Revised MassDEP Asbestos Regulation

Outreach Sessions:

January 7, 2015: MassDEP Central Regional Office
January 8, 2015: MassDEP Northeast Regional Office
January 21, 2015: Holyoke Community College
January 22, 2015: MassDEP Southeast Regional Office

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

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

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

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

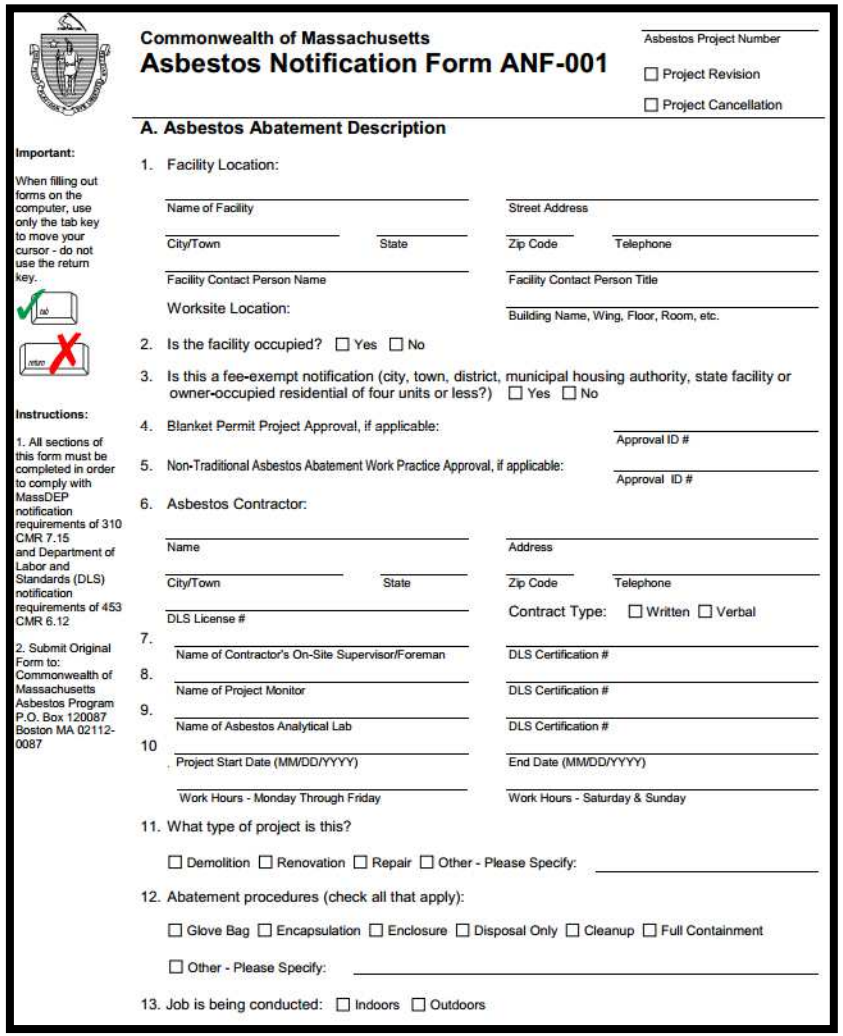
1. Pre-Demo/Reno Survey

- 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

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!



Commonwealth of Massachusetts
Asbestos Notification Form ANF-001

Asbestos Project Number
☐ Project Revision
☐ Project Cancellation

A. Asbestos Abatement Description

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

Instructions:
1. All sections of this form must be completed in order to comply with MassDEP notification requirements of 310 CMR 7.15 and Department of Labor and Standards (DLS) notification requirements of 453 CMR 6.12
2. Submit Original Form to: Commonwealth of Massachusetts Asbestos Program P.O. Box 120087 Boston MA 02112-0087

1. Facility Location:
   Name of Facility — Street Address
   City/Town — State — Zip Code — Telephone
   Facility Contact Person Name — Facility Contact Person Title
   Worksite Location: — Building Name, Wing, Floor, Room, etc.
2. Is the facility occupied? ☐ Yes ☐ No
3. Is this a fee-exempt notification (city, town, district, municipal housing authority, state facility or owner-occupied residential of four units or less?) ☐ Yes ☐ No
4. Blanket Permit Project Approval, if applicable: — Approval ID #
5. Non-Traditional Asbestos Abatement Work Practice Approval, if applicable: — Approval ID #
6. Asbestos Contractor:
   Name — Address
   City/Town — State — Zip Code — Telephone
   DLS License # — Contract Type: ☐ Written ☐ Verbal
7. Name of Contractor's On-Site Supervisor/Foreman — DLS Certification #
8. Name of Project Monitor — DLS Certification #
9. Name of Asbestos Analytical Lab — DLS Certification #
10. Project Start Date (MM/DD/YYYY) — End Date (MM/DD/YYYY)
    Work Hours - Monday Through Friday — Work Hours - Saturday & Sunday
11. What type of project is this?
    ☐ Demolition ☐ Renovation ☐ Repair ☐ Other - Please Specify:
12. Abatement procedures (check all that apply):
    ☐ Glove Bag ☐ Encapsulation ☐ Enclosure ☐ Disposal Only ☐ Cleanup ☐ Full Containment
    ☐ Other - Please Specify:
13. Job is being conducted: ☐ Indoors ☐ Outdoors

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

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

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;

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.

