Friable ACM”** means any material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure and that contains more than one percent asbestos.

(~~21-19-20~~) **“Glove-Bag System”** means asbestos removal bags designed to form a leak-tight enclosure around ACM being removed. The system includes internal sleeves for arms and hands for workers removing ACM.

(~~22-20-21~~) **“Grinding”** means to reduce to powder or small fragments and includes mechanical chipping or drilling.

(~~23-21-22~~) **“Group”** means more than one.

(~~24-22-23~~) **“Installation”** means ~~any building or structure or~~ any group of buildings or structures (including mobile, manufactured or modular structures) that are under the control of a common owner or operator that are:

- (i) on a contiguous parcel of land; or
- (ii) not on the same contiguous parcel of land when they are involved in a coordinated project.

(~~25-23-24~~) **“Leak-tight”** means that solids, dust, or liquids cannot escape or leak out.

(~~26-24-25~~) **“Locked”** means securely closed and able to be opened only with a key, biometric access, or access code.

(~~27-25-26~~) **“Mobile Home”** or **“Manufactured Home”** means a residential structure, ~~installation, or building~~ that is:

- (i) transportable in one or more sections,
- (ii) built on a permanent chassis, and
- (iii) designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and contains one or more of the following: plumbing, heating, air conditioning, or electrical systems.

(~~28-26-27~~) **“Mobile, Manufactured, and Modular Structures”** means any institutional, commercial, public, industrial or residential structure, installation, or building that:

- (i) is transportable in one or more sections,
- (ii) has a permanent chassis, a foundation, or any other load supporting structure, and
- (iii) contains one or more of the following required utilities: plumbing, heating, air conditioning, or electrical systems.

(~~29-27-28~~) **“Modular Home”** means a mobile or manufactured home that is prefabricated and that is not built on a permanent chassis.

(~~30-28-29~~) **“Nonscheduled Renovation Operation”** means a renovation operation necessitated by the routine failure of equipment or facility components associated with a planned renovation, which is expected to occur within a ~~given period~~ calendar year based on past operating experience, but for which an exact date cannot be predicted.

(~~31-29-30~~) **“Outside Air”** means the air outside of containment areas, buildings or structures.

(~~32-30-31~~) **“Owner or Operator”** means any person, business, association, organization, or entity that owns, leases, operates, controls, or supervises the facility being renovated or demolished; or any person, business, association, organization, or entity that ~~owns, leases, operates, conducts,~~ controls, or supervises the renovation or demolition operation; or both.

(~~33-31-32~~) **“Particulate Asbestos Material”** means finely divided particles of asbestos or a material containing asbestos.

(~~34-32-33~~) **“Planned Renovation Operation”** is a renovation, or a number of such operations, in which the amount of RACM that will be removed or stripped within a ~~given period of time~~ calendar year can be predicted. Individual nonscheduled renovations are included if a number of such operations can be predicted to occur during a ~~given period of time~~ calendar year based on operating experience.

(~~35-33-34~~) **“Poor Condition”** means the binding of a material is losing its integrity. Evidence of being in poor condition includes, but is not limited to, peeling, cracking, exfoliating, fragmenting, weathering, being broken into smaller pieces, or crumbling of the material.

(~~36-34-35~~) **“Recreational Vehicles”** means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy that is built on a single chassis and is immediately ready for road travel by being self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(~~37-35-36~~) **“Regulated Asbestos-Containing Material (RACM)”** means:

- (i) Friable ACM;
- (ii) Category I Nonfriable ACM that is in poor condition or has become friable;
- (iii) Category I Nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading;

(iv) Category II Nonfriable ACM that is in poor condition, or has a probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material while onsite at the facility where the renovation or demolition operations occur; or

(v) Any ACM that contains more than one percent asbestos and has been damaged by fire.

~~(38-36-37)~~ **“Related Handling Operations”** means any cutting, disjointing, stripping or removal of any suspect material associated with the wrecking or taking out of any load supporting structural member associated with a demolition.

