

**SWAPCA 476 Standards for asbestos control.**

NEW SECTION

**SWAPCA 476-010 Purpose.**

The purpose of this regulation is to control asbestos emissions from the removal, encapsulation, salvage, disposal, or disturbance of asbestos-containing materials in order to protect public health.

NEW SECTION

**SWAPCA 476-030 Definitions.**

- (1) "Adequately wet" means sufficiently mixed, saturated, penetrated, or coated with a fine mist of water or aqueous solution to prevent emissions.
- (2) "Asbestos" means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.
- (3) "Asbestos-containing material" means any material containing at least one percent (1%) asbestos as determined by polarized light microscopy using the interim Method of the Determination of Asbestos in Bulk Samples contained in Appendix A of Subpart F in 40 CFR Part 763. This term does not include asbestos-containing roofing materials, regardless of asbestos content, when the following conditions are met:
  - (a) The asbestos-containing roofing material is in good condition and is not peeling, cracking, or crumbling; and
  - (b) The binder is petroleum based, the asbestos fibers are suspended in that base, and individual fibers are still encapsulated; and
  - (c) The binder still exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing it; and
  - (d) The building vessel, or structure containing the asbestos-containing roofing material, will not be demolished by burning or mechanical renovation/demolition methods that may release asbestos fibers.
- (4) "Asbestos-containing waste material" means any waste that contains asbestos-containing material. This term includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material(s) collected for disposal, or asbestos-containing waste, debris, containers, bags, protective clothing, or HEPA filters. This term does not include samples

of asbestos containing material taken for testing or enforcement actions.

- (5) "Asbestos project" means the construction, demolition, repair, remodeling, or renovation of any public or private building(s), vessel, structure(s), or component(s) involving the demolition, removal, encapsulation, salvage, disposal, or disturbance of any asbestos-containing material. This term includes the removal and disposal of asbestos-containing waste material from manufacturing operations that combine asbestos-containing material with any other material(s) to produce a product and the removal and disposal of stored asbestos-containing material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other nonasbestos materials to seal or fill exposed areas where asbestos fibers may be released. Nor does this include routine maintenance and other non-abatement projects that may minimally disturb ACM.
- (6) "Asbestos survey" means an inspection using the procedures contained in 40 CFR 763.86, or an alternate method that has received prior approval from the Authority, to determine whether materials or structures to be worked on, removed, or demolished, contain asbestos. In residential dwellings, asbestos samples may be taken by the resident owner of the dwelling.
- (7) "Authority" means the Southwest Air Pollution Control Authority (SWAPCA).
- (8) "Certified asbestos worker/supervisor" means a person who is certified by the Washington State Department of Labor and Industries under WAC 296-65-010, 012, and 030 to undertake an asbestos project or, for federal employees working in a federal facility, trained in an equally effective program approved by the United States Environmental Protection Agency.
- (9) "Collected for disposal" means sealed in a leak-tight container while adequately wet.
- (10) "Component" means any equipment, pipe, structural member, or other item covered, coated, or manufactured from asbestos-containing material.
- (11) "Controlled area" means an area to which only certified asbestos workers, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA), have access. For residential dwellings, the controlled area is the interior of the dwelling.
- (12) "Demolition" means the wrecking, dismantling, removal of any load-supporting structural member on, or burning of, any building, vessel, structure, or portion thereof. For residential dwellings, a demolition means the wrecking,

dismantling, or removal of any load bearing structural member by the use of heavy equipment (such as a backhoe) or the burning of the building thereby rendering as permanently uninhabitable, that portion of the building being demolished.

