

**Working Group Meeting #5
Proposed Amended Rule 1403 -
Asbestos Emissions from Demolition/Renovation Activities**



**October 16, 2018
SCAQMD Headquarters
Diamond Bar, CA**

AGENDA

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Summary of Staff Activities**
- **Key issues raised by stakeholders**
- **Discussion of Latest Revisions to Proposed Rule Language – since WGM #4**
- **Rule Development Schedule**
- **Open Forum**

SUMMARY OF STAFF ACTIVITIES

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Staff has continued to receive comments from stakeholders**
- **Staff has continued internal discussions to address the issues raised by stakeholders**
- **Staff has continued to revise rule language while maintaining rule integrity and consistency**
- **Staff is considering adding a training requirement for asbestos consultants**
 - ✓ **Experiencing lots of questions and a lack of knowledge on basic rule requirements**
- **Staff is preparing an enhanced FAQ's document**

KEY ISSUES RAISED BY STAKEHOLDERS

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Emergency notifications**
 - ✓ **Delays in responding to true emergencies**
 - ✓ **Certification of emergency notification letter**
 - ✓ **Lack of clarity on definition of emergency**
- **Shorter notification timeframe for buried transite pipe**
- **Number of samples required for homogeneous material**
- **Composite sampling/analysis of wallboard**

KEY ISSUES RAISED BY STAKEHOLDERS

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Emergency notifications

- ✓ **Added an exemption for notifications for emergency renovations where there is a hazardous situation that poses an immediate risk of injury or death – Subparagraph (j)(1)**
- ✓ **Revised the rule language for the emergency letter where it may be signed by an authorized representative of the renovation or demolition operator – Subclause (d)(1)(B)(iv)(V)**
- ✓ **Clarified definition of emergency renovation to include two independent qualifications – Subparagraph (c)(16)**
 - ✓ **Imminent threat to public health and safety**
 - ✓ **Encountering previously unknown ACM during demolition or excavation**
- ✓ **Provides additional clarity of what is a true emergency and addresses scenario where there is a need for an emergency renovation but there is no identifiable sudden event**

KEY ISSUES RAISED BY STAKEHOLDERS

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Shorter notification timeframe for buried transite pipe**
 - ✓ **Staff believes that our revisions to the definition for Emergency Renovation will assist when there is an imminent threat or ACM is encountered during excavation**
 - ✓ **Staff has added the exemption to clarify that at any time if there is an emergency where there is an immediate threat of injury or death, then you handle the emergency first. Once corrected, then stop, secure, stabilize and notify – Subparagraph (j)(1)**
 - ✓ **Propose new rule language allowing for a two (2) day notification time frame for activities more than one-quarter (1/4) mile from any receptor – Subclause (d)(1)(B)(i)(II)**
 - **Only applies to activities not subject to the NESHAP**
 - ***This will require a phase-in period to update our Rule 1403 WebApp***

KEY ISSUES RAISED BY STAKEHOLDERS

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Number of samples required for homogeneous material**
 - ✓ **Staff is proposing rule language which would follow AHERA guidelines for friable surfacing materials and would follow the 3-5-7 guidelines depending on surface area of homogeneous materials – subparagraph (h)(1)(A)**
 - ✓ **Staff is proposing rule language for small areas, 16 square feet or less, of Class I & Class II non-friable materials which would allow a single sample to be obtained if appropriate – clause (h)(1)(C)(i)**
 - ✓ **Staff is proposing rule language for all other materials not covered by subparagraph (h)(1)(A) or clause (h)(1)(B)(i) that would require a minimum of three (3) samples – subparagraph (h)(1)(B) and clause (h)(1)(C)(ii)**

KEY ISSUES RAISED BY STAKEHOLDERS

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Number of samples required for homogeneous material**
 - ✓ **Staff is proposing rule language which allows all analysis to cease once a single sample of homogeneous material is analyzed at greater than 1.0% - subparagraph (h)(1)(D)**
 - ✓ **Staff's proposals are simply the minimum requirements to comply with PAR1403. Nothing precludes the asbestos consultant from obtaining additional samples**

KEY ISSUES RAISED BY STAKEHOLDERS

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Composite sampling/analysis of wallboard**
 - ✓ **Currently still including language prohibiting composite sampling/analysis of wallboard systems**
 - ✓ **Consistent with our practice and interpretation of existing rule language**
 - ✓ **Consistent with OSHA requirements**
 - ✓ **Joint compound is often applied more liberally than just taping joints and nail holes**
 - ✓ **Impossible to evaluate whether application of joint compound has been limited to taping joints and nail holes**
- **Conducting research to see if we can better understand the risks posed were we to allow composite sampling/analysis**

