

# ARTICLE IX

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## ASBESTOS CONTROL STANDARDS

**ADOPTED: September 5, 1991**

**REVISED: May 1, 2014**

**EFFECTIVE: September 2, 2014**

### SECTION 9.01 PURPOSE

The Board of Directors of the Spokane Regional Clean Air Agency recognizes that airborne asbestos is a serious health hazard. Asbestos fibers released into the air can be inhaled and cause lung cancer, pleural mesothelioma, peritoneal mesothelioma or asbestosis. The Board of Directors has adopted this regulation to control asbestos emissions primarily resulting from asbestos projects, renovation projects, and demolition projects in order to protect the public health.

### SECTION 9.02 DEFINITIONS

- A. AHERA Building Inspector means a person who has successfully completed the training requirements for a building inspector established by United States Environmental Protection Agency (EPA) Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E) and whose certification is current.
- B. AHERA Project Designer means a person who has successfully completed the training requirements for an abatement project designer established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E) and whose certification is current.
- C. Asbestos means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.
- D. Asbestos-Containing Material (ACM) means any material containing more than one percent (1%) asbestos as determined using the method specified in the EPA publication, *Method for the Determination of Asbestos in Building Materials*, EPA/600/R-93/116, July 1993 or a more effective method as approved or

required by EPA. It includes all loose vermiculite (e.g., vermiculite attic insulation, vermiculite block fill) and any material presumed to be asbestos-containing.

- E. Asbestos-Containing Waste Material (ACWM) means any waste that contains or is contaminated with asbestos-containing material. Asbestos-containing waste material includes asbestos-containing material that has been removed from a structure, disturbed, or deteriorated in a way that it is no longer an integral part of the structure or component, asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or high efficiency particulate air (HEPA) filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.
- F. Asbestos Project means any activity involving the abatement, renovation, demolition, removal, salvage, clean-up or disposal of asbestos-containing material, or any other action or inaction that disturbs or is likely to disturb any asbestos-containing material. It includes the removal and disposal of asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.
- G. Asbestos Survey means a written report resulting from a thorough inspection performed pursuant to Section 9.03 of this Regulation.
- H. Asphalt Shingles means asphalt roofing in shingle form, composed of glass felt or felts impregnated and coated on both sides with asphalt, and surfaced on the weather side with mineral granules. Some asphalt shingle styles are commonly referred to as three-tab shingles.
- I. Competent Person means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate the hazards, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor and Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).
- J. Component means any equipment, pipe, structural member, or other item or material.
- K. Contiguous means touching or adjoining.

- L. Controlled Area means an area to which only certified asbestos workers, representatives of the Agency, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA), have access.
- M. Demolition means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable in part or whole. It includes any related handling operations. It also includes moving a structure (except a mobile home which remains intact) and wrecking or taking out of any load-supporting structural member (except in an owner-occupied, single-family residence).
- N. Disposal Container means a carton, bag, drum, box, or crate designed for the purpose of safely transporting and disposing of asbestos-containing waste material.
- O. Friable Asbestos-Containing Material means asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Each of these descriptions is separate and distinct, meaning the term includes asbestos-containing material that, when dry, can be:
1. Crumbled by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal;
  2. Pulverized by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal; or
  3. Reduced to powder by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal.
- Such materials include, but are not limited to, thermal system insulation, surfacing material, Nicolet roofing paper and similar asbestos papers, and cement asbestos products.
- P. Homogeneous Area means an area of surfacing material, thermal system insulation material, or a miscellaneous material that is uniform in color or texture. Unless approved otherwise by SRCAA, rubble piles, debris piles, ash, soil, and similar materials are not homogeneous areas.
- Q. Leak-Tight Container means a dust-tight and liquid tight disposal container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.
- R. Nonfriable Asbestos-Containing Material means asbestos-containing material that is not friable (e.g. when dry, cannot be crumbled, pulverized, or reduced to

powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal).

- S. Nonfriable Asbestos-Containing Roofing means an asbestos-containing roofing material where all of the following apply:
1. The roofing is a nonfriable asbestos-containing material;
  2. The roofing is in good condition and is not peeling, cracking, or crumbling;
  3. The roofing binder is petroleum-based and asbestos fibers are suspended in that base with individual fibers still encapsulated; and
  4. The roofing binder exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing and disposing of it.
- T. Owner-Occupied, Single-Family Residence means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used by one family who owns the property as their domicile (permanent and primary residence) both prior to and after renovation or demolition, and can demonstrate such to the Agency upon request (e.g. utility bills). This term includes houses, mobile homes, trailers, detached garages, outbuildings, houseboats, and houses with a “mother-in-law apartment” or “guest room”. This term does not include rental property, multiple unit buildings (e.g. duplexes and condominiums with two or more units) or multiple-family units, nor does this term include any mixed-use building (e.g. a business being operated out of a residence), structure, or installation that contains a residential unit. This term does not include structures used for structural fire training exercises (Regulation I, Article VI, Section 6.01 and 40 CFR Part 61, Subpart M), structures previously subject to the federal asbestos NESHAP (40 CFR Part 61, Subpart M), structures that are part of a larger installation (e.g., military base, company housing, apartment complex, housing complex, institution, industrial operation, etc.), or government ordered demolitions.
- U. Owner’s Agent means any person who leases, operates, controls, or is responsible for an asbestos project, renovation, demolition, or property subject to Article IX of this Regulation. It also includes the person(s) submitting a notification pursuant to Section 9.04 of this Regulation and/or performing the asbestos survey.
- V. Person means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.
- W. Renovation means altering a structure or component in any way, other than demolition.