~~(39-37-38)~~ **“Remove”** means to take out ACM or facility components that contain or are covered with ACM from a facility.

~~(40-38-39)~~ **“Renovation Operation”** means altering a facility or any facility components in any way, including the stripping or removal of RACM from a facility or facility component, or the removal of ACWM from a facility.

~~(41-39-40)~~ **“Resilient Floor Covering”** means asbestos containing floor tile, including, but not limited to, asphalt and vinyl floor tile, and sheet vinyl floor covering.

~~(42-40-41)~~ **“Start Date”** means, for a renovation operation, the first date that RACM is removed or when operations or site preparation work begins that would break up, dislodge, or similarly disturb RACM. The start ~~day-date~~ of a demolition operation is the first ~~date-day~~ that a load bearing structural member of a facility is wrecked or taken out, including the intentional burning of a facility, along with any related handling operations.

~~(43-41-42)~~ **“Strip”** means to take RACM off any part of a facility or facility component.

~~(44-42-43)~~ **“Structural Member”** means any load-supporting member of a facility including, but not limited to, beams, load supporting walls, headers, joists, posts, rafters, or any non-load supporting members including, but not limited to, ceilings and non-load supporting walls.

~~(45-43-44)~~ **“Suspect Material”** means any material with a propensity to contain:

- (i) RACM;
- (ii) Category I Nonfriable ACM;
- (iii) Category II Nonfriable ACM; or

(iv) Building materials that have a history of manufacture involving asbestos, including, but not limited to: floor tiles, floor mastics and adhesives, linoleum, sheet vinyl flooring, paper backing on sheet vinyl flooring, thermal paper products, roofing materials (tiles, asphalt, putty, felts, mastics), fireproofing, siding and siding shingles,

furnace and boiler components, furnace and stove vents, walls and floors and ceilings around furnaces and boilers, air ducts and air duct connections, duct wrap, insulating materials, packings, gaskets, ~~paints~~, wallboard materials (including tape, joint compounds, and texturing compounds), plaster, stucco, ceiling tiles, acoustic tiles, spray on acoustic ceiling material, concrete pipes, and pipe insulation.

~~(46-44-45)~~ **“Visible Emissions”** means any emission, or evidence of emissions, including, but not limited to: dust, debris, particles, or fibers coming from any RACM or ACWM that are visually detectable without the aid of instruments. Visible emissions include, but are not limited to, any RACM or ACWM found outside of contained work areas or outside the containers specified by Subsection (g)(4).

~~(47-45-46)~~ **“Waste Generator”** means any owner or operator of a facility covered by this rule whose act or process produces ACWM.

~~(48-46-47)~~ **“Waste Shipment Record”** means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of ACWM.

~~(49-47-48)~~ **“Working Day”** means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

~~(50-48-49)~~ **“Wrecking Operation”** means any disturbance of building materials associated with an emergency demolition.

~~(51-49-50)~~ **“Wrecking or Taking Out”** means the removal of a facility structural member with the intent to destroy a facility or facility structural member. Altering or re-supporting a facility structural member is not considered wrecking or taking out.

(d) FACILITY SURVEY REQUIREMENTS

(1) Except as provided in Subsection (d)(~~4~~3) below, prior to commencement of renovation or demolition operations and prior to submitting the notifications required by Section (e), a facility survey shall be performed to determine the presence or absence of ACM, regardless of the age of the facility. Suspect materials that will be removed, stripped, or disturbed by the renovation or demolition operations shall be sampled and analyzed for asbestos content. ~~The facility survey shall be provided when~~ Once the renovation or demolition notification is has been submitted to the District, the facility survey shall be made immediately available to the District upon request. ~~This facility survey must be no more than three years old.~~

(2) A complete copy of the facility survey shall be maintained onsite for the duration of the renovation and/or demolition operation, and shall be made available to the District upon request. An electronic version of the facility survey is acceptable.

