

**Public Workshop**  
**Proposed Amended Rule 1403 -**  
**Asbestos Emissions from Demolition/Renovation Activities**



**October 31, 2018**  
**SCAQMD Headquarters**

**Diamond Bar, CA**

# **BACKGROUND**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

- **EPA adopted the NESHAP for asbestos on April 5, 1984 and last revised it on November 20, 1990**
- **Intended to minimize exposure to asbestos fibers from demolition/renovation activities**
- **Rule 1403 originally adopted October 1989; amended several times since – the last time October 5, 2007**
- **Began work on a Proposed Amended Rule 1403 in March 2018**
  - ✓ **Align with Federal requirements where appropriate**
  - ✓ **Provide rule clarifications**
  - ✓ **Rule enhancements**

# **KEY CHANGES**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Clarification/Modification of Emergency Notifications**

- ✓ **Provide additional clarity of true emergency**
  - **Imminent threat to public health and safety**
- ✓ **Address need for emergency renovation for sudden unexpected event resulting in an unsafe condition**
  - **Encountering previously unknown ACM during demolition or excavation**
- ✓ **Certification for emergency letters**
  - **Must be signed by both person affected and authorized representative for operator**
  - **In lieu of renovation operator signature the person affected by the emergency shall submit a notarized letter**

# **KEY CHANGES**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

- **Expansion of Rule Applicability to Cover:**
  - ✓ **Asbestos Consultants (CACs)**
  - ✓ **General Contractors**
  
- **Included provision to address notifications for remote locations of transite pipe**
  
- **Clarification of sampling protocol to specify minimum number of samples for homogeneous materials**
  
- **Clarification that composite analysis is not acceptable for wallboard systems**

# **SUMMARY OF STAFF ACTIVITIES**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

- **Five Working Group Meetings**
- **Staff accompanied SCAQMD compliance staff on inspections**
- **Eight meetings with stakeholders at their facility**
- **Seven meetings with stakeholders at SCAQMD headquarters**
- **Fielded dozens of e-mails and calls from stakeholders**
- **Presented and reviewed potential rule language with stakeholders – undergone four (4) revisions**
- **Prepared a preliminary draft staff report**

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

- **Subdivision (a) – Purpose** *(p. 1)*
  - ✓ Clarification of ACM and ACWM acronyms
- **Subdivision (b) – Applicability** *(p. 1)*
  - ✓ New language to identify owners, lessors, consultants, contractors and subcontractors
- **Subdivision (c) – Definitions** *(p. 1-7)*
  - ✓ Staff proposes 9 new definitions
  - ✓ Asbestos Consultant
  - ✓ Start Dates / End Dates
    - Renovations
    - Demolitions

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (c) – Definitions (cont.) *(p.1-7)***

- ✓ **Homogeneous Materials**
- ✓ **Owner-Occupant**
- ✓ **Receptor**
  - **Residences**
  - **Institutions**
  - **Any other location affected by asbestos emissions**
- ✓ **Supervisor**
- ✓ **Surfacing Materials**
- ✓ **Visible Emissions**
  - **To address particulate emissions generated from asbestos abating activities**

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (c) – Definitions (cont.)** *(p.1-7)*

- ✓ **Staff proposes 12 revisions to existing definitions to enhance clarity:**
  - **Paragraph(c)(2) - Adequately Wet**
  - **Paragraph(c)(~~5~~6) - Asbestos-Containing Material (ACM)**
  - **Paragraph(c)(~~6~~7) - Asbestos-Containing Waste Material (ACWM)**
  - **Paragraph (c)(~~9~~10) - Class I Nonfriable Asbestos-Containing Material**
  - **Paragraph(c)(~~12~~13) - Cutting**
  - **Paragraph(c)(~~13~~14) - Demolition**
  - **Paragraph(c)(~~15~~16) - Emergency Renovation**
  - **Paragraph(c)(~~17~~19) - Enclosed Storage Area**
  - **Paragraph(c)(~~18~~20) - Facility**
  - **Paragraph(c)(~~20~~22) - Friable Asbestos-Containing Material**
  - **Paragraph(c)(~~24~~27) - Isolated Work Area**
  - **Paragraph(c)(~~33~~38) - Removal**