- (13) "Emergency asbestos project" means an unplanned asbestos project necessitated by a sudden and unexpected event that will imminently endanger human health and safety either through exposure to asbestos fibers or of vital utilities. Such events may include earthquakes, fire damage, non-routine failure or malfunction of equipment, or identification of additional asbestos-containing material discovered during an asbestos project.
- (14) "Encapsulant" means a compound that creates a membrane over a surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).
- (15) "Encapsulation" means the application of an encapsulant on surfaces that are covered, coated or manufactured from asbestos containing material to control the release of asbestos fibers into the air. For purposes of this regulation, encapsulation includes the construction of enclosures.
- (16) "Enclosure" means a permanent airtight protective overlay, such as a ceiling, floor, or wall, covering surfaces that are coated, covered, or manufactured from asbestos-containing material to control the release of asbestos fibers into the air.
- (17) "HEPA filter" means a high efficiency particulate air filter found in respirators and vacuum systems capable of filtering 0.3 micrometer mean aerodynamic diameter particles with 99.7% efficiency or greater.
- (18) "Leak tight container" means a dust tight container, at least 6 mil thick, that encloses the 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 polyethylene plastic.
- (19) "Local exhaust ventilation and collection system" means a system as described in Appendix J of EPA 560/565-024, *Guidance for Controlling Asbestos-Containing Materials in Buildings*.
- (20) "Owner or operator" means any person who owns, leases, operates, controls, or is responsible for activities at an asbestos project site, or an asbestos project operation, or both.
- (21) "Renovation" means the modification of any existing building, vessel, structure, component, or portion thereof, involving

the removal, encapsulation, alteration, disposal, or disturbance of any releasing, or likely to release asbestos fibers into the air.

- (22) "Residential dwelling" means any nonmultiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one family as their domicile. This term includes houses, mobile homes, trailers, houseboats, and homes with a "mother-in-law apartment" or "guest room". This term does not include structures that are demolished or renovated as part of a commercial or public project. Nor does this term include any mixed use building, structure, or installation that contains a residential unit.
- (23) "Visible emissions" means any emissions that are visually detectable without the aid of instruments. This term does not include condensed uncombined water vapor.
- (24) "Waste generator" means any owner or operator of a source whose act or process produces asbestos-containing waste material.
- (25) "Waste shipment record" means the shipping document required to be originated and signed by the owner or operator, used to track and substantiate the disposition of asbestos-containing waste material.
- (26) "Working day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

#### NEW SECTION

#### **SWAPCA 476-040 Notification requirements and fees.**

- (1) **Applicability.** It shall be unlawful for any person to cause or allow work on an asbestos project unless the owner or operator has filed with the Authority written notice as follows:
  - (a) A written "Notice of Intent to Remove or Encapsulate Asbestos" shall be submitted on Authority provided forms by the owner or operator for the approval by the Authority before any work on an asbestos project begins;
  - (b) A written "Notice of Intent to Remove or Encapsulate Asbestos" approval date will be from the date that all required submittals are received at SWAPCA.
  - (c) The written notice shall expire on the project completion date as specified by the owner or operator and shall be accompanied by the appropriate fee at the time of the submittal in accordance with SWAPCA 476-040(2);

- (d) The duration of the asbestos project shall not exceed one(1) year beyond the original project starting date and shall have a project starting and completion date that is commensurate with the amount of asbestos-containing material involved;
- (e) A copy of the approved written notice shall be available for inspection at the asbestos project site until completion of the project; and
- (f) Each written notice shall include the following information:
  - (i) The scheduled starting and completion dates of the asbestos project;
  - (ii) The complete street address or location(s) of the asbestos project, including the city, zip code, and county;
  - (iii) The description, specific location(s) at the project site, and amount (in linear feet for pipes and square feet for other components) of asbestos-containing material involved in the project. If an asbestos project involves a volume amount, then each cubic foot of asbestos-containing material must be converted to twelve (12) square feet of asbestos-containing material;
  - (iv) The complete name, mailing address, and telephone number of the owner or operator of the facility and the asbestos project;
  - (v) The description, size (total square feet and number of floors), and approximate age of the structure, vessel, or building;
  - (vi) The type of asbestos project involved and the method that will be used to accomplish it;
  - (vii) The procedures that will be used to comply with the asbestos emission control and disposal requirements of SWAPCA 476-050 and 476-060; and
  - (viii) The name and location of the waste disposal site where asbestos-containing waste material will be deposited.
- (g) Upon completion of an asbestos project, the owner or operator shall provide written confirmation to the Authority within 30 days of completion. This written confirmation of project completion shall contain as a

minimum the project name and location, date of completion, actual quantity of asbestos-containing material removed, and the name of the disposal facility.