- X. Structure means something built or constructed, in part or in whole. Examples include, but are not limited to, the following in part or in whole: houses, garages, commercial buildings, mobile homes, bridges, "smoke" stacks, pole-buildings, canopies, lean-tos, and foundations. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).
- Y. Surfacing Material means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing material on structural members, or other material on surfaces for decorative purposes.
- Z. Suspect Asbestos-Containing Material means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material (excluding asphalt shingles), fire barriers, gaskets, flooring material, and cement siding. Suspect asbestos-containing material must be presumed to be asbestos-containing material unless demonstrated otherwise (e.g. as determined using the method specified in the EPA publication, *Method for the Determination of Asbestos in Building Materials*, EPA/600/R-93/116, July 1993).
- AA. Thermal System Insulation (TSI) means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.
- AB. Visible Emissions means any emissions that are visually detectable without the aid of instruments. The term does not include condensed uncombined water vapor.
- AC. Wallboard System means joint compound and tape specifically applied to cover nail holes, joints and wall corners. It does not mean "add on materials" such as sprayed on materials, paints, textured ceilings or wall coverings. A wallboard system where joint compound and tape have become an integral system (40 CFR Part 61 FRL4821-7) may be analyzed as a composite sample for determining if it is an asbestos-containing material.
- AD. Waste Generator means any owner or owner's agent that generates, produces, or is in part or whole, responsible for an activity that results in asbestos-containing waste material.
- AE. Workday means Monday through Friday 8:00 a.m. to 4:30 p.m. excluding legal holidays observed by the Agency. For purposes of filing a notification or notification amendment via SRCAA's website pursuant to Section 9.04, and unless specified otherwise on SRCAA's website, a workday means any day of the week and any time of the day.

## SECTION 9.03 ASBESTOS SURVEY REQUIREMENTS

- A. Except as provided for in Section 9.03.F of this Regulation, it shall be unlawful for any person to cause or allow any renovation, demolition, or asbestos project unless the property owner or the owner's agent first obtains an asbestos survey, performed by an AHERA building inspector.
- B. Asbestos Survey Procedures.
1. An asbestos survey must consist of a written report resulting from a thorough inspection performed by an AHERA building inspector. The AHERA building inspector must use the procedures in EPA regulations 40 CFR 763.86 or an alternate asbestos survey method pursuant to Section 9.03.F.3 of this Regulation. The inspection, and resulting asbestos survey report, must be performed to determine whether materials, components, or structures to be worked on, renovated, removed, disturbed, impacted, or demolished (including materials on the outside of structures) contain asbestos.
  2. Except as provided for in Section 9.03.F of this Regulation, only an AHERA building inspector may determine, by performing an asbestos survey, that a material is not a suspect asbestos-containing material and that a suspect asbestos-containing material does not contain asbestos.
  3. The required number of bulk asbestos samples must be collected per the sampling procedures detailed in EPA regulations 40 CFR Part 763.86 and analyzed pursuant to this Article to determine that suspect asbestos-containing material does not contain asbestos.
    - a. An AHERA building inspector shall collect, in a statistically random manner, a minimum of three bulk samples from each homogeneous area of any surfacing material that is not assumed to be asbestos-containing material, and shall collect the samples as follows:
      - 1) At least three (3) bulk samples shall be collected from each homogeneous area that is 1,000 square feet or less.
      - 2) At least five (5) bulk samples shall be collected from each homogeneous area that is greater than 1,000 square feet but less than or equal to 5,000 square feet.
      - 3) At least seven (7) bulk samples shall be collected from each homogeneous area that is greater than 5,000 square feet.
    - b. Except as provided for in 40 CFR 763.86(b)(2)-(4), an AHERA building inspector shall collect, in a statistically random manner, at

least three (3) bulk samples from each homogeneous area of thermal system insulation that is not assumed to be asbestos-containing material.

- c. An AHERA building inspector shall collect, in a manner sufficient to determine whether material is asbestos-containing material or not asbestos-containing material, at least two (2) bulk samples from each homogeneous area of any miscellaneous material that is not assumed to be asbestos-containing material.
- d. Bulk samples must be analyzed by laboratories accredited by the National Institute of Standards and Technology's (formerly the National Bureau of Standards) National Voluntary Laboratory Accreditation Program (NVLAP) or an equivalent standard approved by SRCAA. Except for wallboard systems as defined in Section 9.02.AC, bulk samples shall not be composited for analysis.
- e. Bulk samples shall be analyzed for asbestos content by polarized light microscopy (PLM) using the method specified in the EPA publication, *Method for the Determination of Asbestos in Building Materials*, EPA/600/R-93/116, July 1993 or a more effective method as approved or required by EPA.

C. Asbestos Survey Report.

These requirements apply to asbestos surveys, regardless of when they were performed. Except where additional information is required pursuant to EPA Regulation 40 CFR Part 763.85, asbestos surveys shall contain, at a minimum, all of the following information:

- 1. General Information.
  - a. Date that the inspection was performed;
  - b. AHERA Building Inspector signature, certification number, date certification expires, and name and address of entity providing AHERA Building Inspector certification;
  - c. Site address(es) / location(s) where the inspection was performed;
  - d. Description of the structure(s) / area(s) inspected (e.g., use, approximate age and approximate outside dimensions);

- e. The purpose of the inspection (e.g., pre-demolition asbestos survey, renovation of 2<sup>nd</sup> floor, removal of acoustical ceiling texturing due to water damage, etc.), if known;
  - f. Detailed description of any limitations of the asbestos survey (e.g., inaccessible areas not inspected, survey limited to renovation area, etc.);
  - g. Identify and describe all homogeneous areas of suspect asbestos-containing materials, except where limitations of the asbestos survey identified in Section 9.03.C.1.f (paragraph above) prevented such identification and include whether each homogeneous material is surfacing material, thermal system insulation, or miscellaneous material;
  - h. Identify materials presumed to be asbestos-containing material;
  - i. Exact location where each bulk asbestos sample was taken (e.g., schematic and/or other detailed description sufficient for any person to match the material(s) sampled and tested to the material(s) on site);
  - j. Complete copy of the laboratory report for bulk asbestos samples analyzed, which includes all of the following:
    - 1) Laboratory name, address and NVLAP certification number;
    - 2) Bulk sample numbers;
    - 3) Bulk sample descriptions;
    - 4) Bulk sample results showing asbestos content; and
    - 5) Name of the person at the laboratory that performed the analysis.
2. Information Regarding Asbestos-Containing Materials (including those presumed to contain asbestos).
- a. Describe the color of each asbestos-containing material;
  - b. Identify the location of each asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project (e.g. schematic and/or other detailed description);

- c. Provide the approximate quantity of each asbestos-containing material (generally in square feet or linear feet); and
- d. Describe the condition of each asbestos-containing material (e.g. good, damaged). If the asbestos-containing material is damaged, describe the general extent and type of damage (e.g., flaking, blistering, crumbling, water damage, fire damage).