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (d) - Requirements**

#### **✓ Facility Surveys - Clarifications to existing rule language:**

- **Clause (d)(1)(A)(i) (p. 7)**
- **Subclause (d)(1)(A)(iii)(II) (p. 8)**
- **Subclause (d)(1)(A)(iii)(III) (p. 8)**
- **Subclause (d)(1)(A)(iii)(IV) (p. 8)**
- **Clause (d)(1)(A)(iv) (p. 9)**

#### **✓ Facility Surveys – New rule language:**

- **Subclause (d)(1)(A)(iii)(V) (p. 8)**
- **Subclause (d)(1)(A)(iii)(VII) (p. 9)**
- **Item (d)(1)(A)(iii)(VII)(1) (p. 9)**
- **Item (d)(1)(A)(iii)(VII)(2) (p. 9)**
- **Item (d)(1)(A)(iii)(VII)(3) (p. 9)**
- **Clause (d)(1)(A)(v) (p. 9)**

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (d) – Requirements (cont)**

#### **✓ Notifications:**

- **Clarifications to existing rule language:**
  - **Paragraph (d)(1)(B) *(p. 10)***

#### **✓ Time Schedule:**

- **Clarifications to existing rule language**
  - **Subclause (d)(1)(B)(i)(IV) *(p. 11)***
- **New rule language to address underground pipe in remote locations**
  - **Subclause (d)(1)(B)(i)(II) *(p. 10)***

#### **✓ Notification Requirements:**

- **Clarifications to existing rule language**
  - **Subclause (d)(1)(B)(ii)(II) *(P. 11)***
  - **Subclause (d)(1)(B)(ii)(VIII) *(P. 12)***
  - **Subclause (d)(1)(B)(ii)(X) *(P. 13)***

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (d) – Requirements (cont)**

#### **✓ Notification Requirements:**

##### **▪ Clarifications to existing rule language**

- Subclause (d)(1)(B)(ii)(XIV) (P. 13)**
- Subclause (d)(1)(B)(ii)(XVI) (P. 13)**

##### **▪ New rule language to address Schedule of Work & Delays after Start Date:**

- Item (d)(1)(B)(ii)(VI)(1) (P. 12)**
- Item (d)(1)(B)(ii)(VI)(2) (P. 12)**
- Subclause (d)(1)(B)(ii)(XVII) (P. 13)**
- Subclause (d)(1)(B)(ii)(XVIII)(1) (P. 13)**
- Subclause (d)(1)(B)(ii)(XVIII)(2) (P. 14)**

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (d) – Requirements (cont)**

#### **✓ Emergency Renovation Additional Information:**

- **Clarifications to existing rule language**
  - **Subclause (d)(1)(B)(iv)(III) (P. 14)**
  - **Subclause (d)(1)(B)(iv)(IV) (P. 14)**
  - **Subclause (d)(1)(B)(iv)(V) (P. 14)**

#### **✓ Notification Updates:**

- **Clarifications to existing rule language**
  - **Subclause (d)(1)(B)(v)(II) (P. 15)**
  - **Subclause (d)(1)(B)(v)(III) (P. 15)**
  - **Subclause (d)(1)(B)(v)(IV) (P. 15)**
  - **Subclause (d)(1)(B)(v)(V) (P. 16)**
- **New rule language to address cancellation**
  - **Subclause (d)(1)(B)(v)(I) (p. 15)**

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (d) – Requirements (cont)**

- ✓ **Renovations and Non-Burning Demolitions:**
  - **Clarifications to existing rule language**
    - **Subclause (d)(1)(C)(ii)(IV) (P. 17)**
  - **New rule language for ACM discovered outside of containment or work area**
    - **Subclause (d)(1)(C)(ii)(VI) (P. 17)**
  
- ✓ **Specific procedure requirements:**
  - **Clarifications to existing rule language**
    - **Subclause (d)(1)(D)(ii)(I) (P. 20)**
  - **New rule language to address subterranean pipe**
    - **Subclause (d)(1)(D)(ii)(II) (P. 21)**
  
- ✓ **On-Site Supervisor:**
  - **Clarifications to existing rule language**
    - **Paragraph (d)(1)(G) (P. 22)**

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (d) – Requirements (cont)**

#### **✓ On-Site Proof:**

- **New rule language to address training certificates and recordkeeping**
  - **Clause (d)(1)(H)(v) *(P. 22)***
  - **Clause (d)(1)(H)(vi) *(P. 22)***
  - **Clause (d)(1)(H)(vii) *(P. 22)***

