

SWAPCA 476

STANDARDS FOR ASBESTOS CONTROL, DEMOLITION, AND RENOVATION

SWAPCA

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SWAPCA 476-010 Purpose

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

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 476-020 Applicability

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

This regulation shall apply to all demolition and renovation activities, removal of asbestos containing material, storage, transport, and disposal of asbestos containing materials and other specific activities as referenced in 40 CFR 61.140 et seq. (Subpart M).

AMENDATORY SECTION

SWAPCA 476-030 Definitions

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

- (1) "Adequately wet" means sufficiently mixed, saturated, penetrated, or coated with a fine mist of water or aqueous solution to prevent emissions.

- (2) "**AHERA Building Inspector**" means a person who has successfully completed the training requirements for a building inspector established by the EPA Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR 763, Appendix C to Subpart E, I.B.3) and whose certification is current. (Asbestos Hazard Emergency Response Act - AHERA)

- (3) **"AHERA Project Designer"** means a person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763.90(g)) and whose certification is current.
- (24) **"Asbestos"** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.
- (35) **"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 nonfriable 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.
- (46) **"Asbestos-Containing Waste Material"** means any waste that contains, or is contaminated with, 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.
- (57) **"Asbestos Project"** means the construction, demolition, maintenance, 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.
- (68) **"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, remodeled,

renovated or demolished, (including material on the outside of structures) contain asbestos. ~~In residential dwellings, asbestos samples may be taken by the resident owner of the dwelling.~~

- (79) **"Authority" or "Agency"** means the Southwest Air Pollution Control Authority (SWAPCA).
- (810) **"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.
- (911) **"Collected for Disposal"** means sealed in a leak-tight container while adequately wet.
- (12) **"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 them, and has been trained and is currently 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).
- (103) **"Component"** means any equipment, pipe, structural member, or other item covered with, coated with, or manufactured from ~~containing~~ asbestos-containing material.
- (144) **"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~~ owner-occupied, single-family residence dwellings, the controlled area is the interior of the dwelling.
- (125) **"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~~ owner-occupied, single-family residence 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.
- (136) **"Emergency Asbestos Project" or "Emergency Renovation 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.
- (147) **"Encapsulant"** means a compound that creates a membrane over a surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

- (158) **"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.
- (169) **"Enclosure"** means ~~an permanent~~ airtight protective overlay, such as a ceiling, floor, or wall or a plastic wrapper or barrier, covering surfaces that are coated with, covered with, or ~~manufactured from~~ containing asbestos-containing material to control the release of asbestos fibers into the air.
- (20) **"Friable Asbestos-Containing Material"** means asbestos-containing material that, when dry, can be crumbled, disintegrated, 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. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.
- (1721) **"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.
- (1822) **"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.
- (1923) **"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*.
- (24) **"Nonfriable Asbestos-Containing Material"** means asbestos-containing material that, when dry, cannot be crumbled, disintegrated, 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.
- (205) **"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.
- (26) **"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 currently used or was once used, occupied, or designed to be occupied by one family who owns the property as their domicile. This term includes houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.
- (27) **"Person"** means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

- (28) "Presumed Asbestos Containing Material" means thermal system insulation and surfacing material found in buildings constructed no later than 1980 (29CFR1926.1101).
- (29) "Project" means an asbestos project, maintenance activity, renovation, or demolition activity.
- (1930) "Renovation" means the modification of any existing building, vessel, structure, component, or portion thereof, involving the removal, encapsulation, alteration, disposal, or disturbance of any asbestos-containing material, or a project that is releasing, or likely to release asbestos fibers into the air. A renovation project is only covered under this regulation if the renovation involves asbestos-containing material or the potential to disturb asbestos-containing material. If no asbestos-containing material is present on the project, there are no notification requirements or special handling procedures.
- ~~(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.~~
- (31) "Suspect Asbestos-Containing Material" means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and siding.
- (2332) "Visible Emissions" means any emissions that are visually detectable without the aid of instruments. This term does not include condensed uncombined water vapor.
- (2433) "Waste Generator" means any owner or operator of a source whose act or process produces asbestos-containing waste material.
- (2534) "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.
- (2635) "Working Day" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