D. Asbestos Survey Posting.

Except as provided for in Section 9.03.F of this Regulation, a complete copy of an asbestos survey must be posted by the property owner or the owner's agent in a readily accessible and visible area at all times for inspection by SRCAA and all persons at the work site. This applies even when the asbestos survey performed by an AHERA Building Inspector states there are no asbestos-containing materials in the work area. During demolition, if it is not practical to post the asbestos survey, it must be readily accessible and made readily available for inspection by SRCAA and all persons at the demolition site.

E. Asbestos Survey Retention.

The property owner, owner's agent, and the AHERA building inspector that performed the asbestos survey (when the asbestos survey has been performed by an AHERA building inspector), shall retain a complete copy of the asbestos survey for at least 24 months from the date the inspection was performed and provide a copy to the Agency upon request.

F. Exceptions.

1. Owner-Occupied, Single-Family Residence Renovation Performed by the Owner-Occupant.

For renovation of an owner-occupied, single-family residence performed by the owner-occupant, an asbestos survey is not required. An owner-occupant's assessment for the presence of asbestos-containing material prior to renovation of an owner-occupied, single-family residence is adequate. A written report is not required.

2. Presuming Suspect Asbestos-Containing Materials are Asbestos-Containing Materials.

It is not required that an AHERA building inspector evaluate (e.g. sample and test) any material presumed to be asbestos-containing material. If material is presumed to be asbestos-containing material, this determination shall be posted by the property owner or the owner's agent in a readily accessible and visible area at the work site for all persons at

the work site. The determination shall include a description, approximate quantity, and location of presumed asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project. The property owner, owner's agent, and the person that determined that material would be presumed to be asbestos-containing material, shall retain a complete copy of the written determination for at least 24 months from the date it was made and shall provide a copy to the Agency upon request. Except for Section 9.03.A-E, all other requirements of this Regulation remain in effect.

3. Alternate Asbestos Survey.

A written alternate asbestos survey method shall be prepared and used on occasions when conventional sampling methods required in EPA regulations 40 CFR 763.86 cannot be exclusively performed (all other asbestos survey requirements in Section 9.03 of this Regulation apply). For example, conventional sampling methods may not be possible on fire damaged buildings or portions thereof (e.g. when materials are not intact or homogeneous areas are not identifiable). Conventional sampling methods shall not be used for rubble or debris piles, and ash or soil unless approved otherwise in writing by the Agency. If conventional sampling methods cannot exclusively be used and material is not presumed to be asbestos-containing material, alternate asbestos survey methodology must be used alone or, when possible, in combination with conventional survey methodology. An alternate asbestos survey methodology typically includes random sampling according to a grid pattern (e.g. random composite bulk samples at incremental 1' depths from 10' x 10' squares of a debris pile), but is not limited to such. An illustration of how the principles of such sampling techniques are applied can be found in the EPA publication, *Preparation of Soil Sampling Protocols: Sampling Techniques & Strategies*, EPA/600/R-92/128, July 1992.

4. Demolition by Fire Fighting Instruction Fires.

Pursuant to RCW 52.12.150(6), asbestos surveys need not be performed by an AHERA Building Inspector. However, pursuant to Section 9.04.A.7.f of this Regulation, the project fee referenced in Section 10.09 and specified in the fee schedule is waived for any demolition performed in accordance with RCW 52.12.150(6), where the good faith inspection referred to in RCW 52.12.150(6) is an asbestos survey performed by an AHERA Building Inspector, as required in Section 9.03.A-E of this Regulation.

5. Underground Storage Tanks.

An asbestos survey is not required prior to renovation or demolition of an underground storage tank. However, if suspect asbestos-containing material is identified during the renovation or demolition of an underground storage tank, work shall cease until it is determined pursuant to Section 9.03 of this Regulation whether or not the suspect asbestos-containing material is asbestos-containing material. All other requirements of this Regulation remain in effect.

## **SECTION 9.04 NOTIFICATION (PERMIT) REQUIREMENTS**

### **A. General Requirements.**

Except as provided for in Section 9.04.A.7, it shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer or his/her authorized representative, has been submitted to the Agency, in accordance with the notification waiting period requirements in Article X, Section 10.09 of this Regulation. Unless otherwise approved or required by SRCAA, the notification must be submitted by the property owner or owner's agent on approved forms through the Agency's website or submitted at the Agency's place of business in person or via U.S. mail. Notifications will not be accepted if the earliest project start date is greater than 365 days from the date of submittal.

#### **1. When the Notification Waiting Period Begins.**

The notification waiting period shall begin on the workday a complete notification is received by the Agency and shall end after the notification waiting period in Section 10.09 has passed (e.g., The notification waiting period for a notification submitted at the Agency's place of business after 4:30 p.m. on a Friday shall not begin until the following Monday, provided Monday is not a holiday observed by the Agency. A 10-day notification period means work on an asbestos project or demolition can begin on day 11.). A notification is considered complete when all information requested on the notification, including the required fee and any additional information requested by the Control Officer or his/her authorized representative, is received by the Agency. The notification waiting period shall not begin for incomplete notifications (e.g., unpaid fees, notifications where the asbestos project start date and/or completion date and/or demolition start date is listed as "To Be Determined", when types and quantities of asbestos to be removed are unknown, etc.).

#### **2. Project Duration.**

The duration of an asbestos project shall be commensurate with the amount of work involved. The duration of the project may take into

account applicable scheduling limitations (e.g. asbestos removal that needs to be done in phases, based on scheduling limitations determined by the property owner). The daily asbestos project work schedule must be provided by the owner or owner's agent to the Agency upon request.