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

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

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.

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)]

8. Fees

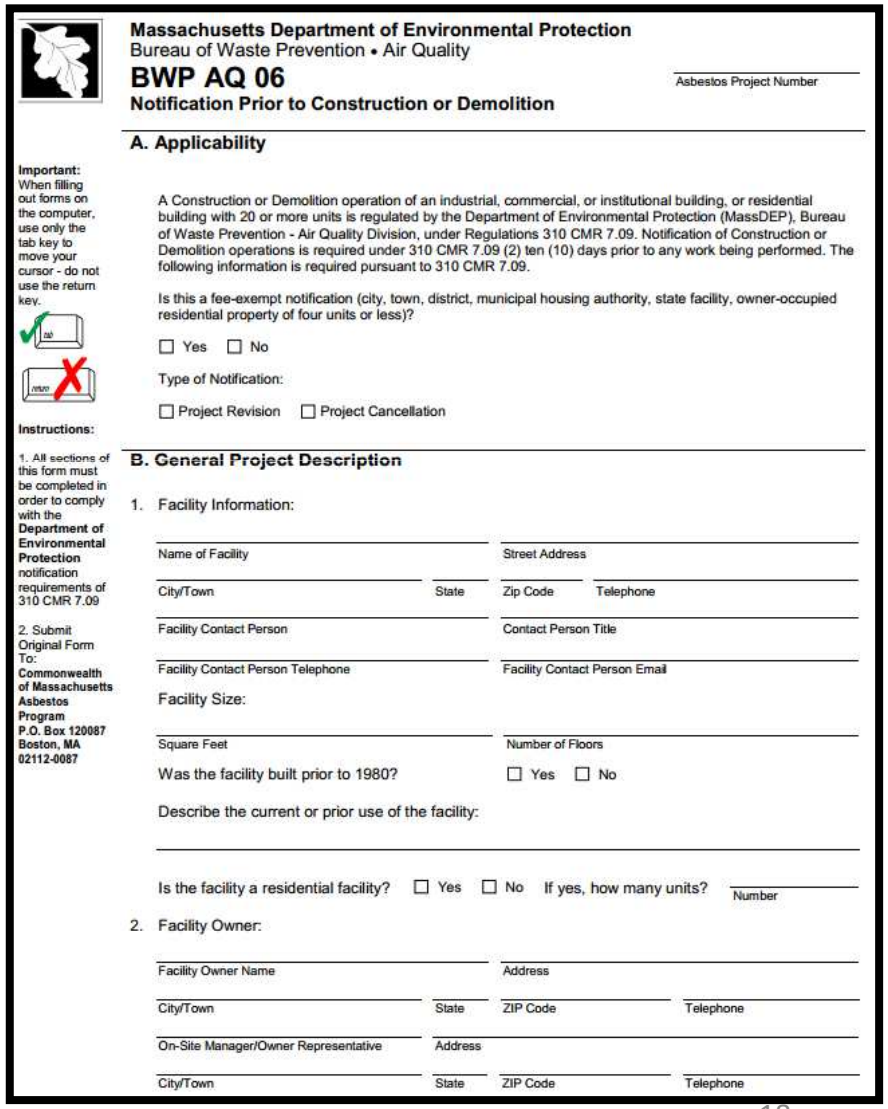
- August 2013: ANF-001, AQ-06 filing fees were increased to $100
- July 24, 2014: New $35 fees for revising ANF-001 and AQ-06 forms (e.g., changing project start or end dates)
  - Informing MassDEP of schedule changes within the notified start and end dates is not a revision of the ANF-001, no fee
-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

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

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



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention • Air Quality

BWP AQ 06
Notification Prior to Construction or Demolition

Asbestos Project Number

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

Instructions:

1. All sections of this form must be completed in order to comply with the **Department of Environmental Protection** notification requirements of 310 CMR 7.09

2. Submit Original Form To: **Commonwealth of Massachusetts Asbestos Program P.O. Box 120087 Boston, MA 02112-0087**

A. Applicability

A Construction or Demolition operation of an industrial, commercial, or institutional building, or residential building with 20 or more units is regulated by the Department of Environmental Protection (MassDEP), Bureau of Waste Prevention - Air Quality Division, under Regulations 310 CMR 7.09. Notification of Construction or Demolition operations is required under 310 CMR 7.09 (2) ten (10) days prior to any work being performed. The following information is required pursuant to 310 CMR 7.09.

Is this a fee-exempt notification (city, town, district, municipal housing authority, state facility, owner-occupied residential property of four units or less)?

