

## **ASBESTOS EMISSIONS FROM DEMOLITION/RENOVATION SCAQMD RULE 1403**

### **SUMMARY GUIDELINES: LWV**

**All EPA regulations are established for protection of the Environment & Public**

**Scope and Application:** 1403(b)

This rule, in whole or in part, is applicable to owners and operators of any demolition or renovation activity, and the associated disturbance of asbestos containing material, any asbestos storage facility, or any active waste disposal site.

#### **Dates of construction**

Regardless of the date of the building construction, and because of potential unknown renovations, Rule 1403(d)(1)(A) requires an asbestos survey report prior to demolition to determine and verify the absence or presence of asbestos. There is no date when asbestos in building materials was banned.

#### **Definition of Demolition**

Rule 1403 defines a demolition as the wrecking, or taking out, of any load-supporting structural member, including, but not limited to, the foundation, roof support structures, or any exterior wall of a facility or structure and related handling operations, or the intentional burning of any facility. This means that if you remove as little as one (1) two-by-four from a load-bearing wall, it is considered a demolition. Other examples of load-bearing members include foundation, slab, rafters, porch pillars, etc.

#### **Definition of Renovation**

Rule 1403 defines renovation as the altering of a facility or the removing or stripping of one or more facility (structure) components in any way, including but not limited to, the stripping or removal of ACM from facility components, retrofitting for fire protection, and the installation or removal HVAC systems.

## **Definition of ACM**

ASBESTOS-CONTAINING MATERIAL (ACM) is both friable asbestos-containing material or Class I nonfriable asbestos-containing material. 1403(c)(5)

## **Required number of samples collected per Homogenous Areas**

When Rule 1403 was adopted, it referenced 40 CFR 763.107 for bulk sampling. At that time, 40 CFR 763.107: A minimum of three samples is necessary to determine the asbestos content of the suspect building materials.

The South Coast AQMD has determined that fewer than three bulk samples of each homogeneous material is not sufficient to determine whether a material is ACM or not ACM. Previous surveys that show that fewer than the required three (3) samples were collected, and that the test results show 1% or less asbestos may not meet current Rule 1403 requirements.

## **Point Count**

EPA directs that, except for sample results of non-detect, sample results of less than 10% must be point counted by at least 400-point count method or assumed to be ACM >1% by the asbestos consultant. If PLM reveals trace amounts or <1%, then it must be, at a minimum, 400-point counted to verify the sample is <1%. This means that all sample results that are reported as “trace” or “<1%” by PLM analysis must be point counted to verify that that material is not subject to Rule 1403. More stringent methods, including, but not limited to, 1000-point count, point counting with gravimetric reduction, or Transmission Electron Microscopy (TEM), are also acceptable to verify that the sample is <1% after PLM analysis.

All three samples (<1%) must be point counted. For compliance with Rule 1403, composite sampling is allowed, but composite analysis is not. Building materials that cannot be separated in the field can be composite sampled, and the laboratory must separate the samples for analysis.

## **Survey Report** – 1403(d)(1)(A)

An asbestos survey report signed by an asbestos consultant is required prior to any demolition or renovation. The survey shall include the inspection, identification, and quantification of all friable and Class I and Class II nonfriable asbestos-containing material and any physical sampling of materials. Only a CAC or CSST can presume or assume a material is Asbestos-Containing Material (ACM) subject to Rule 1403 to be treated as such.

The only exception to the survey requirement is renovation activity of residential single unit dwellings (houses) in which less than 100 square feet of surface area of intact (not damaged) material is removed or stripped. See Rule 1403(j)(10).

The South Coast AQMD requires a survey of all structures regardless of construction date or asbestos-free certification.

## **AQMD Permit**

No Notifications are required for:

- Asbestos removals of less than 100 square feet of intact (not damaged) material.\*
- Renovations with no asbestos, or asbestos content less than or equal to 1%.
- Renovations by owner-occupants of single-family residences

\* NOTE: Other Rule 1403 requirements such as emissions controls, annual Notification, and recordkeeping apply.

## **Definition/Application of Procedure 5**

(V) Procedure 5 - Approved Alternative 1403(d)(1)(D)(i)(V)(1-3)

If any suspected ACM is damaged, regardless of size, then all activity must cease, the site secured and stabilized, and a CAC must assess the damage and survey the site for the presence and condition of ACM and asbestos-contaminated materials. Once the CAC's assessment is completed, then notification must occur, and an approved Procedure 5 plan be obtained prior to any asbestos clean-up.

Rule 1403 defines an emergency as a sudden unexpected event that results in unsafe condition or would cause equipment damage or an unreasonable financial burden. An economic burden alone, without a sudden, unexpected event, does not give rise to conditions that meet this definition.

A Procedure 5 clean-up plan must be submitted whenever there is damaged or disturbed ACM, regardless of the size of the project. Abatement of damaged or disturbed ACM may not begin until the Procedure 5 plan has been approved in writing by SCAQMD staff.

After South Coast AQMD staff review and approval, the pre-approved Procedure 5 plan is valid for 12 months.

## **Waste Disposal-1403(d)(1)(I-N)**

With regards to the question of composite analysis for disposal, Rule 1403 has always required that all Asbestos-containing Waste Material (ACWM) shall be disposed of at a waste disposal site that is operated in accordance with paragraph (d)(3) of this rule. ACWM, by definition, includes "any waste that contains commercial asbestos and that is generated by a source subject to the provisions of this rule. ACWM includes, but is not limited to, ACM which is friable, has become friable, or has a high probability of becoming friable, or has been subjected to scraping, sanding, grinding, cutting, drilling or abrading, and the waste generated from its disturbance.

## **Recordkeeping** – (1403)(g)(1-4)

The owner or operator of any demolition or renovation activity shall maintain records for not less than three (3) years and make them available to the District upon request.