~~(3) After the conclusion of the renovation or demolition operation, the owner or operator of such operation shall maintain a copy of the facility survey for a period of three years and shall make that copy available to the District upon request.~~

(4) For emergency demolition operations, a facility survey to determine the presence or absence of ACM shall be completed prior to the removal of any debris and within two working days of when the structure is no longer in danger of imminent collapse. The Air Pollution Control Officer may grant an extension on a case by case basis, provided the extension request is received by the District prior to the removal of any debris. All suspect materials shall be sampled and analyzed for asbestos content, or shall be assumed to be RACM. The facility survey shall be maintained onsite for the duration of the emergency demolition operation and shall be made available to the District upon request.

~~(5) Persons conducting facility surveys shall be either a Cal/OSHA certified asbestos consultant or a Cal/OSHA certified site surveillance technician, and shall have taken and passed an current EPA-approved Building Inspector Course. The facility survey shall conform to the procedures outlined in the EPA approved Building Inspector Course.~~

(6) The facility survey shall be documented in writing with the following information:

- (i) Facility information including the name of the building (if any), the building address and the building owner's address and telephone number;
- (ii) Information about the person conducting the facility survey including his/her name and title, the name, address and telephone number of the company the person works for, and a written statement of the qualifications of the person who conducted the facility survey demonstrating compliance with Subsection (d)~~(5)~~;
- (iii) The date(s) that the facility survey was conducted;
- (iv) A listing, location, and percent content of asbestos of all suspect materials sampled and analyzed or assumed to be RACM, ~~a sketch of the location(s) of each suspect material, and the location of each sample taken;~~
- (v) The name, address and telephone number of the laboratory performing analyses of the samples for asbestos content;
- (vi) A statement of the qualifications of the laboratory that conducted the analyses, demonstrating compliance with Section (h);

(vii) A list of the test methods used to determine asbestos content, demonstrating compliance with Section (h);

~~(viii) The amounts and condition of each ACM and/or ACWM identified by the facility survey, or a statement by the person conducting the facility survey that no ACM or ACWM were identified at the facility that will be, or could be, disturbed by the renovation or demolition operations;~~

~~(ix) A categorization of each ACM identified by the facility survey as friable asbestos material, Category I Nonfriable ACM, or Category II Nonfriable ACM; and~~

~~(x) A general description of the condition of the facility including, but not limited to, any known fire or structural damage.~~

(e) **NOTIFICATION REQUIREMENTS**

(1) Notifications. Each owner or operator of a renovation or demolition operation to which this rule applies shall notify the District, in writing, with District-approved notification forms. The notification forms shall be filled out completely and accurately. Notification forms that are inaccurate or missing information are invalid and will be rejected.

(2) Submittal of Notifications. Notifications shall be electronically received, postmarked, or delivered at the District office.

(3) Effective Date of Notifications. The effective date of the notification is the date of receipt of the notification at the District office, or the date of the notification postmark if the notification is received by the District no later than three working days from the postmark date.

(4) Payment. All notifications shall be fully paid in accordance with District Rule 40 – Permit and Other Fees, within one working day of the effective date of the notification. If payment is not received prior to the close of business of the next ~~within one~~ working day ~~after~~ of the effective date of the notification, the notification will be invalid and shall be rejected.

(5) Timing of Notifications

(i) Renovation or Demolition Operation. Unless otherwise stated in Subsections (e)(5)(ii) and (e)(5)(iii) below, notification forms shall be submitted no later than 10 working days prior to the start of the renovation or demolition operation. Work may begin on the eleventh day after 10 working days have passed from the effective date of the notification.

(ii) Planned Renovation – Annual Notification. Notifications shall be submitted ~~no later than 10 working days prior to the start of~~ by December 17 of the year preceding the calendar year for which notice is being given for planned renovation activities ~~involving nonscheduled renovation operations where the amount~~

of RACM to be removed, stripped or disturbed totals 100 square feet or more on facility components, or 20 cubic feet or more from facility components where the area could not be measured prior to removal, stripping, or disturbance.