REVISIONS TO PROPOSED RULE LANGUAGE

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Latest significant changes since WGM #4 to the following subdivisions**
 - ✓ **Definitions – subdivision (c)**
 - ✓ **Requirements – subdivision (d)**
 - ✓ **Warning Labels, Signs, and Markings – subdivision (e)**
 - ✓ **Recordkeeping – subdivision (g)**
 - ✓ **Sampling Protocols and Test Methods – subdivision (h)**
 - ✓ **Exemptions – subdivision (j)**

DEFINITIONS – Subdivision (c)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Definitions (c)

- ✓ **(10) CLASS I NONFRIABLE ACM – refined definition and list of materials considered Class I nonfriable ACM**
 - **including, but not limited to, packings, gaskets, resilient floor covering, fractured or crushed asbestos cement products, cement water pipes, transite materials, mastic, asphalt roofing products, roofing felts, and roofing tiles**
 - This proposed rule language is to consolidate the materials into one area of the definition. Asbestos-containing packings, gaskets, and asphalt roofing products was added after looking at another APCD's rule
- ✓ **(37) REMOVAL – listed actions considered a means of removal**
 - **including, but not limited to, cutting, drilling, scraping, abrading, grinding, or similarly disturbing ACM or facility components**
 - This proposed rule language is to provide examples of a means of removal

REQUIREMENTS – Subdivision (d)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Requirements (d)

- ✓ (1)(A)(i) – The affected facility or facility components shall be thoroughly surveyed by an asbestos consultant, meeting the requirements of clauses (d)(1)(A)(iv) or (v), for the presence of asbestos...
 - (1)(A)(iv) – Person contracted to perform asbestos surveys... shall be certified asbestos consultants (CAC)
 - (1)(A)(v) – Persons conducting asbestos surveys at the facility where they are employed exclusively, in accordance with subparagraph (d)(1)(A), shall possess a current and valid certificate from a Cal/OSHA approved AHERA building inspector training course
 - This proposed rule language was added after discussions with stakeholders, and Cal-OSHA, who brought it to our attention that employees performing asbestos surveys for their employers do not have to obtain certification

REQUIREMENTS – Subdivision (d)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Requirements (d)

✓ **(d)(1)(B)(i)(II) – Renovation Activities Involving Underground Pipe Situated in Remote Locations**

The notification shall be submitted to the District no later than two (2) working days before any activities begin if the location is more than one-quarter (1/4) mile from the nearest receptor. The distance to the nearest receptor, the method used to determine the distance, and the person determining the distance shall be included with the survey

- This was discussed earlier in slide #6
- This will require a phase in period of at least six (6) months, after rule adoption, for the Rule 1403 Notification Web Application to be updated

REQUIREMENTS – Subdivision (d)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Requirements (d)

- ✓ (d)(1)(B)(ii)(VI)(1) – For projects that do not conform to the traditional Monday through Friday work schedule, a Schedule of Work shall be included as part of the notification and updated as soon as the change of schedule is known, but no later than the first work shift when the change of schedule takes effect
- ✓ (d)(1)(B)(ii)(VI)(2) – For projects that suffer a delay due to events outside their control after the Start Date including, but not limited to, flood, fire, or earthquake; an updated Schedule of Work shall be submitted as soon as the delay is known, but no later than the start of the work shift that was delayed
A reason for the delay shall be included with the updated Schedule of Work
 - These proposed rule language changes were considered after discussions with stakeholders during the previous WGM

REQUIREMENTS – Subdivision (d)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Requirements (d)

- ✓ **(d)(1)(B)(ii)(XVIV) – The name, address, telephone number, and a valid Cal/OSHA approved AHERA Building Inspector certification number of the person employed by the facility who completed the facility survey**
 - This proposed rule language was necessary since PAR 1403 will allow AHERA Building Inspectors to perform asbestos surveys
- ✓ **(d)(1)(C)(ii)(VI) – If any disturbed, damaged, or suspected ACM is discovered outside of a containment or work area then, prior to continuing with any renovation or demolition activity, the owner/operator shall secure, stabilize and survey the affected facility areas and submit and obtain an approved Procedure 5 plan, prior to any asbestos clean-up**
 - This proposed rule language was to clarify when an approved P5 is necessary to comply with rule requirements