☐ Yes ☐ No

Type of Notification:

☐ Project Revision ☐ Project Cancellation

B. General Project Description

1. Facility Information:

Name of Facility | Street Address
City/Town | State | Zip Code | Telephone
Facility Contact Person | Contact Person Title
Facility Contact Person Telephone | Facility Contact Person Email

Facility Size:

Square Feet | Number of Floors

Was the facility built prior to 1980? ☐ Yes ☐ No

Describe the current or prior use of the facility:

Is the facility a residential facility? ☐ Yes ☐ No If yes, how many units? Number

2. Facility Owner:

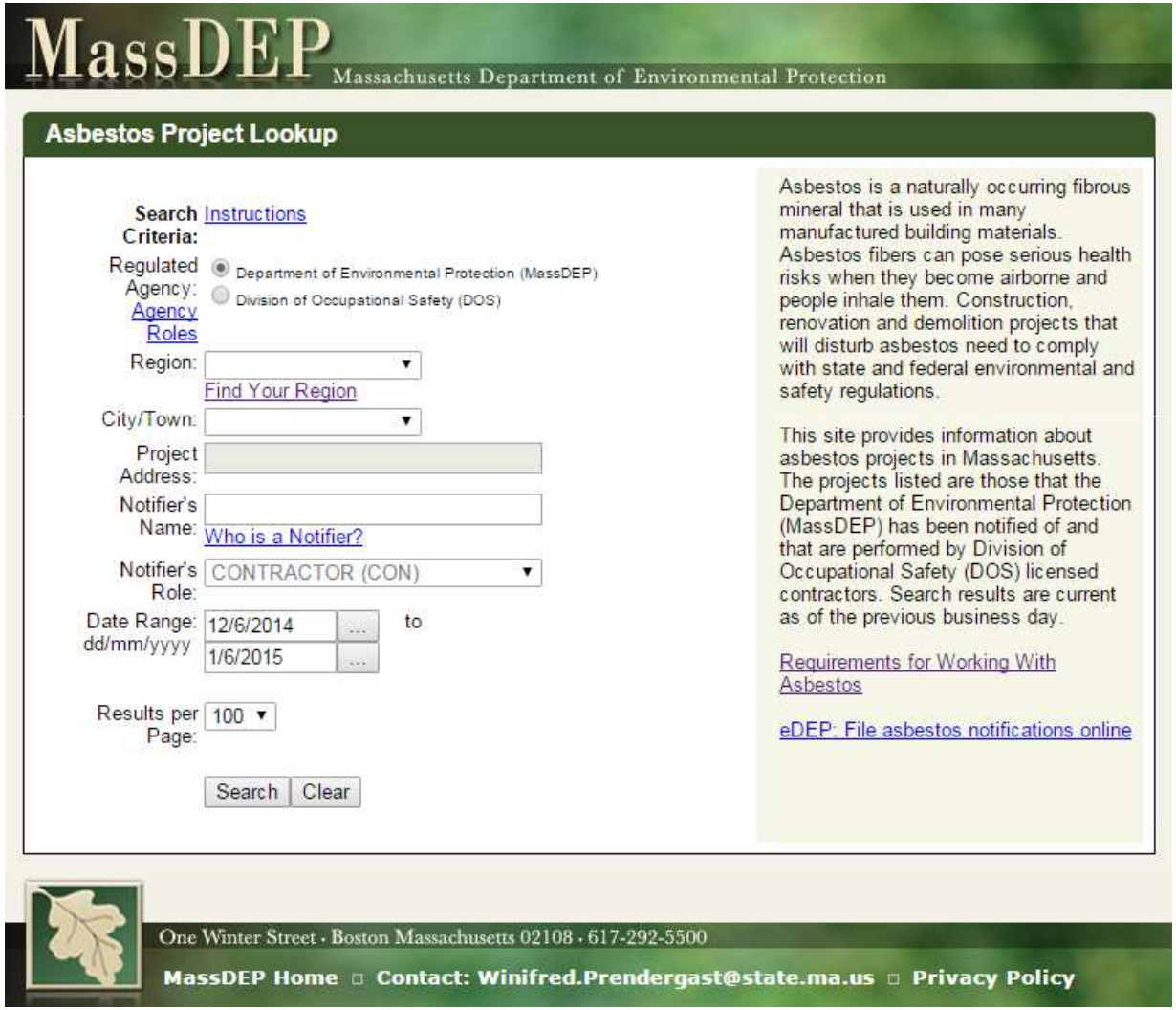
Facility Owner Name | Address
City/Town | State | ZIP Code | Telephone
On-Site Manager/Owner Representative | Address
City/Town | State | ZIP Code | Telephone

Asbestos Project Look-up Tool

Learn About Asbestos Work in Your Community

Asbestos Project Lookup
Search by town, notifier, project address, more.

http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html



http://public.dep.state.ma.us/Asbestos/Asbestos.aspx

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: email baw.edep@state.ma.us or call the Asbestos Hotline at 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