NEW SECTION

SWAPCA 476-040 Asbestos Survey Requirements

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW]

(1) Renovation

- (a) Prior to performing any renovation activity the property owner or the owner's agent shall determine whether there are suspect asbestos-containing materials in the work area. The property owner or the owner's agent shall obtain an asbestos survey of any suspect asbestos-containing materials. The asbestos survey shall be performed by an AHERA (Asbestos Hazard Emergency Response Act) building inspector. An asbestos survey at a single family resident is not required to be performed by an AHERA building inspector when the renovation project is performed by the owner/occupant.
- (b) A summary of the results of the asbestos survey shall be documented and shall either be posted by the property owner or owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.
- (c) Any material presumed to be asbestos-containing material is not required to be evaluated by an AHERA building inspector. Any material presumed to be asbestos-containing material shall be handled as though it was asbestos-containing material.
- (d) Only an AHERA building inspector may determine that a suspect material does not contain asbestos except for renovations of an owner-occupied, single-family residence performed by the owner/occupant, however, must handle all presumed asbestos-containing material as provided in SWAPCA 476-050.

(2) **Demolition**

- (a) Prior to performing any demolition project the property owner or the owner's agent shall obtain an asbestos survey of the facility or part of the facility where the demolition will occur for the presence of asbestos. The asbestos survey shall be performed by an AHERA (Asbestos Hazard Emergency Response Act) building inspector.
- (b) A summary of the results of the asbestos survey shall be documented and shall either be posted by the property owner or owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.
- (c) Any material presumed to be asbestos-containing material is not required to be evaluated by an AHERA building inspector. Any material presumed to be asbestos-containing material shall be handled as though it was asbestos-containing material.
- (d) Only an AHERA building inspector may determine that a suspect material does not contain asbestos-containing materials.
- (e) Regardless of the amount of asbestos-containing material present (including none), a Notification of a Demolition activity must be submitted to the Authority on Authority approved forms prior to commencing a demolition accordance with

SWAPCA 476-050(2). In no event shall a project or activity proceed on a date other than the date indicated on the notification.

- (f) If the facility is to be demolished by intentional burning, all the asbestos-containing material shall be removed as an asbestos project in accordance with SWAPCA 476-080.

AMENDATORY SECTION

SWAPCA 476-040050 Notification Requirements and Fees

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

- (1) **Applicability.** ~~It shall be unlawful for any~~ No person shall cause or allow work on an asbestos project, maintenance, renovation, or demolition activity involving asbestos containing material unless the owner or operator has ~~filed~~ submitted with the Authority a complete written notice ~~notification~~ to the Authority on Authority approved forms, in accordance with the advance notification period requirements and fees as provided in SWAPCA 476-050(2). ~~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;~~ An Asbestos Notification is not required for any asbestos project involving less than 10 linear feet or 48 square feet (per structure, per year) of any asbestos-containing material unless the facility is to be demolished by intentional burning. If the facility is to be demolished by intentional burning, all asbestos-containing material shall be removed as an asbestos project. An Asbestos Notification is not required for removal of nonfriable roofing material. The owner/operator shall maintain documentation to substantiate qualification for the exemption;
 - (b) Regardless of the amount of asbestos-containing material present (including none), a Notification of Demolition activity must be submitted to the Authority on Authority approved forms prior to commencing a demolition accordance with SWAPCA 476-050(2). In no event shall a project or activity proceed on a date other than the date indicated on the notification;
 - (c) ~~A written "Notice of Intent to Remove or Encapsulate Asbestos"~~ The approval date to perform a project will be from the date that all required submittals and fees are received at SWAPCA;
 - (d) The duration of the asbestos project, maintenance activity, renovation, or demolition activity or project shall not exceed one (1) year beyond the original project starting date, and shall have a The project starting and completion date for an asbestos project shall be that is commensurate with the amount of asbestos-containing material involved. In no event shall a project or activity start or end on a date other than the date contained on the notification;