3. Multiple Asbestos Projects or Demolitions.

Notification for 5 or fewer structures may be filed by a property owner or owner's agent on one form if all the following criteria are met:

- a. The notification applies only to asbestos projects or demolitions on contiguous real properties having the same owner or real properties with the same owner separated only by a public right-of-way (e.g. alley or roadway).
- b. The work will be performed by the same abatement and/or demolition contractor.
- c. The notification includes the specific site address for each structure. Where a specific site address isn't available for each structure (e.g. at a large commercial site with multiple structures), provide a detailed description / location for each structure.
- d. The notification includes the amount and type of asbestos-containing material associated with each structure and indicates which structures will be demolished.

4. Notification Expiration.

Notifications are valid for no more than 365 days from the earliest original notification start date. A new notification shall be submitted to the Agency for work to be performed beginning or continuing more than 365 days from the earliest original notification start date and shall be accompanied by the appropriate nonrefundable fee as referenced in Section 10.09 of this Regulation and as specified in the fee schedule. SRCAA may revoke a notification for cause (e.g. providing any false material statement, representation, or certification). Reason(s) for revocation shall be provided to the owner or owner's agent. If a notification is revoked, a new notification shall be submitted with the appropriate non-refundable fee pursuant to this Regulation and SRCAA's fee schedule.

5. Notification Posting.

A copy or printout of the notification and all amendments to the notification must be posted by the property owner or the owner's agent in a readily accessible and visible area at all times for inspection by SRCAA and all

persons at the asbestos project or demolition site. During demolition, if it is not practical to post the asbestos survey, it must be readily accessible and made readily available for inspection by SRCAA and all persons at the demolition site.

6. Notification Retention

The property owner and owner's agent (including the person that filed the notification), shall retain a complete copy of all notification records for at least 24 months from the date the notification was filed with the Agency and provide a copy to the Agency upon request.

7. Notification Exceptions.

a. Asbestos Project Thresholds.

Notification is not required for asbestos projects involving less than 10 linear feet or 48 square feet (per structure, per calendar year) of any asbestos-containing material. Owners and/or owner's agents must file notification once the 10 linear feet or 48 square feet has been reached on any asbestos project or multiple asbestos project (per structure, per calendar year).

b. Nonfriable Asbestos-Containing Materials: Caulking, Window-Glazing, Roofing.

Except for nonfriable roofing removed in accordance with Section 9.08.B (Leaving Nonfriable Asbestos-Containing Roofing Material in Place During Demolition) or Section 9.08.C (Exception for Hazardous Conditions), notification is not required for removal and disposal of the following nonfriable asbestos-containing materials: caulking, window-glazing, or roofing (roofing used on roofs versus other applications). All other asbestos project and demolition requirements remain in effect except as provided by Article IX.

c. Owner-Occupied, Single-Family Residences.

For an asbestos project involving an owner-occupied, single-family residence performed by someone other than the resident owner (e.g. an asbestos removal contractor), it shall be the responsibility of the person performing the asbestos project to submit a complete notification, including the required fee and any additional information requested by the Control Officer or his/her authorized representative, to the Agency, in accordance with the notification waiting period requirements in Article X, Section 10.09 of this Regulation. The notification must be submitted by the owner's

agent on approved forms. All other asbestos project and demolition requirements remain in effect except as provided by Article IX.

d. Underground Storage Tanks.

Notification is not required for demolition of underground storage tanks with no asbestos. All other asbestos project and demolition requirements remain in effect except as provided by Article IX.

e. Demolition of Structures With a Projected Roof Area  $\leq$  120 Square Feet.

Notification is not required for demolition of structures with a projected roof area less than or equal to 120 square feet, unless asbestos-containing material is present. If asbestos-containing material is present, asbestos project notification requirements apply. All other requirements remain in effect except as provided by Article IX.

f. Demolition by Fire Fighting Instruction Fires.

The notification fee in the fee schedule is waived for any demolition (when the notification project type is for asbestos removal and demolition or the notification project type is demolition with no asbestos removal) performed in accordance with RCW 52.12.150(6), where the good faith inspection referred to in RCW 52.12.150(6) is an asbestos survey performed by an AHERA Building Inspector, as required in Section 9.03.A-E of this Regulation.

g. Abandoned Asbestos-Containing Material.

The Control Officer may waive part or all of the notification waiting period and project fee, by written authorization, for removal and disposal of abandoned (without the knowledge or consent of the property owner) asbestos-containing materials and for demolition of abandoned structures. All other requirements remain in effect.

h. Emergencies.

The advance notification period may be waived pursuant to Section 10.09.A if an asbestos project or demolition must be conducted immediately because of any of the following:

- 1) There was a sudden, unexpected event that resulted in a public health or safety hazard;

- 2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;
- 3) Asbestos-containing materials were encountered that were not identified during the asbestos survey; or
- 4) The project must proceed to avoid imposing an unreasonable financial burden.

i. State of Emergency.

If a state of emergency is declared by an authorized local, state, or federal governmental official due to a storm, flooding, or other disaster, the Control Officer may temporarily waive part or all of the project fee(s) by written authorization. The written authorization shall reference the applicable state of emergency, what fee(s) will be waived, to what extent the fee(s) will be waived, and the effective date(s) of the fee(s) waiver.

j. Annual Notification.

A property owner or owner's agent may file one or more annual notifications if all of the following conditions are met:

- 1) If more than one annual notification is filed for the same real property, there must not be duplication of structures listed on the annual notifications.
- 2) The total amount of asbestos-containing material for all asbestos projects performed under an annual notification is less than or equal to 259 linear feet and less than or equal to 159 square feet per structure, per calendar year. If any quantity of asbestos-containing material is removed from a structure which is below notification thresholds of 10 linear feet and/or 48 square feet per structure per calendar year, and an annual notification is filed after the removal occurred, the quantity of asbestos-containing material removed from each structure must be applied towards the annual notification removal limits for each structure.
- 3) The annual notification is valid for one calendar year.

- 4) The annual notification is exempt from the requirements in Sections 9.04.A.2, 9.04.A.3.b, 9.04.A.3.d, and 9.04.A.4. All other requirements apply.
- 5) Quarterly reporting forms approved by SRCAA shall be completed and received by SRCAA for the first calendar quarter by April 15, for the second calendar quarter by July 15, for the third calendar quarter by October 15, and for the fourth calendar quarter by January 15. Quarterly reports shall be filed with SRCAA even when no asbestos-containing material is removed for the respective reporting period.