(iii) Emergency Renovation or Emergency Demolition. Notifications shall be submitted and approved by the District prior to the close of business of the next ~~within one~~ working day after the start of any emergency renovation or emergency demolition.

(6) Cancellations. Refunds of asbestos notification fees shall be issued, less a \$60 cancellation fee, only if a cancellation notice is received by the District by noon on the working day prior to the notification start date of the renovation or demolition operation. A refund will not be issued if the notice of cancellation is received by the District on or after the notification start date.

(7) Notification Information Requirements. All notifications shall include, at a minimum, the following information:

- (i) The name and company of the person completing the notification form.
- (ii) The type of notice (i.e., whether the notice is an original notification, a revision to an existing notification, including the type of revision, or a cancellation of an existing notification).
- (iii) Type of operation (i.e., whether the operation(s) is a renovation, demolition, emergency renovation, emergency demolition, or planned renovation).
- (iv) The facility name, address, building number, suite number, room number, city, state, and zip code.
- (v) The facility owner's name, address, city, state, zip code, contact person and title, and phone number.
- (vi) The removal contractor's name, address, city, state, zip code, contractor's license number, contact person and title, and phone number.
- (vii) The demolition contractor's name, address, city, state, zip code, contractor's license number, contact person and title, and phone number.
- (viii) A description of the facility, including the number of floors, the number of dwelling units, age of the facility, and the past and present use of the facility.
- (ix) Scheduled start and completion dates of renovation operations and/or of demolition operations.
- (x) The work practices, equipment, and engineering controls to be used in demolition operations.

(xi) Description of procedures to be followed in the event that unexpected RACM is found or any Category I Nonfriable ACM or Category II Nonfriable ACM becomes crumbled, pulverized, broken into smaller pieces, or reduced to powder.

(xii) The name, address, city, state, zip code, contact person and title, and phone number of the waste transporter for all demolition debris containing no asbestos.

(xiii) The name, address, city, state, zip code, and phone number of the waste disposal site for all demolition debris containing no asbestos.

(xiv) For emergency demolition operations, the name, title, and authority of the federal, state or local government representative who has ordered the demolition, the date the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification.

(xv) For emergency renovation operations, the date and hour that the emergency occurred, a description and photos of the sudden unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage.

(xvi) A certification that at least one person trained in accordance with Subsection (f)(8) will supervise the stripping and removal described by this notification.

(xvii) Information about the individual conducting the facility survey including: name, company, title, mailing address and phone number, ~~and the Cal/OSHA certification number for certified asbestos consultants or certified site surveillance technicians,~~ and the certification number for the EPA-~~A~~ approved Building Inspector Course passed by the individual.

(xviii) The condition of each ACM identified by the facility survey to be removed, stripped, or disturbed, or a statement that no ACM to be disturbed by renovation or demolition operations has been identified at the facility.

(xix) The procedure(s), including analytical methods, used to detect the presence of RACM, Category I Nonfriable ACM, and Category II Nonfriable ACM.

(xx) For all ACM to be removed, stripped, or disturbed, the categorization of each material containing more than one percent asbestos as friable ACM, Category I Nonfriable ACM, or Category II Nonfriable ACM.

(xxi) A description of the facility components containing ACM to be removed, stripped, or disturbed.

(xxii) An estimate for the total amount of ACM to be removed, stripped, or disturbed from the facility including the surface area in square feet on other facility components, or volume in cubic feet if square footage cannot be established in the course of renovation or demolition operations regulated by this rule.

(xxiii) The specific work practices, equipment, and engineering controls that will be used to remove each ACM.

(xxiv) The name, address, city, state, zip code, contact person and title, and phone number of the waste transporter for all ACWM.

(xxv) The name, address, city, state, zip code, and phone number of the waste disposal site for all ACWM.

(8) Expirations of Notifications for Renovation and Demolition Projects. Notifications for renovation and demolition projects shall expire within 365 days from the effective date of the original notification. If a renovation or demolition project is to exceed 365 days, a new notification must be submitted to the District no later than 10 working days prior to expiration, in accordance with the requirements in this section.