- (ee) ~~The written noticeefication 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);~~
- (ef) ~~A copy of the approved-written noticeefication, all amendments and the asbestos survey shall be available for inspection at the asbestos-project site at all times 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) For an asbestos project, maintenance, renovation or demolition activity that will begin on a date later than the date contained in the original notification, the owner/operator or the owner's agent shall notify SWAPCA by telephone as soon as possible before the original start date and provide written notification (facsimile acceptable) to SWAPCA of the new start date no later than the original start date. In no event shall a project or activity begin on a date other than the date indicated in the revised notification;
- (h) For an asbestos project, maintenance, renovation or demolition activity that will begin on a date earlier than the one contained in the original notification, the owner/operator or owner's agent shall provide written notification (facsimile

acceptable) to SWAPCA of the new start date at least 10 working days before commencement of the project or activity. In no event shall a project or activity begin on a date other than the date indicated in the revised notification; and

~~(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.~~

(i) All asbestos projects, maintenance, renovation or demolition activities shall be completed on the date identified on the notification. When a project or activity will be completed prior to the date specified on the notification, the owner or operator shall notify SWAPCA by telephone as soon as possible but in no event later than the actual completion date. The owner or operator shall provide SWAPCA with written notification (facsimile acceptable) of actual completion within 5 calendar days if the completion date is before the date on the notification. If the actual completion date will be after the date indicated on the notification, the owner or operator shall submit an amendment to the written notification with the new completion date (facsimile acceptable) to SWAPCA prior to the completion date on the original or amended previous notification.

(2) **Advance Notification Period and Fee.** Any notification required by SWAPCA 476-040050(1) shall be considered incomplete until all the information required by SWAPCA 476-040050(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 ~~proceed~~ be approved. The advance notification period and appropriate fee shall be determined as follows:

<u>Asbestos Project Type</u>	<u>Notification Period</u>	<u>Notification Fee</u>	<u>Forms Required</u>
<u>Owner-Occupied, Single Family Asbestos - Occupant Performed Residential</u>	Prior Notification	\$ 25	<u>Asbestos Notification to Perform an Asbestos Project</u>
<u>< 10 linear ft < 11 square ft Asbestos</u>	Prior Notification <u>None</u>	\$ 25 <u>None</u>	Notification to perform an Asbestos Project <u>None</u>
<u>10-26059 linear ft 11-16059 square ft Asbestos</u>	10 Working Days	\$ 100	Asbestos Notification to Perform an Asbestos Project
<u>>260-999 linear ft >160-4999 square ft</u>	10 Working Days	\$ 250	Asbestos Notification to Perform an Asbestos Project
<u>> 1000 linear ft > 5,000 square ft</u>	<u>10 Working Days</u>	<u>\$ 500</u>	<u>Asbestos Notification</u>

Amendments to All Projects	Prior Notification Required	\$ 25 3rd amendment & after	Amended Copy of Asbestos Approved -Notification
<u>Annual Asbestos Notification</u>	<u>10 Working Days</u>	<u>\$ 500</u>	<u>Annual Asbestos Notification</u>
<u>Renovation With Asbestos</u>	<u>10 Working Days</u>	<u>Normal Asbestos Fee</u>	<u>Asbestos Notification</u>
<u>Renovation Without Asbestos</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>Demolition With Asbestos</u>	<u>10 Working Days</u>	<u>\$ 50 Plus Normal Asbestos Fee</u>	<u>Asbestos Notification & Demolition Notification</u>
<u>Demolition Without Asbestos</u>	<u>10 Working Days</u>	<u>\$ 50</u>	<u>Demolition Notification</u>
<u>Temporary Asbestos Storage Facility</u>	<u>Prior Notification</u>	<u>\$ 50</u>	<u>Temporary Storage Facility Application</u>
Emergencies All projects that normally require a 10 working day notification period	Prior Notification Required	<u>\$ 25 Plus Normal Double the Normal Notification Fee</u>	Emergency Waiver Request Letter-(submitted by property owner)

(3) **Annual notification.** In ~~addition to lieu of~~ the notification requirements of SWAPCA 476-040050(1) and 476-040050(2), the owner or operator of a facility may ~~file for approval by~~ submit to the Authority an annual written notification to conduct asbestos projects (not including demolition or renovation) on one or more buildings, vessels, or structures at the facility during each calendar year for the purpose of scheduled maintenance or emergency repairs for removal of small quantities of asbestos-containing material as identified below. The requirements of SWAPCA 476-040050(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:~~