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (e) – Warning Labels, Signs, and Markings**

#### **(e)(1) Leak-Tight Containers**

- **Removed specific label wording and guidance from the rule – refer to 29 CFR 1926.1101(k)(8) *(p. 25)***
- **Add that label shall be clearly visible and readable from outside of the container *(p. 25)***

### **➤ Subdivision (g) – Recordkeeping**

#### **(g)(1) Demolition and Renovation Activities**

- **Add that copy of all contracts for labor in a demolition or renovation activity or the related removal of waste must be made available *(p. 29)***

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (h) – Sampling Protocols and Test Methods**

#### **(1) Sampling of materials suspected to contain asbestos *(p. 30-31)***

##### **(A) Bulk samples of friable surfacing material**

- (i) Minimum three samples for 1,000 square feet or less\***
- (ii) Minimum five samples for 1,000 square feet but less than 5,000 square feet\***
- (iii) Minimum seven samples for 5,000 square feet or more)\***

##### **(B) Bulk samples of friable non-surfacing material**

- (i) Minimum three samples from each homogeneous material\***

##### **(C) Bulk samples shall of Class I and Class II non-friable material**

- (i) Minimum one sample for 16 square feet or less**
- (ii) Minimum three samples greater than 16 square feet\***

**\*except as provided in subparagraph (h)(1)(D)**

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (h) – Sampling Protocols and Test Methods (cont)**

- (D) Homogeneous area determined to be ACM based on results of one sample greater than one percent (1.0 %) *(p. 31)***
- (E) Homogeneous area considered not to contain ACM if results of all samples amount to one percent or less *(p. 31)***
- (F) When composite sampling is performed for layered materials, analysis shall be performed in accordance with subparagraph (h)(2)(C) *(p. 31)***

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (h) – Sampling Protocols and Test Methods (cont)**

**(2) (A) A sample in which no asbestos is detected by Polarized Light Microscopy (PLM) does not have to be point counted. However, to confirm no asbestos was detected, survey reports must document three (3) subsamples were prepared and examined in their entirety; (p. 32)**

**(B) Asbestos detected and determined by PLM to be less than 10% (p. 32)**

- Owner/operator may either direct asbestos consultant to presume or assume amount to be greater than 1.0% and treat as ACM, or verify amount using:**

**(i) 400-point counting or more stringent method**

- 1,000-point counting**
- Gravimetric reduction**
- Transmission Electron Microscopy (TEM)**

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (h) – Sampling Protocols and Test Methods (cont)**

- (C) The analysis of composite samples of multi-layered material including, but not limited to, stucco (base and scratch coat) and wall systems is prohibited for the quantification of asbestos content. All separable layers shall be analyzed and reported separately for asbestos content; (p. 31)**
- (D) If any analysis is performed which shows a single sample greater than one percent (1.0%) ACM, then an asbestos consultant may forgo analysis of subsequent samples and presume or assume subsequent samples are greater than one percent (1.0%) ACM. (p. 31)**

### **➤ Subdivision (i) – Training Requirements**

- (2) The owner or operator performing a demolition activity shall provide asbestos-related training as follows: (p. 33)**
  - (A) On-site Supervisors shall obtain a certificate by attending the SCAQMD Rule 1403 Compliance Assistance Class or an equivalent training course such as, but not limited to, an asbestos awareness class. (p. 33)**

# **PROPOSED AMENDMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

### **➤ Subdivision (j) – Exemptions**

#### **✓ Clarifications to existing rule language**

- Paragraph (j)(2) *(p. 33)*
- Paragraph (j)(4) *(p. 34)*
- Paragraph (j)(5) *(p. 34)*
- Paragraph (j)(7) *(p. 34)*
- Paragraph (j)(9) *(p. 34)*
- Paragraph (j)(11) *(p. 35)*

#### **✓ New rule language to address specific new exemptions**

- Paragraph (j)(1) *(p. 33)*
- Paragraph (j)(11) *(p. 35)*

# RULE DEVELOPMENT SCHEDULE

## Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities

- **Public Workshop .....October 31, 2018**
- **SSC ..... November 16, 2018**
- **Set Hearing .....December 7, 2018**
- **Public Hearing ..... January 4, 2019**

# **COMMENTS**

## **Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities**

**Please submit comments or questions within 14 days**

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