

Revised MassDEP Asbestos Regulation

Outreach Sessions:

January 7, 2015: MassDEP Central Regional Office
 January 8, 2015: MassDEP Northeast Regional Office
 January 20, 2015: Holyoke Community College
 January 22, 2015: MassDEP Southeast Regional Office



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Final Regulation

- Took effect on June 20, 2014
 - Amended definitions (310 CMR 7.00)
 - Replaced Asbestos Regulation (310 CMR 7.15)
- New and revised fees took effect on July 24, 2014

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Basic Program Structure Stays the Same:

- MassDEP's authority to prevent releases of asbestos to ambient air, and to protect public health, safety, and the environment:
 - MA Clean Air Act (M.G.L. c. 111, sections 142A-142O)
 - Delegation from U.S. Environmental Protection Agency under the Asbestos NESHAP (1985 et. seq.)
- MA DLS authority to protect worker and public safety:
 - M.G.L. c. 149, sections 6A – 6G
 - 453 CMR 6.00
- State Sanitary Code also regulates asbestos in dwellings
 - 105-CMR-410.000
 - Implemented by Boards of Health

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What Stays the Same for MA Demolition and Renovation Projects:

- Fundamental conditions for notification
- Fundamental performance standards to prevent releases of asbestos into ambient air
- Basic requirements for implementation of asbestos abatements, including work practice standards
- Requirements for managing asbestos-containing waste material

Note: MA DLS's requirements have not changed

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Overview of Changes to Asbestos Regulations

1. Pre-demolition/renovation survey
2. New notification exemptions
3. Post-abatement visual inspections
4. Some material-specific work practices have been incorporated into the regulation
5. Replaced "Alternative Work Practice Approvals" with new permit for "Non-Traditional Asbestos Abatement Work Practices"
6. Waste Shipment Record Forms
7. Record-keeping requirements
8. Fees

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1. Pre-Demo/Reno Survey

- Done before demolition/renovation of any facility or facility component that contains suspect ACM.
- Engage a DLS-certified Asbestos Inspector to conduct thorough inspection
 - Identify all material containing asbestos in any amount (including <1%)
 - Select appropriate class of DLS-certified laboratory to assure use of approved analytical methods.
- Keep survey report for at least two years

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2. Notification Exemptions for Small Abatements

- 100 SF or less of exterior asbestos cement shingles, siding & panels
- Incidental maintenance:
 - 100 SF or less of asbestos floor tiles and related mastics
 - 32 SF or less of gypsum wallboard and joint compound that contains asbestos
- Abatements of non-friable materials by a homeowner at his/her residence

Notification-exempt abatements of these materials still need to follow the applicable work practices: Don't make the material friable!

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3. Post-Abatement Visual Inspections

- Ensures that the abatement was complete
- Required for all abatements
 - One exemption: Abatements of non-friable materials by a homeowner at his/her residence
- Done at end of the abatement
 - "Look for visible debris on all surfaces in the work area"
 - Clean as necessary
- Conducted by a DLS-certified asbestos project monitor

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4. Material-Specific Work Practices Added

- Asphalt roofing & siding
- Window painting/repair that will disturb glazing or caulking that contains asbestos
- Exterior asbestos cement shingles, siding & panels
- Incidental maintenance of asbestos floor tiles & related mastics, gypsum wallboard and joint compound that contains asbestos

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5. Non-Traditional Asbestos Abatement Work Practice Approvals

Six situations are eligible for a "NT" Asbestos Abatement Work Practice Approval:

1. Demolition of a facility under an order of a state or local government agency issued because the facility is structurally unsound and in danger of imminent collapse;
2. Where ACM or ACWM was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed with standard work practices;
3. Asbestos abatement activities that are conducted as part of an emergency renovation operation;

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5. Non-Traditional Asbestos Abatement Work Practice Approvals

Six situations are eligible for a "NT" Asbestos Abatement Work Practice Approval (continued):

4. Asbestos abatement activities that are conducted to clean up and decontaminate a facility or portion of a facility as a result of:
 - asbestos abatement activities not conducted in compliance with 310 CMR 7.15, or
 - ACM deterioration that, if not immediately attended to, presents a safety or public health hazard;
5. In a facility that is being renovated, where wetting would unavoidably damage equipment or present a safety hazard; or
6. Bulk loading ACM and/or ACWM.