- (2) **Advance notification period and fee.** Any notification required by SWAPCA 476-040(1) shall be considered incomplete until all the information required by SWAPCA 476-040(1) is received by the Authority and accompanied by the appropriate fee. A facsimile of the completed notification form shall be acceptable documentation for the start of the notification period, but the appropriate fee shall be received before the project can be approved. The advance notification period and appropriate fee shall be determined as follows:

Asbestos Project	Advance Notification Period	Notification Fee	Forms Required
Residential	Prior Notification Required	\$ 25	Notification to Perform an Asbestos Project
<10 linear ft <11 square ft	Prior Notification Required	\$ 25	Notification to Perform an Asbestos Project
10-260 linear ft 11-160 square ft	10 Working Days	\$ 100	Notification to Perform an Asbestos Project
>260 linear ft >160 square ft	10 Working Days	\$ 250	Notification to Perform an Asbestos Project
Amendments to All Projects	Prior Notification Required	\$ 25 3rd amendment & after	Amended Copy of Approved Notificaton
<u>Emergencies</u> All projects that normally require a 10 working day notification period	Prior Notification Required	\$ 25 plus Normal Notification Fee	Emergency Waiver Request Letter (submitted by property owner)

- (3) **Annual notification.** In addition to the notification requirements of SWAPCA 476-040(1) and 476-040(2), the owner or operator of a facility may file for approval by the Authority an annual written notification to conduct asbestos projects on one or more buildings, vessels, or structures at the facility during each calendar year for the purpose of scheduled maintenance or emergency repairs. The requirements of SWAPCA 476-040(1)(a) through 476-040(1)(d), 476-040(1)(g) and 476-040(2) shall not apply to asbestos projects undertaken during the calendar year at the applicable facility if all of the following conditions are met:

(a) Conditions.

- (i) Annual written notifications shall be submitted to the Authority for approval before commencing work on any asbestos projects specified in an annual application.
- (ii) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section shall be limited to less than 260 linear feet on pipes and 160 square feet on other components.
- (iii) The notification requirements of SWAPCA 476-040(1) and 476-040(2) shall apply to any asbestos project involving at least 260 linear feet on pipes or 160 square feet on other components for each building, vessel, or structure at the facility, including residential dwellings.
- (iv) A copy of the approved annual notice shall be available for inspection at the property owner's or operator's office until the end of the calendar year.
- (v) Asbestos-containing waste material generated from asbestos projects filed under an annual notification may be stored for disposal at the facility if all of the following conditions are met:
  - (A) All asbestos-containing waste material shall be treated in accordance with SWAPCA 476-060(1)(a), 476-060(1)(b), and 476-060(1)(c);
  - (B) Accumulated asbestos-containing waste materials collected during each calendar quarter shall be kept in a controlled storage area posted with one (1) or more asbestos warning signs and accessible only to authorized persons; and
  - (C) All stored asbestos-containing waste material shall be deposited at a waste disposal site within ninety (90) calendar days after collection for disposal, except as otherwise approved by the Authority unless the asbestos-containing waste material is handled as dangerous waste in accordance with WAC 173-303. The waste disposal site shall be operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the

health department with jurisdiction.