B. Amendments.

Mandatory Amendments.

Amendments must be submitted by the person or party that originally submitted the notification unless that person or party explicitly names another person or party that is authorized to file an amendment. An amendment shall be submitted to the Agency for any of the following changes in notification, must be submitted in accordance with Section 9.04.A and the advance notification requirements in Section 10.09 of this Regulation, and if applicable, shall be accompanied by the appropriate nonrefundable fee as set forth in the fee schedule:

1. Project Type.

Changes in the project type (e.g. from asbestos removal only to asbestos removal and demolition) or cancellation of a project filed under a notification.

2. Job Size.

Increases in the job size category, which increase the fee or changes the advance notification period. For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category shall be submitted. When there is an increase in the job size category which increases the fee or changes the advance notification period, the additional quantities of asbestos-containing material must be itemized on the amendment form. If the job size increases the 3-day waiting period to a 10-day waiting period, the 10-day waiting period starts from the original notification filing date. If the original notification was filed as an emergency and there is an increase in the job size category which

increases the notification fee category, the emergency fee applies to the new fee category.

3. Type of Asbestos.

Changes in the type or new types of asbestos-containing material that will be removed. All types (except as provided for in Section 9.04.A.7.b) and quantities of asbestos-containing material must be itemized on the amendment form.

4. Start / End Dates.

Changes in the asbestos project date (i.e. asbestos removal start date, asbestos removal end date or earliest demolition start date). This includes placing a project “on hold” (e.g. an asbestos project is temporarily delayed and a new project date has not been determined). Placing a project “on hold” is limited to asbestos projects where the remaining types and quantities of asbestos-containing material to be removed are known. When placing a project “on hold”, the remaining types and quantities of asbestos-containing material to be removed from each structure shall be itemized on the amendment form. If an asbestos project date is placed “on hold”, an amendment taking it “off hold” must be filed prior to work on the asbestos project resuming.

5. Completion Date.

Except as provided below, in the case of additional work to be performed after the last completion date on record, a new notification shall be submitted to the Agency and shall be accompanied by the appropriate nonrefundable fee as set forth in the fee schedule. Where the notification project type indicates asbestos removal only, the last completion date on record refers to the last asbestos removal completion date on record. Where the notification project type indicates asbestos removal and demolition or demolition with no asbestos removal, the last completion date on record is 365 days from the earliest original notification start date.

a. Completion Date Extension.

Where the notification project type indicates asbestos removal only or asbestos removal and demolition, the last asbestos removal completion date on record has already passed, when an asbestos survey was performed that was designed to address the full scope of the renovation or demolition being performed, and when asbestos-containing materials are discovered unexpectedly prior to or during renovation or demolition and those materials were not identified in an asbestos survey, the owner or owner’s agent may

request that SRCAA accept an amendment under this section for removal of additional asbestos-containing material. In making the request, the owner or owner's agent shall submit a copy of the asbestos survey to SRCAA. If SRCAA does not approve an amendment under this section, a new notification must be submitted pursuant to Article IX and Section 10.09 for removal of additional asbestos-containing material.

6. Adding Structures.

Adding one or more structures to a previously submitted notification.

- a. Amendments cannot be used to add structures to a previously submitted notification unless one or more of the following applies:
  - 1) The structure(s) meet(s) the definition of an owner-occupied, single-family residence and the last completion date on record has not passed; or
  - 2) The structure(s) is/are added prior to the earliest start date listed on the original notification.
- b. If the addition of one or more structures will increase the original advance notification waiting period (e.g. 3 day to 10 day), a new notification is required.
- c. The multiple asbestos project and demolition requirements in Section 9.04.A.3 and other applicable requirements apply.

**SECTION 9.05 ASBESTOS DISTURBANCE**

A. Removal to Prevent Disturbance.

Except as provided in Sections 9.05.E and 9.08 of this Regulation, it shall be unlawful for any person to cause or allow any renovation, demolition, or other action or inaction that may:

1. Disturb asbestos-containing material without first removing all asbestos-containing material in accordance with the requirements of this Regulation; or
2. Damage a structure so as to preclude access to asbestos-containing material for future removal, without first removing all asbestos-containing material in accordance with the requirements of this Regulation.

B. Conditions that will Likely Result in Disturbance.

Except as provided in Sections 9.05.E and 9.08 of this Regulation, it shall be unlawful for any person to create or allow a condition, involving an existing structure or component, that will likely result in the disturbance of asbestos-containing material (e.g., not removing all asbestos-containing material in a structure scheduled for demolition; not completely removing asbestos-containing material identified for removal by the last asbestos removal completion date on record; leaving asbestos-containing material in a state that makes it more susceptible to being disturbed; asbestos-containing material that is peeling, delaminating, crumbling, blistering, or other similar condition; etc.).

C. Reuse.

Asbestos-containing material in good condition (as determined in Section 9.03.C.2.d when an asbestos survey is performed) may be removed for reuse, stored for reuse, or transported for reuse provided it is not disturbed or likely to be disturbed. Asbestos-containing material that is damaged or likely to be disturbed shall not be removed for reuse, stored for reuse or transported for reuse. Asbestos-containing material which is stored or transported for reuse must be kept in a secure location and clearly labeled with asbestos warning signs until reuse occurs. If the asbestos-containing material will not be reused or is likely to be disturbed, it must be handled and disposed of in accordance with this Regulation.

D. If Disturbance Occurs.

Suspect asbestos-containing material that has been disturbed must be removed as soon as possible and disposed of in accordance with this Regulation unless an asbestos survey, performed in accordance with Section 9.03 of this Regulation, demonstrates that suspect asbestos-containing materials are not asbestos-containing materials.

