

**SOUTHWEST CLEAN AIR AGENCY
PUBLIC HEARING – JANUARY 14, 2020
END OF COMMENT PERIOD – JANUARY 17, 2020**

**for
PROPOSED AMENDMENTS TO SWCAA 476 CONCERNING
STANDARDS FOR ASBESTOS CONTROL, DEMOLITION and RENOVATION**

**HEARINGS OFFICER REPORT/
RESPONSE TO COMMENTS**

The Southwest Clean Air Agency (SWCAA) seeks comment on proposed rules that would update SWCAA rules to revise bulk sampling requirements, add a requirement for worker certification and certification cards and other administrative changes. SWCAA’s proposal was available for review and comment at <http://www.swcleanair.org/regs/proposedrules.asp?nav=regs>.

The proposed changes would revise SWCAA rules to update the list of regulated activities, re-order two definitions, make formatting changes to existing definitions, correct sectional references, clarify the need for SWCAA approval for project notices, add a requirement for worker certification and identification cards, replace the term Agency with the term SWCAA, remove the Exceptions paragraph, revise bulk sampling requirements, and make minor text edits.

SWCAA held a public hearing regarding these proposals at its office on January 14th at 6 pm at the SWCAA office at 11815 NE 99th Street, Suite 1294, Vancouver, Washington. The Hearings Officer was Paul Mairose, Chief Engineer, and staff specialist was Monica Mogg. There were no public attendees. The hearing was opened promptly at 6:00 pm and closed at 6:20 pm.

Comments were accepted between December 4, 2019 and January 17, 2020. Any comments received after this public hearing will be presented to SWCAA’s Board of Directors before a final decision is made. The proposed revisions to the Standards for Asbestos Control, Demolition and Renovation rules will be considered for adoption at a hearing at SWCAA’s February 6th Board of Director’s meeting. The February Board meeting will be held at SWCAA’s office at 3:00 p.m.

Summary:

- No one from the public attended the public hearing.
- Three written comments were received during the rulemaking process:

Summary of Comments

Table 1 List of Commenters		
Commenter ID	Commenter Affiliation	Comment
1	D. Watts (Performance Contracting Group)	1
2	D. Shoultz (Certified AHERA Asbestos Inspector)	2

**Table 2
Summary of Comments and Responses**

Category/Topic	Comment ID	Comment	Response
Proof of certification	1	I want to confirm that under 476-060(1)(a), SWCAA allows a pink slip in lieu of a certification card for workers/ supervisors who haven't received their certification card yet from L&I. It can sometimes take up to 4 weeks to receive the card. The pink slip is the individuals carbon copy of the form that gets sent to the state for processing.	Yes, pink slips would be accepted as long as they are within the time frame specified on the back of the form. Depending on the type of certification, it is a 4 to 6-week window. Pink slip beyond that window would not be accepted in lieu of a valid card.
Inspection requirement changes	2	The pages were very long. Are there changes in the inspection areas so I can make sure everything is done the right way?	The updated rules would allow one sample to be collected in areas of less than 100 square feet for miscellaneous materials (instead of the three previously required). You may take more samples if you feel it is appropriate.
Number of samples	3	EPA requires at least two samples for miscellaneous materials, not one.	In EPA 560/5-85-024 (June 1985), EPA recommends and in 40 CFR 763.86 (applicable asbestos-containing materials in schools only) EPA requires, three samples of surfacing materials. For miscellaneous materials such as wallboard, ceiling tile and floor tile, EPA 560/5-85-024 says that these materials are hard and friable, and sampling would damage it and release fibers needlessly. Also, for miscellaneous materials, 40 CFR 763.86 requires sampling in a manner

			sufficient to determine whether the material is asbestos containing material or not. In requiring a minimum of one sample of miscellaneous material that is less than 100 square feet and three samples of miscellaneous material that is greater than or equal to 100 square feet, SWCAA is making a determination that this is sufficient to determine whether the material is asbestos containing material or not. Additional samples may be taken but are not required.
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Full Comments

Proposed rule changes for SWCAA 476



Darren Watts <Darren.Watts@pcg.com>

To Jerry Ebersole



12/5/2019

You replied to this message on 12/5/2019 9:42 AM.

Jerry I just want to confirm that under 476-060 (1)(a) that SWCAA will allow a pink slip in lieu of a certification card for workers/supervisors who haven't received their certification card yet from labor and industries. This process can sometimes take up to 4 weeks for individuals to receive their card from the state after paying for and taking the certification class. The pink slip is the individuals carbon copy of the state form that gets sent to the state for processing the certification card.

Darren Watts

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Changes in policy



Dan Shultz <dwshultz@gmail.com>

To Jerry Ebersole



12/5/2019

You replied to this message on 12/5/2019 9:44 AM.

I am an asbestos building inspector. The pages were very long. Are there changes in the inspection areas so I can make sure everything is done the right way.

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Dan Shultz
AHERA Asbestos Inspector


Re: Public Notice - SWCAA 476 - Asbestos Rulemaking



Robert Welch <rhwelch05@gmail.com>
To Jerry Ebersole



12/9/2019

 You forwarded this message on 1/20/2020 4:32 PM.

EPA requires at least two (2) samples for Miscellaneous materials...not one (1).
Per Region X and National offices over ten years ago.