

**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**

**Please contact:**

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