

Monterey Bay Unified Air Pollution Control District

Asbestos NESHAP and District Rule 424 guidance

The Code of Federal Regulations contains a section covering several hazardous substances. These are referred to as the National Emission Standards for Hazardous Air Pollutants or NESHAP. One section of the NESHAP is devoted to ASBESTOS and has been adopted in our Rule 424. The Federal Asbestos NESHAP regulates asbestos removals and building demolitions. This comprehensive Federal regulation found in 40CFR Part 61 can be summarized as follows:

APPLICABILITY

The NESHAP standard applies to all regulated facilities conducting regulated activities. With few exceptions, this includes all demolitions and/or all renovations where at least 160 square feet or 260 linear feet of friable material will be disturbed or removed. Demolitions are defined as the wrecking or removing of load bearing members, and need not involve complete destruction of a building. Demolitions are subject to the NESHAP even if there is no asbestos involved. There is a general exemption for single family dwellings. However, this exemption does not apply if the dwelling is demolished by live fire training, or if it is part of a residential "facility" involving multiple dwelling units. Please call the Air District for guidance regarding the applicability of this regulation to your project. If applicability has been determined, all aspects of the regulation apply to that source. This includes **Building Surveys, Notifications, Emission Controls** and **Waste Handling** requirements.

BUILDING SURVEYS

Regulated facilities that conduct demolitions, or will be disturbing building materials during a renovation project, must survey the affected areas for asbestos. Current environmental law, including OSHA, the Labor Code and the Health & Safety Code requires these surveys for asbestos and mandates minimum certification criteria for professionals who conduct asbestos surveys for regulatory compliance. This includes people making a determination that no asbestos is in an area scheduled for demolition. It is a minimum requirement for facilities that conduct demolitions to have a competent individual survey the facility for asbestos prior to wrecking or removing structural load bearing members. It is a common sense approach that simply says look before you leap. Find out if asbestos is present, and if it is, deal with it accordingly. It is the obligation of the property owner to have these surveys conducted. Contractors conducting demolitions and renovations must assure these surveys have taken place before beginning activities that will disturb building materials that might contain asbestos.

NOTIFICATION

After the building survey, a written notification is required to advise the Air District of the regulated demolition or renovation activity. A ten working day waiting period, from the postmark date until the start date, is mandated to allow the agency time to schedule an inspection to verify the information included in the notification, or to observe the work practices of the contractors doing the work. The regulation includes a contingency for emergencies that allows for the waiting period to be by-passed in the interest of public health and a few other specific instances. Again, please call the Air District for guidance regarding emergency operations. If the scope of the project or project dates change, a written revision of the original notification is required. Project changes such as new start and completion dates make regulatory inspection difficult or impossible if not revised and represent a violation of the NESHAP.

EMISSION CONTROLS

The Asbestos NESHAP contains basic minimum standards for emission controls. They can be summarized as "keep the material adequately wet, and handle it gently to minimize fiber release during removal". While the regulation is much more comprehensive than this, the basic premise is that wet material is not dusty, and gentle handling helps to keep the material contained. Many of the requirements dealing with the design of the asbestos containment area are OSHA regulations for worker protection. However, the basic work practices intended to prevent the release of asbestos are part of the Asbestos NESHAP.

WASTE HANDLING

Friable, regulated asbestos waste must be transported by licensed haulers and disposed of in landfills that are certified to handle hazardous asbestos waste. There are cross checks of the waste manifests to make sure that material removed from facilities is actually disposed of properly. The hazardous asbestos waste is the property of the facility owner from where it was removed. Forever. It is imperative that facility owners assure that contractors conducting regulated activities do so in accordance with hazardous waste requirements because owners are ultimately liable for proper waste disposal.

OVERVIEW OF THE ASBESTOS NESHAP

The Federal Asbestos NESHAP is a cradle to grave tracking and handling regulation for hazardous asbestos waste. The intent is to eliminate asbestos fiber releases from demolition and renovation activities. The building survey, notification, work practices and waste handling requirements are designed to achieve that goal and to provide the opportunity for regulatory compliance inspections and material tracking to protect the public health.

COMMON MISCONCEPTIONS

"Asbestos has been banned for so long that you won't find it in any buildings"

constructed after 1980".

Some asbestos bans were on the manufacture of asbestos products, rather than the installation. This means that some products made in the '70s could have been installed in the '80s. This is particularly true at military facilities where building products were kept in storage for use over a wide range of time. In addition to this, asbestos was mined and milled in the United States as late as 2002 and is still used in a variety of products worldwide.

"Asbestos is not as dangerous as was previously thought".

There is such a large amount of data linking asbestos fibers to health effects that this argument has little merit. Asbestos as a health risk is associated with a dose response scenario. The more exposure the greater the risk. Risks that require exposure over time are sometimes overlooked by people because there is no immediate effect or discomfort. To this day there is no know level of asbestos exposure that is considered safe.

THE MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT

The Air District has been delegated authority to enforce the Federal Asbestos NESHAP within the tri-county Monterey Bay Area. We have adopted the Federal Regulation in our Rule 424 and included additional elements. We have clarified the term "Thoroughly Inspect" as related to building surveys and provided guidance on survey reports that are submitted during the notification process. There is also a requirement to install view ports to allow observation of asbestos abatement projects from outside the regulated area. The specific language is presented below.

- **"Thoroughly Inspect"** as required in §61.145(a) is clarified as follows: All suspect building materials, in each building, that will be disturbed by planned demolition or renovation activities shall be sampled and analyzed for asbestos using the method specified in Appendix E, Subpart E, 40 Code of Federal Regulations, Part 763, Section 1 (Polarized Light Microscopy) or assumed to be asbestos containing. Suspect materials include, friable asbestos-containing material, Category I nonfriable asbestos-containing material, Category II nonfriable asbestos-containing material or any other material that may contain asbestos based on past manufacturing practices or use.
- **Building surveys** shall clearly identify all suspect building materials, sample locations and the laboratory analysis for each sample taken in a

written report. The written building survey report shall be submitted along with the notification for each demolition project and for asbestos removal projects that will disturb building materials other than those being abated.

- For asbestos renovation projects, all containment areas shall have **view ports** installed where feasible to allow clear viewing of asbestos removal operations from outside the containment area.

REMOVAL OF FLOOR MASTIC

Floor mastics containing asbestos which are typically associated with floor tile and linoleum applications are considered to be nonfriable forms of asbestos. If the mastics will be removed by mechanical means such as an electric buffer, that removal technique will render the mastic friable and subject to the NESHAP regulation as Regulated Asbestos Containing Material (RACM). Hand removal techniques such as hand scrappers with mastic solvent is considered to maintain the mastic in a nonfriable condition.

FEE RULE 306

Our Rule 306 provides funding for the Asbestos Program by establishing fees for NESHAP applicable demolition and renovation projects. A District **Fee Worksheet** is available to assist with fee determinations during the notification process.

For any information related to this program or for general compliance guidance please call 831-647-9411.