- (b) **Reporting Requirements and Fees.** Annual written notifications required by Section 476-040(3)(a) shall be submitted by the facility owner or operator on forms provided by the Authority. Notifications shall be submitted for approval by the Authority and accompanied by an annual fee of \$500.
  - (c) **Quarterly Reporting Requirements.** In addition to the written annual notification requirements of Section 476-040(3)(c), the facility owner or operator shall submit quarterly written reports to the Authority within fifteen (15) days after the end of each calendar quarter. Each quarterly report shall be submitted on forms provided by the Authority or an alternate format approved by the Authority.
- (4) **Amendments.** It shall be unlawful for any person to cause or allow any deviation from the information contained in a written notice unless an amended notification has been received and approved by the Authority. Amended notifications addressed by this section shall be filed by the original applicant, received by the Authority no later than the last filed completion date, and are limited to the following revisions:
- (a) A change in the job size category because of identification of additional asbestos-containing material. In this case, the fee shall be increased accordingly and the total fee shall be equal to, but not exceed, the fee amount provided for each job size category specified in Section 476-040(2);
  - (b) The asbestos or demolition project starting or completion date, provided the total duration of the work does not exceed one (1) calendar year beyond the original starting date. The commencement date of the original advance notification period shall apply with no additional waiting period required for amended applications filed in accordance with SWAPCA 476-040(4) and approved by the Authority. If an amended application results in a job size category that requires a waiting period as specified in SWAPCA 476-040(2) and the original application did not require a waiting period, the advance notification period shall commence on the approval date of the original application;
  - (c) Name, mailing address, and telephone number of the owner or operator of the asbestos project site or operation;
  - (d) Waste disposal site, provided the revised waste disposal site is operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health



department with jurisdiction;

- (e) Method of removal or compliance procedures, provided the revised work plan meets the asbestos emission control and disposal requirements of SWAPCA 476-050 and 450-060;
  - (f) Description, size (total square feet or number of floors), and approximate age of the building, vessel, or structure at the original address or location; and
  - (g) Any other information requested by the Authority.
- (5) **Exemptions.** The Authority may waive the required ten (10) working day advance notification period in SWAPCA 476-040(b) for an asbestos project if the facility owner demonstrates to the Authority that there is an emergency as follows:
- (a) **Emergency Asbestos Removal - Renovation.** The owner of a facility may submit a signed written request to waive the required ten (10) working day advance notification period for an asbestos project. The request shall be submitted for approval by the Authority and be accompanied by the completed notification and fee as identified in SWAPCA 476-040(1) and 476-040(2).
  - (b) **Emergency Asbestos Removal - Demolition.** The owner of a facility may submit a signed written request to waive the required ten (10) working day advance notification period for an emergency demolition operation if the request is accompanied by a copy of an order from a federal, state, or local government agency that requires demolition before the ten (10) working day advance notification period has elapsed. The request and copy of the order shall be submitted to the Authority for approval and be accompanied by the completed notification and fee as identified in SWAPCA 476-040(1) and 476-040(2).

#### NEW SECTION

#### **SWAPCA 476-050 Procedures for asbestos emission control.**

- (1) **Project requirements.** It shall be unlawful for any person to cause or allow work on an asbestos project unless the following procedures are employed:
- (a) Any work on an asbestos project shall be performed by certified asbestos workers under the direct, on-site supervision of a certified asbestos supervisor. This requirement shall not apply to certain limited asbestos projects conducted in accordance with SWAPCA 400-050(2) for residential dwellings.
  - (b) All asbestos containing material shall be kept adequately wet while being removed from any structure, building,

vessel, or component.

- (c) No visible emissions shall result from an asbestos project.
- (d) All asbestos-containing material that has been removed or may have fallen off components during the course of an asbestos project shall be:
  - (i) Kept adequately wet until collected for disposal;
  - (ii) Collected for disposal at the end of each working day;
  - (iii) Contained in a controlled area at all times until transported to a waste disposal site; and
  - (iv) Carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise handled in such a manner that may risk further damage to them; or
  - (v) Transported to the ground via dust tight chutes or containers if they have been removed or stripped more than 50 feet above ground level and were not removed as a unit or in sections.
- (e) Mechanical assemblies or components covered, coated, or manufactured from asbestos-containing material, removed as a unit or in sections, shall be contained in a leak-tight wrapping after wetting and labeled in accordance with SWAPCA 476-060(1)(a)(iii).
  - (i) For large components such as boilers, steam generators, and large tanks, the asbestos-containing material is not required to be removed or stripped if the component can be removed, stored, transported, and deposited at a waste disposal site or reused without disturbing or damaging the asbestos.
  - (ii) Metal components such as valves, fire doors, and reactor vessels that have internal asbestos-containing material may avoid wetting and leak tight wrapping if:
    - (A) All access to the asbestos-containing material is welded shut; or

