

Working Group Meeting #3
Proposed Amended Rule 1403 -
Asbestos Emissions from Demolition/Renovation Activities



August 1, 2018
SCAQMD Headquarters

Diamond Bar, CA

AGENDA

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Summarize our activities over the course of the past few months**
- **Discuss proposed rule language highlighting the significant changes**
- **Comments and Questions**
- **Open Forum**
- **Rule Schedule**

SUMMARY OF ACTIVITIES

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Staff has held two WGM's that discussed rule development goals and concepts**
- **Staff has received comments from stakeholders**
- **Staff has met with several stakeholders individually and will continue with these meetings**
- **Staff visited a NVLAP certified asbestos lab**
- **Staff has accompanied SCAQMD compliance staff on multiple inspections**

PROPOSED RULE LANGUAGE CHANGES

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Applicability – section (b)**
- **Definitions – section (c)**
- **Requirements – section (d)**
 - ✓ **Facility Surveys – (d)(1)(A)**
 - ✓ **Notifications – (d)(1)(B)**
 - ✓ **Removal Procedures – (d)(1)(D)**
 - ✓ **On-site Proof – (d)(1)(H)**
- **Sampling protocols and test methods – section (h)**
- **Exemptions – section (j)**

APPLICABILITY – Section (b)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Rule Applicability

- ✓ Property owners & lessors
- ✓ Asbestos abatement contractors including subs
- ✓ Demolition contractors including subs
- ✓ Asbestos Consultants

Address that the rule applies to these entities

Rule 1403 clause (d)(1)(A)(iv) states that persons conducting asbestos surveys in accordance with subparagraph (d)(1)(A) shall be a CAC or CSST

To be consistent with other California APCD/AQMD rules

DEFINITIONS – Section (c)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ **New Definitions**

✓ **(c)(5) – Asbestos Consultant**

Define a term that is specifically referred to throughout the rule

✓ **(c)(33) – Owner-Occupant**

Define and clarify that a house flipper is not an occupant, nor is a property owner who does not reside at the affected property

✓ **(c)(18) – End Date for Renovation & Demolition activities**

✓ **(c)(25) – Homogeneous Material**

✓ **(c)(41) – Start Date**

✓ **(c)(44) – Supervisor**

✓ **(c)(45) – Visible Emissions**

These terms were not previously defined and added for clarification

DEFINITIONS – Section (c)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Amended Definitions

✓ (c)(6) – ACM changed to 1.0%

Clarification to prevent rounding down and it supports the test method proposal

✓ (c)(20) – Facility

Clarification that the rule applies in spite of the age, or date of construction, of the property

We also state there is not an exception to the survey requirement based on the date of construction in clause (d)(1)(A)(i)

✓ (c)(22) – Friable ACM

Clarify what is considered friable and to ensure these materials are not assumed to be non-friable

REQUIREMENTS – Section (d)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Facility Surveys (d)(1)(A)

- ✓ (d)(1)(A)(i) – Survey performed by an Asbestos Consultant

Clarify that an inspection/survey shall be performed by properly trained personnel

- ✓ (d)(1)(A)(iii)(IV) – Identification of samples on site map/sketch

- ✓ (d)(1)(A)(iii)(V) – Include a sample table in the survey

- ✓ (d)(1)(A)(iii)(VII) – Specific requirements for a COC

Address specific items that are common deficiencies discovered while reviewing survey reports. These elements are outlined in the Procedure 5 guidance document and are required for a P5 submittal

REQUIREMENTS – Section (d)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Notification Requirements (d)(1)(B)

- ✓ **(d)(1)(B) – Notification shall be submitted via the Rule 1403 Notification Web Application**

Almost all notifications received are through the web application

Provide guidance for emergency notifications when the system is down

- ✓ **(d)(1)(B)(ii)(VI)(1) – Project starting and completion dates for projects that do not conform to the M-F work schedule**

Provide rule language for projects performed on weekends or with non-traditional work schedules

- ✓ **(d)(1)(B)(ii)(VI)(2) – Updating schedules when affected by circumstances beyond facilities control**

Provide rule language for updates from delays due to events outside of facilities control

REQUIREMENTS – Section (d)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Notification Requirements (d)(1)(B) - continued

- ✓ **(d)(1)(B)(ii)(XVII) – Inclusion of any previous ACM removal in the notification**

Address issues where demo contractor does not provide proof of removal prior to demolition

- ✓ **(d)(1)(B)(ii)(XVIII) – Inclusion of consultant information (e.g. contact info and Cal-OSHA info) with the notification**

Address the need for contact information so staff may contact the CAC directly with questions about incomplete or deficient surveys and/or reports

- ✓ **(d)(1)(B)(iv)(V) – Certification of Emergency Letters**

Address issues of fraudulent or suspicious declarations

- ✓ **(d)(1)(B)(v)(I) – Formal procedures when a project is cancelled**

Address the issue of contacting SCAQMD if a project is cancelled

REQUIREMENTS – Section (d)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Removal Procedures (d)(1)(D)