REQUIREMENTS – Subdivision (d)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Requirements (d)

- ✓ ((d)(1)(D)(ii)(II) – Notifications for materials that cannot be assessed for damage such as, but not limited to, subterranean piping, where the asbestos consultant has presumed or assumed the material to be asbestos-containing, shall be submitted as a Procedure 4 or 5 Approved Alternative. *A facility survey is still required in accordance with subparagraph (d)(1)(A).*
 - This proposed rule language restates that an on-site inspection is still required even though the assumption or presumption that what is underground and unseen is ACM. The length of surface that will be excavated above must be verified by an on-site inspection

REQUIREMENTS – Subdivision (e) & (g)

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➤ Warning Labels, Signs, and Markings (e)

- ✓ (e)(1)(A) – Warning labels for leak-tight containers and wrapping shall have letters of sufficient size and contrast as to be readily visible and legible, and shall contain information specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1926.1101(k)(8)
 - This proposed rule language cites the proper CFR

➤ Recordkeeping (g)

- ✓ (g)(1)(G) – A copy of all signed contracts related to the renovation or demolition activities
 - This proposed rule language is to make sure our compliance staff can investigate the responsible parties properly

REQUIREMENTS – Subdivision (h)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Sampling Protocols and Test Methods (h)

- ✓ **(1) Sampling of materials suspected to contain asbestos shall be conducted as follows:**
 - (A) Bulk samples shall be collected from each homogeneous area of friable surfacing material that is not assumed to be ACM as follows:**
 - (i) A minimum of three samples shall be collected from each area of homogeneous material that is 1,000 square feet or less, except as provided in subparagraph (h)(1)(D);**
 - (ii) A minimum of five samples shall be collected from each area of homogeneous material that is greater than 1,000 square feet but less than 5,000 square feet, except as provided in subparagraph (h)(1)(D); and,**
 - (iii) A minimum of seven samples shall be collected from each area of homogeneous material that is greater than, or equal to, 5,000 square feet, except as provided in subparagraph (h)(1)(D).**

REQUIREMENTS – Subdivision (h)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Sampling Protocols and Test Methods (h)

- (B) Bulk samples shall be collected from each homogeneous area of friable non-surfacing material that is not assumed to be ACM as follows:**
 - (i) A minimum of three samples shall be collected from each homogeneous material; except as provided in subparagraph (h)(1)(D).**
- (C) Bulk samples shall be collected from each homogeneous area of Class I and Class II non-friable material that is not assumed to be ACM as follows:**
 - (i) A minimum of one sample shall be collected from each area of homogeneous material that is 16 square feet or less; and,**
 - (ii) A minimum of three samples shall be collected from each area of homogeneous material that is greater than 16 square feet, except as provided in subparagraph (h)(1)(D).**
- (D) A homogeneous area shall be determined to be ACM based on a finding that the results of at least one sample collected from that area shows that asbestos is present in an amount greater than one percent (1.0%).**

REQUIREMENTS – Subdivision (h)

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

➤ Sampling Protocols and Test Methods (h)

(E) A homogeneous area is considered not to contain ACM only if the results of all samples required to be collected from the area show asbestos in amounts of one percent (1.0%) or less, in accordance with subparagraphs (h)(1)(A) and (B);

REQUIREMENTS – Exemptions (j)

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➤ Exemptions (j)

- ✓ **(1) The requirements of paragraph (d)(1) shall not apply to a hazardous situation that poses an immediate risk of injury or death. Once the immediate hazard has been addressed, then activity must stop, and the site must be secured, stabilized, and surveyed for the presence and condition of asbestos-containing and asbestos-contaminated materials. If asbestos-containing materials have been disturbed or damaged as a result of, or as part of the response to, the hazardous situation, a Procedure 4 or 5 (Approved Alternative) clean-up plan must be submitted by the end of the next business day and approved prior to any asbestos clean-up. Written explanation of the hazard and hazard response must be submitted to the District along with the Procedure 4 or 5 clean-up plan.**

RULE DEVELOPMENT SCHEDULE

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Working Group Meeting #4..... August 29, 2018**
- **Working Group Meeting #5.....October 16, 2018**
- **Public WorkshopOctober 31, 2018**
- **SSC November 16, 2018**
- **Public Hearing January 4, 2018**

COMMENTS

Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

To submit comments or questions

Please contact:

Bradley McClung – Rule Development

Telephone: 909-396-2446

Email: bmcclung@aqmd.gov