E. Vermiculite.

Except as provided in Sections 9.08.A and 9.08.C, it shall be unlawful for any person to cause or allow any renovation, demolition, or other action or inaction that may disturb loose vermiculite containing one percent or less asbestos, including damaging a structure so as to preclude access for future removal, without first removing it to the extent practicable in accordance with Section 9.06.C and other applicable requirements of this Regulation. Furthermore, it shall be unlawful for any person to create or allow a condition, involving an existing structure or component that will likely result in the disturbance of loose vermiculite containing one percent or less asbestos (e.g. not removing it to the extent practical in a structure scheduled for demolition; not removing visible vermiculite to the extent practical by the last asbestos removal completion date

on record; leaving loose vermiculite containing one percent or less asbestos in a state that makes it more susceptible to being disturbed).

## **SECTION 9.06 PROCEDURES FOR ASBESTOS PROJECTS**

### **A. Training Requirements.**

It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current. This certification requirement does not apply to asbestos projects conducted in an owner-occupied, single-family residence performed by the resident owner of the dwelling.

### **B. Standard Asbestos Project Work Practices.**

Standard asbestos project work practices require manual removal methods unless otherwise approved by SRCAA. Examples of mechanical work practices approved by SRCAA include, but are not limited to, the use of a stationary fixed blade attached to a motorized vehicle for removal of asbestos-containing floor tile (see also WISHA Interim Interpretive Memorandum #97-7-G) and self-contained shot blasting equipment fitted and operated with HEPA filtration. Standard asbestos work practices require removal of asbestos-containing material using all procedures described in Section 9.06.B.1-6. Except as provided in Sections 9.08.A-C of this Regulation, it shall be unlawful for any person to cause or allow the removal or disturbance of asbestos-containing material unless all the following requirements are met:

#### **1. Controlled Area.**

The asbestos project shall be conducted and maintained in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only, including occasions when asbestos abatement is not actively occurring (e.g. when workers are on break or off-site).

#### **2. Negative Pressure Enclosure.**

If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.

#### **3. Wetting Asbestos-Containing Material Prior to and During Removal.**

- a. Absorbent asbestos-containing materials, such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated absorbent asbestos-containing material exposed during removal shall be immediately saturated with a liquid wetting agent and kept wet until sealed in leak-tight containers.
- b. Nonabsorbent asbestos-containing materials, such as cement asbestos board or vinyl asbestos tile, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. Any dry surfaces of nonabsorbent asbestos-containing material exposed during removal shall be immediately coated with a liquid wetting agent and kept wet until sealed in leak-tight containers.
- c. Metal components (such as valves, fire doors, and reactor vessels) that have internal asbestos-containing material do not require wetting of the asbestos-containing material if all access points to the asbestos-containing materials are welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the asbestos-containing material from the environment.

4. Handling.

Except for surfacing material being removed inside a negative pressure enclosure, asbestos-containing material that is being removed, has been removed, or may have fallen off components during an asbestos project shall be carefully lowered to the ground or the floor, not dropped, thrown, slid, or otherwise damaged.

5. Asbestos-Containing Waste Material.

- a. All absorbent, asbestos-containing waste material shall be kept saturated with a liquid wetting agent until sealed in leak-tight containers. All nonabsorbent, asbestos-containing waste material shall be kept coated with a liquid wetting agent until sealed in leak-tight containers.
- b. All asbestos-containing waste material resulting from an asbestos project shall be sealed in leak-tight containers as soon as possible after removal, but no later than the end of each work shift.
- c. The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an

asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

- d. Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be made at the site where the waste was generated and must be readable without opening the container.
- e. Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.
- f. Asbestos-containing waste material shall be stored in a controlled area until transported to, and disposed of at, a waste disposal site approved to accept asbestos-containing waste material.

6. Visible Emissions

No visible emissions shall result from an asbestos project.

C. Procedures for Loose Vermiculite Containing One Percent or Less Asbestos

Except as provided in Sections 9.08.A and 9.08.C, all of the following asbestos procedures shall be employed for removal or demolition of loose vermiculite containing one percent or less asbestos:

1. Removal

- a. The asbestos project shall be conducted and maintained in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only, including occasions when asbestos abatement is not actively occurring (e.g. when workers are on break or off-site).
- b. Vermiculite shall be misted or wetted to the extent practicable with a liquid wetting agent prior to and during removal.
- c. Vermiculite shall be removed using manual methods or using vacuum systems with HEPA filtered exhaust systems designed for the vacuum system on which it is used. The HEPA filtered exhaust system shall be operated and maintained according to manufacturer specifications.

- d. Following vermiculite removal, the work space shall be treated with a post abatement encapsulant (e.g., lock-down encapsulant, penetrating encapsulant).
2. Handling & Disposal
- a. After being removed, vermiculite shall immediately be transferred to a leak-tight container.
  - b. The exterior of each leak-tight container shall be free of all vermiculite residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.
  - c. Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be made at the site where the waste was generated and must be readable without opening the container.
  - d. Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.
  - e. Asbestos-containing waste material shall be stored in a controlled area until transported to, and disposed of at, a waste disposal site approved to accept asbestos-containing waste material and in accordance with Section 9.09 of this Regulation.
3. Except as provided for in Section 9.06.C.1.b, no visible emissions shall result from an asbestos project.

### **SECTION 9.07 PROCEDURES FOR NONFRIABLE ASBESTOS-CONTAINING ROOFING MATERIAL**

All of the following asbestos removal methods shall be employed for nonfriable asbestos-containing roofing material as defined in Section 9.02.S of this Regulation:

- A. The nonfriable asbestos-containing roofing material shall be removed using methods, such as spud bar and knife, which do not render the material friable. Removal methods such as sanding, grinding, abrading, or sawing shall not be employed under this Section.
- B. After being removed, nonfriable asbestos-containing roofing material shall be carefully lowered to the ground or the floor, not dropped, thrown, or otherwise

damaged and transferred to a disposal container as soon as possible after removal. In no case shall the transfer occur later than the end of each work shift.

- C. Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing roofing material and shall be transported to, and disposed of at, an approved waste disposal site in compliance with Section 9.09 and applicable local, state, and federal regulations.
- D. No visible emissions shall result from an asbestos project.

## **SECTION 9.08 ALTERNATE MEANS OF COMPLIANCE**

- A. Alternate Asbestos Project Work Practices for Removing Asbestos-Containing Material Prior to Renovation or Demolition.

