

Revised MassDEP Asbestos Regulation

Outreach Sessions:

August 5, 2014: MassDEP Southeast Regional Office

August 7, 2014: MassDEP Northeast Regional Office

August 12, 2014: Holyoke Community College

August 14, 2014: MassDEP Central Regional Office



Final Regulation

- Amended definitions (310 CMR 7.00)
- Replaced Asbestos Regulation (310 CMR 7.15)
- Took effect on June 20, 2014

- New and revised fees took effect on July 24, 2014

What Stays the Same:

Basic Program Structure:

- 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-142J)
 - 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 6-6F ½
 - 453 CMR 6.00

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

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 start of demolition/renovation
- Identify all material containing asbestos in any amount (including <1%)
- Use EPA-approved procedures and methods (or an alternative method approved by MassDEP, but none have been approved so far)
- 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!

3. Post-Abatement Visual Inspections

- Required for all abatements
 - One exemption: jobs by homeowners at their own single family residence, working only on non-friables
- Done at end of the abatement, in concert with DLS-required visual and air clearance monitoring
- Ensures that the abatement was complete
- 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
- Fee = \$600 (some entities are exempt)
- MassDEP will issue written approval and permit approval number
- MassDEP may issue verbal conditional approvals for emergency situations

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. 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

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.

*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)]

Clarification #1: Standard Requirements for Work Area Ventilation System

By June 20, 2017, the operating alarm system on ventilation equipment must include both audible and visual alarms that indicate:

- The unit is working properly
- The unit is using a clean filter specified for that unit and capable of filtering 0.3 micron particles with 99.97% efficiency

Clarification #2: 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

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>
- Asbestos Forms (including the Application for Non-Traditional Asbestos Abatement Work Practice Approval and the Waste Shipment Record template):
<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.
- Contact the MassDEP Asbestos Program in the region that covers the municipality in which your project is located:
 - Central: Gregg Levins (email: gregory.levins@state.ma.us, telephone: 508/767-2768)
 - Northeast: John Macauley (email: john.macauley@state.ma.us, telephone: 978/694-3262)
 - Southeast: Cynthia Baran (email: cynthia.baran@state.ma.us, telephone: 508/946-2887)
 - Western: Marc Simpson (email: marc.simpson@state.ma.us, telephone: 413/755-2115)
- Find Your Regional Office: <http://www.mass.gov/eea/agencies/massdep/about/contacts/>