- ✓ (d)(1)(D)(ii) – Specific Procedure Requirements will include pre-approved P4's as well as P5's

Adds Procedure 4 to our pre-approval process

- ✓ (d)(1)(D)(iii) – Subterranean Pipe that cannot be assessed, where ACM is presumed or assumed, shall be submitted as a pre-approved P4 or P5

Adds a provision that addresses subterranean pipe where the ACM is presumed or assumed

REQUIREMENTS – Section (d)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ On-Site Proof (d)(1)(H)

- ✓ (d)(1)(H)(v) – Copy of a current certificate for the on-site supervisor
- ✓ (d)(1)(H)(vi) – Copies of the abatement workers AHERA certificates
- ✓ (d)(1)(H)(vii) – Copies of the supervisor's logs/records

Clarify the records that are expected to be available during field inspections by compliance staff

REQUIREMENTS – Section (h)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ **Sampling Protocols (h)(1)**

- ✓ **(h)(1)(A-D) – Sampling follows AHERA regulation for all materials.**
 - **Minimum of 3 samples, up to a minimum of 9 depending on square footage**

Clarification of the sampling protocol outlined in AHERA. Current rule language states to follow sampling provisions of 40 CFR 763.86

Addresses the issue between staff and the regulated community about the meaning of “...sufficient to determine whether the material is ACM or not ACM”

- ✓ **(h)(1)(E) – Composite sampling is not allowed for abatement purposes**
 - **Separable layers analyzed individually**
 - **Composite analysis okay for disposal purposes only**

Addresses the issue of composite sampling being utilized for abatement purposes

REQUIREMENTS – Section (h)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Test Methods (h)(2)

- ✓ (h)(2)(A) – Analysis must be at a minimum PLM with 400-point count
 - Surveys will be rejected if any sample claims trace levels to <1%, but has not been point counted
- ✓ (h)(2)(A)(i) – Minimum 3 slides must be prepared and shown to validate non-detection
- ✓ (h)(2)(B) – CAC may direct lab to forego additional lab analysis if first sample is >1%

These proposals are guided by EPA Applicability Determination Index, Control No. C112. It is also consistent with other asbestos rules within California

REQUIREMENTS – Section (j)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Exemptions (j)

- ✓ **(j)(3) – CAC must state in a survey report when material is presumed or assumed to be ACM**

Address the issue that a CAC needs to state, matter-of-factly, that the presence of ACM is presumed or assumed

- ✓ **(j)(9) – Owner-occupant who performs their own demo, does not need to register or submit Notification via the Web App.**

Clarify that there is not a requirement for an owner-occupant, who performs their own demolition activity, to register in the Rule 1403 or submit their notification via the web application

MINOR RULE CLARIFICATIONS

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Definitions – section (c)

- ✓ **Class I Nonfriable and Friable ACM definitions are more descriptive**
- ✓ **ACM definition includes “presumed or assumed” ACM**
- ✓ **Demolition definition includes examples**
- ✓ **Residential Single Unit Dwelling definition includes duplexes**

➤ Requirements – section (d)

- ✓ **“Supervising person” replaced by Supervisor; which is now defined**
- ✓ **Reference to linear feet of pipe removed, convert to square footage**

All of these proposals are made to clarify rule language

MINOR RULE CLARIFICATIONS

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ **Warning Labels, Signs, & Markings – section (e)**

- ✓ **Labels must be visible through the bags**

Address the issue of unreadable labels during field inspections by compliance staff

➤ **Warning Labels, Signs, & Markings – section (e)**

- ✓ **Removed the language for warning labels; now refer to CFRs and Cal-Osha**

➤ **Sampling Protocols and Test Methods – section (h)**

- ✓ **Removed reference to SCAQMD Method 300-91**

These last two removals are necessary due to obsolete rule language

ITEMS UNADDRESSED IN PROPOSALS

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ **Shortening the two week (10-day) notification period**

We cannot alter the waiting period since this is a NESHAP requirement

➤ **Notification system is down for maintenance**

Currently the system is down for maintenance Friday from 6 p.m. to midnight. Staff will work with IM, but cannot promise that the timing of this maintenance will change. System also backs up every night from 11 p.m. to 1 a.m.

➤ **Illegal work is being performed and these proposals do not address this practice**

Staff is aware that illegal activity is occurring on a daily basis and our proposals will not address this activity. Staff has a complaint hotline, (800) CUT-SMOG, and responds to all complaints

Staff will make efforts to reach out to city planning departments to ensure asbestos abatements is addressed when permits are pulled

➤ **Rule guidance documents**

Enforcement and Compliance Staff will be updating our website and guidance documents to assist with rule compliance

SCHEDULE

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Working Group Meeting #1 May 25, 2018**
- **Working Group Meeting #2.....June 26, 2018**
- **Working Group Meeting #3 August 1, 2018**
- **Public Workshop August 29, 2018**
- **SSC November 16, 2018**
- **Public Hearing December 7, 2018**

COMMENTS

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

To submit comments or questions

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