Unless otherwise approved by SRCAA in writing, alternate means of compliance must be used where standard asbestos project work practices in Section 9.06.B cannot be utilized to remove asbestos-containing material (financial considerations aside) prior to renovation or demolition; when asbestos-containing material has been disturbed or is otherwise no longer intact (e.g., when demolition has already occurred or a similar situation exists, typically leaving a pile / area of debris, rubble, ash, or soil); or when mechanical methods are used for removal. Projects performed under this section must be performed under the alternate asbestos project work practice notification category and must comply with all of the following:

- 1. Qualifications of Person(s) Preparing an Alternate Work Plan (AWP).

An AHERA Project Designer must evaluate the work area, the type and quantity (known or estimated) of asbestos-containing material, the projected work practices, and the engineering controls and develop an AWP that ensures the planned control methods will be as effective as the work practices in Section 9.06.B of this Regulation.

- 2. AWP Contents.

The AWP must contain all of the following information:

- a. Reason(s) why standard work practices cannot be utilized;
- b. Date(s) the work area was evaluated by the person(s) that prepared the AWP;
- c. Site address(es) / location(s) where the inspection was performed;

- d. The purpose of the evaluation (e.g., asbestos removal from an electrical structure or component where standard wet methods cannot be utilized, removal and disposal of a debris pile resulting from a fire-damaged structure, etc.);
- e. If an asbestos survey was performed, include a copy or incorporate it by reference;
- f. All procedures that will be followed for controlling asbestos emissions during the asbestos project;
- g. Procedures that will be followed for the final inspection of the property to ensure that asbestos-containing material has been removed and disposed of in accordance with applicable regulations;
- h. A statement that the AWP will be as effective as the work practices in Section 9.06.B;
- i. Signature(s) of the person(s) that prepared the AWP; and
- j. Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the person(s) that prepared the AWP.

3. Asbestos Survey.

If an asbestos survey is not performed pursuant to Section 9.03 of this Regulation, it must be presumed that the asbestos project involves friable and nonfriable asbestos-containing material.

4. AWP Procedures.

The AWP must identify in detail all procedures that will be followed for controlling asbestos emissions during the asbestos project (e.g., during asbestos removal, when workers are off-site, etc.). All procedures and requirements in the AWP must be followed. Unless alternate procedures are specified in the AWP by an AHERA Project Designer, the AWP shall include all of the requirements in Section 9.08.A.4.a-f, below.

a. Controlled Area.

The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.

The controlled area shall protect persons outside the controlled area from potential exposure to airborne asbestos.

b. Wetting.

All materials and debris shall be handled in a wet condition.

- 1) Absorbent materials shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated surfaces exposed during removal shall be wetted immediately.
- 2) Nonabsorbent materials shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during the removal. They shall be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers. Any dry surfaces exposed during removal shall be wetted immediately.

c. Asbestos-Containing Waste Materials.

- 1) All asbestos-containing waste material and/or asbestos contaminated waste material shall be kept wet and shall be sealed in leak-tight containers while still wet, as soon as possible after removal but no later than the end of each work shift.
- 2) The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.
- 3) Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.
- 4) Leak-tight containers shall be kept leak-tight.
- 5) The asbestos-containing waste material shall be stored in a controlled area until transported to an approved waste disposal site.

d. Air Monitoring.

Procedures that shall be followed for air monitoring at the outside perimeter of the controlled area, both upwind and downwind, to ensure that the asbestos fiber concentrations do not exceed a net difference (between concurrent upwind and downwind monitoring results) of 0.01 fibers per cubic centimeter (f/cc) as determined by the NIOSH Manual of Analytical Methods, Method 7400 (asbestos and other fibers by PCM).

- 1) The procedures shall require that any air sampling cassette(s) that become(s) overloaded with dust be immediately replaced. Work shall stop until an AHERA Project Designer has re-evaluated the engineering controls for dust control, revised the AWP as necessary, and the owner or owner's agent implements all revisions to the AWP.
- 2) The Agency shall immediately be notified by the owner or owner's agent if the airborne fiber concentrations exceed a net difference of 0.01 f/cc and work shall stop until an AHERA Project Designer has re-evaluated the engineering controls, revised the AWP as necessary, and the owner or owner's agent implements all revisions to the AWP.

e. Competent Person.

- 1) A competent person shall be present for the duration of the asbestos project (includes demolition) and shall observe work activities at the site.
- 2) The competent person shall stop work at the site to ensure that friable asbestos-containing material found in the debris, which can readily be separated, is removed from the main waste stream and is placed and maintained in leak-tight containers for disposal.
- 3) The competent person shall stop work if AWP procedures are not being followed and shall ensure that work does not resume until procedures in the AWP are followed.

f. Separation of Materials.

If the project involves separation of clean(ed) materials from debris piles (e.g., rubble, ash, soil, etc.) that contain or are contaminated with asbestos-containing materials, the material separation

procedures shall be included in the AWP. In addition to these procedures, the following requirements apply:

- 1) The AWP shall identify what materials will be separated from the asbestos-containing material waste stream and shall describe the procedures that will be used for separating and cleaning the materials. All materials removed from the asbestos-containing waste material stream shall be free of asbestos-containing material.
- 2) A competent person shall ensure that materials being diverted from the asbestos-containing waste material stream are free of asbestos-containing material.

5. Visible Emissions.

No visible emissions shall result from an asbestos project.

6. Record Keeping.

- a. The AWP shall be kept at the work site for the duration of the project and made available to the Agency upon request. The property owner or owner's agent and AHERA Project Designer that prepared the AWP shall retain a complete copy of the AWP for at least 24 months from the date it was prepared and make it available to the Agency upon request.
- b. Complete copies of other asbestos-related test plans and reports (e.g., testing soil for asbestos, air monitoring for asbestos, etc.) associated with the project shall also be retained by the property owner or owner's agent for at least 24 months from the date it was performed and made available to the Agency upon request. The person(s) preparing and performing such tests shall also retain a complete copy of these records for at least 24 months from the date it was prepared and make it available to the Agency upon request.