(9) Revisions to Current Notifications. ~~All notifications~~ A revised notification form, along with associated fees, shall be updated-received by the District when any of the following conditions arise:

(i) Change in Quantity of Asbestos. An increase in the quantity of RACM by 20 percent or more from the notified amount (including planned renovation notifications) shall be reported to the District. A revised notification shall be received before the removal of RACM exceeds 20 percent of the ~~increased amount of asbestos~~ originally notified to be removed.

(ii) Postponed Start Date. A delay in the start date of any renovation or demolition operation shall be reported to the District by a revised written notification as soon as the information becomes available and before the original start date.

(iii) Earlier Start Date. A change in the start date of any renovation or demolition operation to an earlier start date shall be reported to the District, in writing, no later than 10 working days prior to the start of any renovation or demolition operation.

(f) **PROCEDURES FOR ASBESTOS EMISSION CONTROL**

Each owner or operator of a renovation or demolition operation to which this rule applies shall comply with the following procedures:

(1) Remove all RACM from a facility being renovated or demolished before starting any activity that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. For a demolition operation, cementitious based Category II Nonfriable ACM shall be removed. RACM does not need to be removed before demolition if:

(i) ~~It meets the definition of~~ The RACM is Category I Nonfriable ACM and the material that is not in poor condition and is not friable; or

(ii) ~~It meets the definition of~~ The RACM is Category II Nonfriable ACM that is not in poor condition and there is a low probability the materials will not become crumbled, pulverized, or reduced to powder. This includes, but is not limited to, paint or electric wire insulation. ~~Cementitious based Category II Nonfriable ACM shall be removed before the demolition;~~ or

(iii) It is on a facility component that is encased in concrete or other similarly hard material, and the materials will not become crumbled, pulverized, or reduced to powder, and the material is adequately wet whenever exposed during demolition; or

(iv) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as ACWM and kept adequately wet at all times until disposed of.

(2) When a facility component that contains, is covered with or is coated with RACM is being taken out of the facility as a unit or in sections:

(i) All RACM exposed during cutting or disjoining operations shall be adequately wet; and

(ii) Each unit or section must be carefully lowered to the floor or to ground level by not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.

(3) When RACM is stripped from a facility component while it remains in place at the facility, the RACM must be kept adequately wet during the stripping operation.

(i) In renovation operations, wetting is not required if:

(A) The owner or operator has obtained prior written approval from the District based on a written application that wetting to comply with this paragraph would unavoidably damage equipment or present a safety hazard. A copy of the District's written approval shall be kept at the worksite and made available for inspection; and

(B) The owner or operator uses one of the following emission control methods:

(1) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air and be designed and operated in accordance with the requirements in 40 CFR, Part 61, Section 61.152; or

(2) A glove-bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials; or

(3) All RACM is contained by clear leak-tight wrapping prior to dismantlement.

(ii) In renovation operations where wetting would result in equipment damage or a safety hazard, and the methods allowed in Subsection (f)(3)(i)(B) cannot be used, another method may be used after obtaining written approval from the District based upon a determination that it is equivalent to wetting in controlling emissions or to the methods allowed in Subsection (f)(3)(i)(B). A copy of the District's written approval shall be kept at the worksite and made available for inspection.

(4) After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections pursuant to Subsection (f)(2), it shall be stripped or contained in clear leak-tight wrapping, except as described in Subsection (f)(5). If stripped, either:

(i) The RACM must be kept adequately wet during stripping while carefully lowering each section to the floor and to the ground level, while not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM that would exhibit visible emissions; or

(ii) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping shall be used. The system shall not exhibit any visible emissions to the outside air and shall be designed and operated in accordance with the requirements in 40 CFR, Part 61, Section 61.152.

(5) For large facility components such as reactor vessels, large tanks and steam generators, but not beams (which must be handled in accordance with Subsections (f)(2) thru (f)(4)), the RACM is not required to be stripped if the following requirements are met:

(i) The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM; and

(ii) The component is encased in a clear leak-tight wrapping; and

(iii) The clear leak-tight wrapping is labeled according to Subsection (g)(5) during all loading and unloading operations and during storage.