- (B) The component has mechanical seals in place that separate the asbestos-containing material from the environment and these seals cannot be removed by hand; and
  - (C) The components are labeled in accordance with SWAPCA 476-060(1)(a)(iii).
- (f) Local exhaust ventilation and collection systems used on an asbestos project shall:
- (i) Be maintained to ensure the integrity of the system; and
  - (ii) When feasible, have one or more transparent plastic or glass viewing ports installed on the walls of the enclosure in such a manner that will allow for viewing of all components inside the enclosure. When available, existing windows may be utilized for viewing ports.
- (g) Local exhaust ventilation and collection systems, control devices, and vacuum systems, used on an asbestos project shall be equipped with a HEPA exhaust filter, maintained in good working order, and shall allow no visible emissions.
- (2) **Exemptions for residential dwellings.** The requirements of SWAPCA 476-050(1)(a) shall not apply to asbestos projects conducted in a residential dwelling by the resident owner of the dwelling.
- (3) **Demolition requirements.** It shall be unlawful for any person to cause or allow the demolition of any building, vessel, structure, or portion thereof, unless all asbestos-containing materials have been removed from the area to be demolished. It shall be unlawful for any person to cause or allow any demolition that would disturb asbestos-containing material or prevent access to the asbestos-containing material for removal and disposal.
- (4) **Demolition removal exemptions.** Asbestos-containing material need not be removed before the demolition of any building, vessel, structure, or portion thereof, if:
- (a) The asbestos-containing material is on a component that is encased in concrete or other material determined by the Control Officer to be equally effective in controlling asbestos emissions. In this case, the notification requirements of SWAPCA 476-040 shall apply and these materials shall be kept adequately wet whenever exposed during demolition until disposed of in accordance

with SWAPCA 476-060(1)(b); or

- (b) The asbestos-containing material could not be removed prior to demolition because it was not accessible until after demolition began. In this case, the application requirements of SWAPCA 476-040 shall apply and the exposed asbestos containing material and asbestos contaminated debris shall be kept adequately wet at all times until disposed of in accordance with SWAPCA 476-060(1)(b); or
  
- (c) The material was not accessible for removal because of hazardous conditions. Such conditions may include environments that are contaminated by toxic substances, structures or buildings that are structurally unsound and in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. Under such conditions, the facility owner or operator may submit a signed written request for conditional approval to the Authority for approval to waive the requirements of SWAPCA 476-050(3). In this case, the application requirements of SWAPCA 476-040 shall apply and the exposed asbestos-containing material and asbestos contaminated debris shall be kept adequately wet at all times unless otherwise approved by the Authority until disposed of in accordance with SWAPCA 476-060(1)(b). Evidence of the hazardous condition, as documented by a state or local government agency, shall accompany the written request in addition to the completed notification and appropriate fee as identified in SWAPCA 476-040. The request for exemption from SWAPCA 476-050(3) shall include, at a minimum:
  - (i) The complete name, mailing address, and telephone number of the owner or operator of the facility, including the city, zip code, and county;
  - (ii) The complete street address or location of the demolition site, including the city, zip code, and county;
  - (iii) The name, title, and authority of the state or local government representative who has determined the hazardous condition;
  - (iv) A description of the hazardous condition that prevents the removal of asbestos-containing material prior to demolition, including the amount, type, and specific location(s) within the structure of such materials; and