7. Other Requirements.

All applicable local, state, and federal regulations must be complied with.

B. Leaving Nonfriable Asbestos-Containing Roofing Material in Place During Demolition.

Nonfriable asbestos-containing roofing material as defined in Section 9.02.S of this Regulation may be left in place during demolition, except for demolition by

burning, if it remains nonfriable during all demolition activities (including handling and disposal) and all of the following are met:

1. A signed and dated written determination was made by an AHERA Project Designer that includes all of the following:
  - a. A summary of the evaluation performed within the past 12 months, including a description of the type and current condition of asbestos-containing roofing materials;
  - b. A summary of the work practices and engineering controls that will be used;
  - c. A determination that nonfriable asbestos-containing roofing material will remain nonfriable during all demolition activities and subsequent disposal of the debris; and
  - d. The property owner or owner's agent and the AHERA Project Designer that performed the determination shall retain a complete copy of the determination for at least 24 months from the date it was performed and make it available to the Agency upon request.
2. Appropriate dust control methods as provided in Article VI, Section 6.05 of this Regulation shall be used to control fugitive dust emissions.
3. Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing roofing material and shall be transported to, and disposed of at, an approved waste disposal site in compliance with Section 9.09 and applicable local, state, and federal regulations.

C. Exception for Hazardous Conditions.

When the exception for hazardous conditions is being utilized, all of the following apply:

1. Friable and nonfriable asbestos-containing material need not be removed prior to demolition, if it is not accessible (e.g. asbestos cannot be removed prior to demolition) because of hazardous conditions such as structures or buildings that are structurally unsound, structures or buildings that are in danger of imminent collapse, or other conditions that are immediately dangerous to life and health.
2. An authorized government official or a licensed structural engineer must determine in writing that a hazard exists, which makes removal of asbestos-containing material dangerous to life or health. The determination must be retained for at least 24 months from the date it was

prepared and made available to SRCAA by the property owner or owner's agent upon request.

3. An AHERA Project Designer must evaluate the work area, the type and quantity (known or estimated) of asbestos-containing material, the projected work practices, and the engineering controls and develop an AWP that ensures the planned control methods will be protective of public health. The AWP must contain all of the following information:
  - a. Date(s) the work area was evaluated by the person(s) that prepared the AWP;
  - b. Site address(es) / location(s) where the inspection was performed;
  - c. A copy of the hazardous conditions determination from a government official or licensed structural engineer;
  - d. If an asbestos survey was performed, include a copy or incorporate it by reference;
  - e. All procedures that will be followed for controlling asbestos emissions during the asbestos project;
  - f. A statement that the AWP will be protective of public health;
  - g. Signature(s) of the person(s) that prepared the AWP; and
  - h. Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the person(s) that prepared the AWP.
4. AWP Procedures.

The requirements of Section 9.08.A.3-7 of this Regulation and all other applicable requirements, including those specified in the AWP, shall be complied with.

## **SECTION 9.09 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL**

- A. Disposal Within 10 Days of Removal.

Except as provided in Section 9.09.C (Temporary Storage Site) of this Regulation, it shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless it is deposited within 10 calendar days of removal at a waste disposal site authorized to accept such waste.

B. Waste Tracking Requirements.

It shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless all of the following requirements are met:

1. Maintain waste shipment records, beginning prior to transport, using a separate form for each waste generator that includes all of the following information:
  - a. The name, address, and telephone number of the waste generator.
  - b. The approximate quantity in cubic meters or cubic yards.
  - c. The name and telephone number of the disposal site operator.
  - d. The name and physical site location of the disposal site.
  - e. The date transported.
  - f. The name, address, and telephone number of the transporter.
  - g. Accurate detailed description of the type of asbestos-containing waste material being disposed of.
  - h. A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable waste transport regulations.
2. Provide a copy of the waste shipment record to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered. If requested by the disposal site operator, a copy of the AWP or written determination as specified pursuant to Sections 9.08.A-C of this Regulation shall also be provided to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered.
3. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 35 calendar days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment.
4. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 45 calendar days of the date the waste was accepted by the initial transporter, report in

writing to the Control Officer. Include in the report, a copy of the waste shipment record and cover letter signed by the waste generator, explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

5. Retain a copy of all waste shipment records for at least 24 months from the date it was generated, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site. A copy of asbestos project notifications and corresponding waste shipment records shall be provided to the Agency upon request.

C. Temporary Storage Site.

A person may establish a temporary storage site for the purpose of collecting and temporarily storing asbestos-containing waste material if it is approved by the Control Officer and all of the following conditions are met:

1. A complete application for Temporary Storage of asbestos containing waste material is submitted to and approved by the Agency.
2. The application must be accompanied by a non-refundable fee as set in the fee schedule.
3. Accumulated asbestos-containing waste material shall be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons, including Agency representatives and persons authorized by WISHA.
4. All asbestos-containing waste material shall be stored in leak-tight containers which are maintained in leak-tight condition.
5. The storage area must be locked except during transfer of asbestos-containing waste material.
6. Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed 90 calendar days.
7. Asbestos-Containing Waste Material Temporary Storage Permits approved by the Agency are valid for one calendar year unless a different time frame is specified in the permit.

D. Disposal of Asbestos Cement Pipe.

Asbestos cement pipe used on public right-of-ways, public easements, and places receiving the prior written approval of the Control Officer may be buried in place if the pipe is left intact (e.g., not moved, broken or disturbed) and covered

with at least 3 feet or more of non-asbestos fill material. All asbestos cement pipe fragments that are 1 linear foot or less and other asbestos-containing waste material shall be disposed of at a waste disposal site authorized to accept such waste. Pipe bursting asbestos cement pipe or other asbestos-containing material is prohibited.

#### **SECTION 9.10 COMPLIANCE WITH OTHER RULES**

Other government agencies have adopted rules that may apply to asbestos regulated under these rules including, but not limited to, the U.S Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, and the Washington State Department of Labor and Industries. Nothing in the Agency's rules shall be construed as excusing any person from complying with any other applicable local, state, or federal requirement.