(6) For all RACM, including material that has been removed or stripped:

(i) The material must be kept adequately wet until collected and contained or treated in preparation for disposal in accordance with Section (g).

(ii) RACM contained in clear leak-tight wrapping that has been removed in accordance with Subsections (f)(3)(i)(B)(3) and (f)(4) need not be wetted.

(iii) The material must be carefully lowered to the ground and floor by not dropping, throwing, sliding, or otherwise damaging or disturbing the material.

(iv) The material must be transported to the ground in clear leak-tight wrapping via leak-tight chutes or containers if it has been removed or stripped more than 50 feet above ground level and was not removed as units or in sections. The receptacle (e.g., truck bed or dumpster) and the connection to the leak-tight chutes must also be made leak-tight.

(7) When the temperature at the point of wetting is below 32°F (0°C), as determined by a documented calibrated thermometer:

(i) The owner or operator need not comply with Subsections (f)(2)(i) and (f)(3).

(ii) The owner or operator shall remove facility components containing, coated with, or covered with RACM as units or in sections to the maximum extent possible pursuant to Subsection (f)(2)(ii).

(iii) During periods when wetting operations are suspended due to freezing temperatures, the owner or operator must record the temperature in the area containing the facility components at the beginning, middle, and end of each workday and keep daily temperature records available for inspection by the District during normal business hours at the renovation or demolition site. The owner or operator shall retain the temperature records for at least three years.

(8) No RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this rule unless:

(i) At least one onsite representative (such as a supervisor, a management-level person, or other authorized representative) has successfully completed and passed an EPA-approved Asbestos Contractor Supervisor Course pursuant to the Asbestos Hazard Emergency Response Act (AHERA).

(ii) Annually, the trained onsite representative shall successfully complete an EPA-approved Asbestos Contractor Supervisor Refresher Course. Evidence that the required training has been completed and is current shall be posted and made

available to the District upon request at the renovation or demolition site. An electronic version of the current certificate of completion is acceptable, provided that it is made available during the inspection.

(iii) The trained onsite representative shall have a federal or state government issued photo identification card onsite, which shall be made available for inspection upon request by the District.

(9) During emergency demolitions, all portions of the facility that may contain suspect materials shall be kept adequately wet during the wrecking operation.

(10) If a facility is to be demolished by intentional burning, all ~~RACM, Category I, and Category II Nonfriable~~ ACM shall be removed in accordance with this rule prior to burning.

(11) All asbestos renovation operation containment areas shall have transparent view ports installed, with at least one on each wall side that faces an open area or window, to allow clear viewing of the asbestos removal operations from outside the containment area. A view port is not required if the containment area is located where the only open area is through a three stage decontamination.

(g) WASTE HANDLING AND DISPOSAL

(1) All ACWM shall be kept adequately wet until sealed in leak-tight containers or clear leak-tight wrapping.

(2) Asbestos waste from control devices shall be mixed thoroughly with water to form a slurry.

(3) No visible emissions shall be discharged to the outside air from collection, mixing, wetting, and handling of ACWM.

(4) After wetting, all ACWM shall be sealed in leak-tight containers or clear leak-tight wrapping and must remain adequately wet. Materials that will not fit into containers without additional breaking shall be placed into clear leak-tight wrapping.

(5) The containers or wrapping specified in Subsection (g)(4) shall be labeled using warning labels specified by federal OSHA or Cal/OSHA under 29 CFR 1926.1101(k)(8)(iii) or 8 CCR 1529(k)(8)(C), respectively, printed in letters of sufficient size and contrast so as to be readily visible and legible.

(6) Containers and wrapping specified in Subsection (g)(4) shall be kept in secured areas such that the public cannot come into contact with ACWM. A secured area includes, but is not limited, to fully enclosed and locked storage containers or similar enclosures. Areas marked with only warning signs around containers and wrapping specified in Subsection (g)(4) are not considered secure areas.

