

Background on AQMD Engagement Regarding Asbestos Abatement

The City of Laguna Woods, in collaboration with the Village's Manor Alterations Division, initially submitted an Air Quality Management District (AQMD) speaker request form to facilitate a town hall on February 22, 2024. The event aimed to address asbestos abatement concerns raised by Village residents.

However, AQMD informed organizers that due to staffing and workload constraints, they were unable to provide a speaker for the scheduled event but committed to responding to submitted questions. Despite efforts by Manor Alterations and the City of Laguna Woods to reschedule the town hall for a later date, these attempts were unsuccessful.

In response, Manor Alterations and the city actively sought community input to gather asbestos abatement-related questions. These questions were submitted to AQMD, which provided detailed responses. To ensure transparency and community awareness, Manor Alterations sought and obtained approval from Third's and United's Architectural Control and Standards Committees to publish AQMD's questions and answers for public access.

This initiative underscores the Village's commitment to addressing resident concerns and facilitating clear communication regarding asbestos abatement processes.



Rule 1403 - Asbestos Emissions from Demolition/Renovation Activities South Coast Air Quality Management District Overview

This Q&A document aims to provide clear and concise information about asbestos demolition and removal requirements from South Coast Air Quality Management District (SCAQMD) in the event members of the Laguna Woods Village community apply for a permit with the City of Laguna Woods.

1. Does SCAQMD recommend proactively abating undamaged “popcorn” ceilings/other undamaged asbestos-containing materials in dwelling units, or is abatement in conjunction with other renovation/demolition work sufficient?

SCAQMD does not make recommendations regarding abatement of undamaged asbestos-containing materials (ACM), such as intact “popcorn” ceilings. Abatement is required when renovations or demolitions are planned because those activities could disturb ACM and release asbestos fibers into the air.

2. Does SCAQMD offer guidance or suggestions for selecting a well-qualified certified asbestos consultant or certified asbestos contractor?

SCAQMD does not make recommendations regarding hiring certified asbestos consultants or contractors. Key steps in choosing consultants or contractors include checking for state certifications, insurance, references and compliance with local regulations. The California Department of Industrial Relations provides the following:

- Asbestos Consultants and Site Surveillance Technicians
https://www.dir.ca.gov/databases/doshcaccsst/caccsst_query_1.html
- Contractors/ Cal/OSHA - Asbestos Registrants’ Database
<https://www.dir.ca.gov/Databases/doshacru/acruList.asp>

3. What is the basis for Rule 1403 applying more involved standards to multi-unit dwellings?

In detached single-unit dwellings, only the occupants are potentially exposed to hazardous emissions. In multi-unit structures, however, the actions of the occupants of one unit can affect the occupants of all the other attached units.

4. Is there a process whereby SCAQMD could be requested to consider modifying asbestos survey requirements for multi-unit dwellings (e.g., extending the same waivers that apply to single-unit dwellings to multi-unit dwellings when renovation activities are undertaken with the knowledge and consent of the owner of the multi-unit building)?

Asbestos survey requirements under Rule 1403 cannot be modified. Any variances from Rule 1403 requirements must be sought through the SCAQMD hearing board and would apply only to residential structures of four units or fewer. Multi-unit residential structures with greater than four units are also subject to the federal National Emissions Standards for Hazardous Air Pollutants (NESHAP).

5. Are multiple detached single-unit dwellings on the same lot (e.g., detached condominium units) considered single-unit or multi-unit dwellings?

The definition of a residential single unit dwelling per Rule 1403 explicitly states that townhouses and condominiums are not residential single-unit dwellings.

6. If an asbestos survey was completed for renovation/demolition work previously performed in the same dwelling unit in which future work is to be conducted, can that same asbestos survey be used in place of a new asbestos survey for the future work?

In some cases, previous asbestos surveys can be used if the condition of the building materials have not changed from when the previous survey was conducted. However, specific circumstances of the situation and should be verified with SCAQMD to ensure Rule 1403 compliance.

7. Can completing an asbestos survey for renovation and demolition work in a dwelling unit be skipped if all work is conducted as if asbestos were present (i.e., can renovation/demolition work occur with the assumption asbestos is present)?