- (ia) Annual written notifications shall be submitted to the Authority for approval before commencing work on any asbestos projects specified in an annual application.
- (iib) 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.
- (iiic) ~~The notification requirements of SWAPCA 476-040(1) and 476-040(2) shall apply to a~~ Any asbestos project involving at least 260 linear feet on pipes or 160 square feet or more on other components for each building, vessel, or structure at the

facility, including residential dwellings shall be subject to the notification requirements of SWAPCA 476-050(1) and 476-050(2) in addition to the annual notification requirements.

- (ivd) 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.
- (ve) 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:
 - (Ai) All asbestos-containing waste material shall be treated in accordance with SWAPCA ~~476-060070(1)(a), 476-060(1)(b), and 476-060(1)(e); and~~
 - (Bii) 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
 - (Ciii) For storage of asbestos-containing waste material longer than 10 days, the owner/operator or owner's agent shall apply to SWAPCA for a Temporary Asbestos Storage Facility Authorization. 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. Asbestos-containing waste material shall only be disposed of at sites. 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.
- (bf) ~~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 to the Authority at least 10 days in advance of the start date and shall be accompanied by an annual fee of \$500 as identified in SWAPCA 476-050(2).~~
- (eg) ~~Quarterly Reporting Requirements.—In addition to the written annual notification requirements of Section 476-040(3)(e), t~~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 a~~An amended notification ~~has been received and approved by~~ shall be submitted to the Authority prior to deviating from any of the information contained in a notification. 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~~the new job size category as specified in Section SWAPCA 476-040050(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 notifications applications filed in accordance with SWAPCA 476-040(4) and approved by the Authority. If an amended notification application results in a job size category that requires a waiting period as specified in SWAPCA 476-040050(2) and the original notification application did not require a waiting period, the advance notification period shall commence on the approval date of the original application was submitted;~~
 - (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 476-050060 and 450-060070;
 - (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 Emergencies.**
- (a) ~~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~~if the property owner or occupant demonstrates in writing to the Authority that an asbestos project or maintenance, renovation or demolition activity must be conducted immediately because of any of the following:
 - (ai) ~~There was a sudden, unexpected event that resulted in a public health or safety hazard; or 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).~~

~~(bii) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; or 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).~~

~~(iii) The project must proceed to avoid imposing an unreasonable burden.~~

~~(b) Each emergency waiver request shall include a fee as identified in SWAPCA 476-050(2).~~

~~(c) If the emergency asbestos project occurs during non business hours, notification to SWAPCA must occur no later than the next business day.~~

AMENDATORY SECTION

SWAPCA 476-050060 Procedures for Asbestos Emission Control

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

(1) **Project requirements.** ~~It shall be unlawful for any person to~~No person shall cause or allow work on an asbestos project unless the following procedures are employed, except as provided in SWAPCA 476-060(2):

(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 400-050060(2) for ~~residential~~owner-occupied, single-family dwellings performed by the owner/occupant.

(b) 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.

~~(bc)~~ All asbestos containing material shall be kept adequately wet while being removed from any structure, building, vessel, or component.

~~(ed)~~ No visible emissions shall result from an asbestos project.

~~(de)~~ 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.
- (ef) Mechanical assemblies or components covered with, coated with, or ~~manufactured from~~ containing asbestos-containing material, removed as a unit or in sections, shall be contained in a leak-tight wrapping after wetting and shall be labeled in accordance with SWAPCA 476-~~060070~~070(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-~~060070~~070(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 Owner-Occupied, Single-Family Dwellings.** The requirements of SWAPCA 476-050060(1)(a) shall not apply to asbestos projects conducted in a residential owner-occupied, single-family 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.~~

Alternate Means of Compliance.

(a) **Friable Asbestos-Containing Material Alternative Removal Methods**

An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Authority that the planned control method will be effective as the work practices contained in SWAPCA 476-060(1) in controlling asbestos emissions. The property owner or the owner's agent shall document through air monitoring at the exhaust from the controlled area that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fibers/cc, 8 hour average.