- (v) The procedures that will be used to prevent the release of asbestos fibers into the ambient air.
- (5) **Alternative control measures.** The owner or operator of an asbestos project may submit a signed written request to use an alternative control measure that is equally effective in controlling asbestos emissions for conditional approval by the Control Officer. The written request shall include, at a minimum:
- (a) The complete name, mailing address, and telephone number of the owner or operator of the asbestos project, including the city and zip code;
  - (b) The complete street address or location of the site, including the city, zip code, and county;
  - (c) A description of the material, including the type and percentage of asbestos in the material, total amount of material involved, and the specific location(s) of the material on the site; and
  - (d) The reason why an alternative control measure is required and a description of the proposed alternative control measure to be employed, including the procedures that will be used to prevent the release of asbestos fibers into the ambient air.

NEW SECTION

**SWAPCA 476-060 Disposal of asbestos-containing waste material.**

- (1) **Disposal requirements.** It shall be unlawful for any person to cause or allow work on an asbestos project unless the following procedures are employed during the collection, processing, packaging, transporting, or deposition of any asbestos-containing waste material:
- (a) Treat all asbestos-containing waste material as follows:
    - (i) Adequately wet all asbestos-containing waste material and mix asbestos waste from control devices, vacuum systems, or local exhaust ventilation and collection systems with water to form a slurry;
    - (ii) After wetting, seal all asbestos-containing waste material in leak tight containers or wrapping to ensure that they remain adequately wet when deposited at a waste disposal site;
    - (iii) Permanently (indelible markers or labels

made with indelible ink) label wrapped materials and each container with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the Occupational Safety and Health Administration. Permanently mark the label with the date the material was collected for disposal, the name of the waste generator, the name and affiliation of the certified asbestos supervisor, and the location at which the waste was generated;

(iv) Ensure that the exterior of each container is free of all asbestos residue; and

(v) Exhibit no visible emissions during any of the operations required by this section.

(b) All asbestos-containing waste material shall be deposited within ten (10) calendar days after collection for disposal at a waste disposal site operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction. This requirement is modified by SWAPCA 476-040(3) for asbestos-containing waste material from asbestos projects conducted under annual applications.

(c) All asbestos-containing waste material, handled as dangerous waste in accordance with WAC 173-303, shall be excluded from the requirements of SWAPCA 476-060(1)(a)(iii) and 476-060(1)(b).

(2) **Alternative storage method - asbestos storage facility.** The owner or operator of a licensed asbestos abatement company or disposal facility may apply to the Authority to establish a facility for the purpose of collecting and temporarily storing asbestos-containing waste material.

(a) It is unlawful to cause or allow the operation of a temporary asbestos storage facility without the prior written approval of the Authority.

(b) The owner or operator must submit a completed notice for establishment of an asbestos storage facility on forms provided by the Authority. When approved, an Asbestos Storage Facility Authorization will be returned to be posted at the entrance to the facility.

(c) An asbestos storage facility shall meet the following general conditions:

- (i) Asbestos-containing waste material must be stored in a container with a single piece liner at least 6 mil in thickness; and
- (ii) Said container must be in a secured building or in a secured exterior enclosure; and
- (iii) The container and enclosure must be locked except during transfer of asbestos-containing waste material; and
- (iv) Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed the 45-day requirement of 40 CFR Part 61.150. except as otherwise approved by the Authority.

**(3) Alternative disposal method - Asbestos-cement water pipe.** Asbestos-cement water pipe used on public right-of-ways or public easements shall be excluded from the disposal requirements of SWAPCA 476-060(1)(b) if the following conditions are met:

- (a) Any asbestos-cement water pipe greater than one (1) linear foot in size may be buried on public right-of-ways or public easements if covered with at least three (3) feet or more of non-asbestos fill material; and
- (b) All asbestos-containing waste material, including asbestos-cement water pipe fragments that are one (1) linear foot or less, protective clothing, HEPA filters, or other asbestos contaminated material, debris, or containers, shall be subject to the requirements of SWAPCA 476-010 through 476-060.