It is not permissible to skip an asbestos survey by simply assuming the presence of asbestos. Rule 1403 requires that all renovations and demolitions be preceded by an asbestos survey. Assuming a material contains greater than 1% asbestos only relieves the requirement for sample collection and analysis. Surveys also document the conditions and quantities of ACM, and proper documentation is required for regulatory compliance.

8. Can completing an asbestos survey be skipped if the dwelling unit in which renovation/or demolition work is to be conducted has been recently renovated?

Even if a dwelling has been recently renovated, an asbestos survey is still required before new renovation or demolition work can begin.

9. Is completing an asbestos survey required for a city to issue an “after-the-fact” building permit for renovation/demolition work in a dwelling unit when such work was conducted without first obtaining a city building permit? In other words, must a current occupant who is seeking to obtain a city building permit to legalize renovation/demolition work conducted in years past by a previous occupant complete an asbestos survey?

To comply with Rule 1403, an asbestos survey is required to be conducted prior to the renovation or demolition activity. SCAQMD cannot comment on what a city may require to issue a building permit.

10. Are there any circumstances in which asbestos surveys can be conducted by persons other than a certified asbestos consultant? Can asbestos surveys ever be conducted by owner-builders or contractors who are not certified asbestos consultants using National Voluntary Laboratory Accreditation Program laboratories?

Under Rule 1403, asbestos surveys must be conducted by certified asbestos consultants.

11. Are cities required to enforce SCAQMD Rule 1403?

As part of their broader responsibility to protect public health and safety, cities should take steps to protect their citizens from exposure to asbestos. In our jurisdiction (which includes Orange County), however, SCAQMD is the designated agency responsible for enforcing asbestos laws, including both Rule 1403 and the corresponding federal asbestos regulations.

12. Do cities have the ability to waive or modify provisions of SCAQMD Rule 1403?

No.

13. Is an asbestos survey/submission of a Rule 1403 notification form required for any of the following types of work in single-unit or multi-unit dwellings?

Type of Work (Conducted as standalone work and not a part of a larger project)	Asbestos Survey by a Certified Asbestos Consultant (Yes or No)		Rule 1403 Notification Form to SCAQMD (Yes or No)	
	Single Unit (Personally conducted by Owner-Occupant ONLY)	Multi-Unit	Single-Unit	Multi-Unit
Installation of a natural light duct (e.g., Solatube) that only requires opening a 10-inch-diameter hole in a ceiling	No	Yes	No*	No*
Installation of a bathroom fan that only requires opening a 9.5" x 9.5" opening in a ceiling	No	Yes	No*	No*
Installation of a ductless mini split heat pump that only requires opening one 3-inch diameter hole in a wall	No	Yes	No*	No*
Installation of a new electric receptacle and new conduit to conceal wiring for a wall-mounted television that only requires opening two 4½" x 2¾" holes in a wall	No	Yes	No*	No*
Installation of drywall over an existing asbestos-containing "popcorn" ceiling ("popcorn" ceiling is not scraped)	This activity is not allowed under Rule 1403(d)(1)(C)(ii)(I).			
Removing and replacing 1" x 40" of drywall	No	Yes	No*	No*

*A Rule 1403 notification is not required for abatement of less than 100 square feet of intact asbestos-containing materials (ACM). There is no exemption for damaged ACM.

14. Does SCAQMD offer, or is SCAQMD aware of, any financial assistance opportunities related to the abatement of asbestos in dwelling units?

SCAQMD does not offer financial assistance, but state or federal programs may be available. Local agencies, nonprofit organizations or state health departments may have more information on assistance for asbestos abatement projects.

For specific guidance or clarification regarding the requirements of Rule 1403, members of the public can contact SCAQMD directly by emailing Rule1403Notifications@aqmd.gov, calling 909-396-2336 or consulting with a certified asbestos consultant.

In addition, SCAQMD holds compliance assistance classes on Rule 1403 - Asbestos Emissions from Demolition/Renovation Activities. Find registration information at <https://www.aqmd.gov/home/programs/business/training-1403-asbestos-demolition>.