(7) ACWM in containers or wrapping to be transported off the facility site must be properly labeled with the name and address of the waste generator and the location at which the waste was generated.

(8) For facilities demolished where the ACM is not removed prior to demolition according to Subsections (f)(1)(i) through (iv), or for emergency demolitions, ACWM shall be kept adequately wet at all times after demolition and kept wet during handling and loading for transport to a disposal site. ACWM covered by this paragraph does not have to be sealed in leak-tight containers or clear leak-tight wrapping for transport off site.

(9) All ACWM shall be deposited as soon as is practical by the waste generator at:

(i) A waste disposal site operated in accordance with the provisions of 40 CFR, Part 61, Section 61.154; or

(ii) An EPA-approved site that converts RACM and ACWM into non-asbestos (asbestos-free) material according to the provisions of 40 CFR, Part 61, Section 61.155.

(10) Vehicles used to transport ACWM during the loading and unloading of waste shall be marked so that the signs are visible and comply with requirements of all agencies having jurisdiction, including federal OSHA and Cal/OSHA. The signs must be displayed in such a manner and location so as to be readily visible and legible.

(11) Waste shipment records shall be maintained for all ACWM transported off the facility site. Such records shall include all of the following information:

(i) The name, address, and telephone number of the waste generator;

(ii) The name and address of the District;

(iii) The approximate quantity of ACWM in cubic yards;

(iv) The name and telephone number of the disposal site operator;

(v) The name and physical site location of the disposal site;

(vi) The date transported;

(vii) The name(s), address(es), and telephone number(s) of the transporter(s);

and,

(viii) A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

(12) A copy of the waste shipment record, described in Subsection (g)(11), shall be provided to the disposal site owners or operators at the same time as the ACWM is delivered to the disposal site.

(13) For waste shipments where a copy of the waste shipment record, signed by the owner or operator of the designated disposal site, is not received by the waste generator within 35 days of the date the waste was accepted by the initial transporter, the waste generator shall contact the transporter and/or the owner or operator of the designated disposal site to determine the status of the waste shipment.

(14) The waste generator shall report in writing to the District if a copy of the waste shipment record, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter. The report shall include the following information:

(i) A copy of the waste shipment record for which a confirmation of delivery was not received; and

(ii) A cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

(15) A copy of all waste shipment records, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site, shall be retained by the waste generator for at least three years.

(16) All records required by this Section (g) shall be made available to the District within five working days of a request.

(h) **TEST METHODS**

(1) The asbestos content shall be analyzed by a laboratory certified by the National Voluntary Laboratory Accreditation Program (NVLAP). The asbestos content analysis, referenced in Subsections (d)(1) and (d)(~~4~~3), shall be conducted in accordance with methods specified in Appendix E, Subpart E, 40 CFR, Part 763 – “Interim Method for the Determination of Asbestos in Bulk Insulation Samples” (EPA-600/M4-82-020 Dec. 1982) as modified by “Method for the Determination of Asbestos in Bulk Building Materials” (EPA/600/R-93/116 July 1993). In addition, the following requirements shall apply:

- (i) For layered systems, except drywall tape and joint compound used to cover joints, nail holes, and cracks, each distinct layer shall be analyzed as a separate material for determining compliance with this rule. Joint compound used as a skim coat for texturing is an add-on material and shall be treated as a separate material.
 - (ii) If the material in the layered system has deteriorated such that the layers are indistinguishable and can no longer be sampled or tested separately, a bulk or composite sample shall be used.
 - ~~(iii) If asbestos is present in a material in amounts greater than 1 percent, and equal to or less than 10 percent as determined by Polarized Light Microscopy (PLM) per EPA Method 600/R-93/116 July 1993, the asbestos content may be verified by point counting technique using PLM per the EPA Method.~~
- (2) Other test methods which are determined to be equivalent to the test methods specified in this rule and approved, in writing, by the Air Pollution Control Officer and EPA may be used in place of the test methods specified in this rule.