The Authority may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the alternate removal method for cause.

(b) **Nonfriable Asbestos-Containing Material Alternative Removal Methods**

An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if a Competent Person or AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the authority that the planned control method will be equally as effective as the work practices in SWAPCA 476-060(1) in controlling asbestos emissions.

The Authority may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control

method is as effective as wetting, and may revoke the alternative removal method for cause.

(c) Leaving Nonfriable Asbestos-Containing Material in Place During Demolition

Nonfriable asbestos-containing material may be left in place during demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing materials involved, the projected work practices, and the engineering controls, and demonstrates to the Authority that the asbestos-containing material will remain nonfriable during all demolition activities and subsequent disposal of the debris. No asbestos-containing material shall remain in place if the demolition involves burning or other activities that would result in the potential release of asbestos-containing material to the ambient air.

The Authority may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the asbestos-containing material remains nonfriable, and may revoke the Alternate Approval Notification for cause.

~~(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.~~

Exceptions for Hazardous Conditions. Asbestos-containing material need not be removed prior to a demolition if the property owner demonstrates to the Authority that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and may immediately collapse, or other conditions that are dangerous to life and health. The property owner must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition or renovation and disposal of the asbestos-containing material.

AMENDATORY SECTION

SWAPCA 476-060070 Disposal of Asbestos-Containing Waste Material

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. WSR 93-16-008 filed 7/22/93, effective 8/22/93]

- (1) **Disposal Requirements.** ~~It shall be unlawful for any person to~~ No person shall 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.~~ Asbestos-containing waste material may remain onsite longer than 10 if the facility has a current Temporary Asbestos Storage Facility Authorization and the asbestos-containing waste material is stored within that temporary storage facility as provided in SWAPCA 476-070(2).
 - (c) All asbestos-containing waste material, handled as dangerous waste in accordance with WAC 173-303, shall be excluded from the requirements of SWAPCA 476-060070(1)(a)(iii) and 476-060070(1)(b).

- (2) **Alternative Storage Method - Temporary Asbestos Storage Facility.** The owner or operator of a licensed asbestos abatement company or disposal facility may apply to the Authority to establish a temporary facility for the purpose of collecting and temporarily storing asbestos-containing waste material.
- (a) ~~It is unlawful to~~ No person shall 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~~ application for establishment of an temporary asbestos storage facility on forms provided by the Authority. When approved, an Asbestos Storage Facility Authorization will be returned to the owner or operator by SWAPCA to be posted at the entrance to the facility or on file at the facility office.
 - (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-~~060070~~(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-~~060070~~.

NEW SECTION

SWAPCA 476-080 Demolition by Intentional Burning

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW]

Prior to performing any fire training exercise involving intentional burning as a method of demolition, the following steps shall be completed:

- 1) The owner or owner's agent shall obtain an asbestos survey of any suspect asbestos-containing materials (including non-friable roofing materials). The asbestos survey shall be performed by an AHERA building inspector as provided in SWAPCA 476-040.
- 2) If asbestos-containing material is present, regardless of amount, the asbestos-containing material shall be removed as an asbestos project in accordance with SWAPCA 476-050.
- 3) If there is no asbestos-containing material in the work area, this determination shall either be posted at the work area or communicated in writing to all persons involved in the demolition project by the owner or owner's agent.
- 4) A summary of the results of the asbestos survey shall be submitted to SWAPCA by the owner or owner's agent along with the Demolition Notification as provided in SWAPCA 476-050.
- 5) The fire district or other organization involved in the fire training exercise as a method of demolition shall notify SWAPCA of the date, time, and location of the proposed exercise and the fire district contact person and phone number for that exercise at least five calendar days in advance of the exercise.
- 6) The owner or owner's agent shall provide notice of the fire to the owners of property adjoining the property on which the fire will occur at least five calendar days in advance of the exercise.
- 7) No fire training exercise that involves intentional burning as a method of demolition shall be allowed without prior written approval from SWAPCA.

NEW SECTION

SWAPCA 476-090 Severability

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW]

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

END