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5. How to Obtain a "NT" Asbestos Abatement Work Practice Approval

- New formal permit
- Apply by submitting AQ-36 form + proposal + fee (if applicable)
- Proposal describes:
 - Which prescribed work practice standards can't be implemented
 - The non-traditional work practices that would be used
 - Steps to ensure that alternative work practices won't release asbestos to ambient air
- MassDEP will issue written approval and permit approval number

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6. MA Waste Shipment Record Form

- Template is available from MassDEP web site:
<http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html#2>
- Haulers and others can print their own, suggest using 4-part format so each party can get a copy at pick-up or delivery (MassDEP will not make copies available)
- New form must be in use by January 1, 2015
- Shipments that don't reach their destination must be tracked down and reported to MassDEP

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7. Record-Keeping Requirements

- Pre demo/reno asbestos survey reports have to be kept for at least two years after the work is done
- Keep records at the site or the owner/operator's place of business (if the building is demolished)
- Waste Shipment Records must be kept for at least two years after the form is signed by the disposal facility.

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8. MassDEP Fee Exemptions

MassDEP's Fee Statute (M.G.L. c. 21A, section 18) exempts:

- Any city, town, county, or district of the Commonwealth
- Federally recognized Indian tribe housing authority
- Any municipal housing authority
- MBTA
- State Agencies: permit application fees costing \$100 or less are waived. Fees costing >\$100 must be paid.

Also, jobs at owner-occupied residential property with 4 or fewer units are exempt from asbestos notification fees [MassDEP Timely Action and Fee Regulation, 310 CMR 4.10(2)(f)(2)]

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8. Fees

- August 2013: ANF-001, AQ-06 filing fees were increased to \$100
- July 24, 2014: New \$35 fees for revising ANF-001 and AQ-06 forms (e.g., changing project start or end dates)
 - Informing MassDEP of schedule changes within the notified start and end dates is not a revision of the ANF-001, no fee
- July 24, 2014: New permit fees:
 - Blanket Notification Approvals (AQ 05) = \$200
 - Non-Traditional Asbestos Abatement Work Practice Approvals (AQ 36) = \$600

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**Clarification :
Material Containing < 1% Asbestos**

- Should have been identified in the pre-demo/reno survey
- ACWM includes material containing any amount of asbestos (both less than and more than 1%)
- If material containing any asbestos gets mixed with non-asbestos C&D debris, all must be handled as ACWM
- Segregate, manage separately to reduce disposal costs

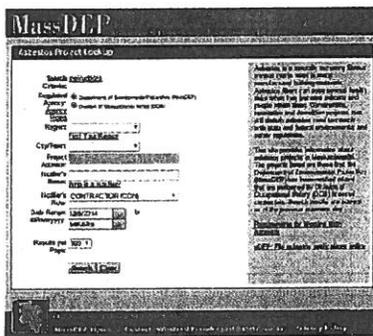
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**Reminder of Construction/Demolition
Notification Requirement**

- Submit 10 working-days before start of construction or demolition of a building:
 - Residential buildings with fewer than 20 units are exempt
- Use MassDEP form BWP AQ 06 *Notification Prior to Construction or Demolition*
- Intended to prevent the release of dust or other hazardous pollutants (e.g. asbestos)
- Notification form asks about:
 - Asbestos survey
 - Survey results
 - Any asbestos abatement activities

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Asbestos Project Look-up Tool



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For More Information

- Final regulation and Response to Comments on the draft regulation: <http://www.mass.gov/eea/agencies/massdep/air/regulations/310-cmr-7-00-air-pollution-control-regulation.html#3>
 - Questions about Asbestos Regulations and Policy: Mike Elliott, email: michael.elliott@state.ma.us, telephone: 617/292-5575
- Asbestos Forms: <http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html#2>
 - Questions about MassDEP forms and filing procedures: Caroline McFadden, email: caroline.mcfadden@state.ma.us, telephone: 617/292-5766
- Regional MassDEP Asbestos Contacts:
 - Central: Gregg Levins (gregory.levins@state.ma.us, 508/767-2768)
 - Northeast: John Macauley (john.macauley@state.ma.us, 978/694-3262)
 - Southeast: Cynthia Baran (cynthia.baran@state.ma.us, 508/946-2887)
 - Western: Marc Simpson (marc.simpson@state.ma.us, 413/755-2115)
- Find Your Regional Office: <http://www.mass.gov/eea/agencies/massdep/about/contacts/>
- Asbestos Project Lookup Tool: <http://public.dep.state.ma.us/Asbestos/Asbestos.aspx>
- MassDEP Asbestos Website: <http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html>

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