

MassDEP Asbestos Regulation (310 CMR 7.15)

25th Annual MHOA/MassDEP Health Officers
Seminar

Devens, Hyannis, Peabody, and Holyoke
March 2020

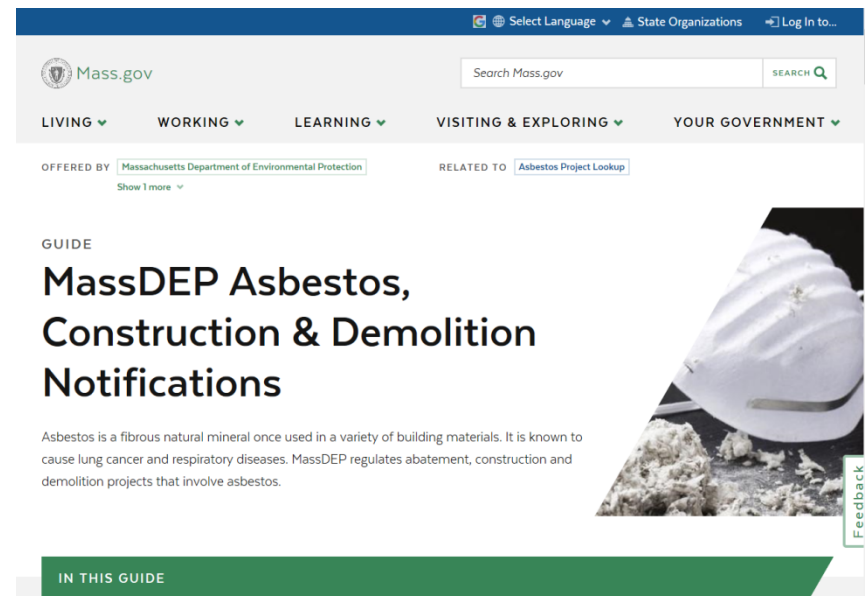


Fundamentals of Asbestos Program

focus on Demolition and Renovation Projects

- Performance standards:
 - Prevent air emissions
 - Protect public health, safety and environment
- Program Framework Key Elements:
 - **Notification** prior to work
 - **Asbestos abatement** work practice standards
 - **Asbestos-containing waste material** must be properly managed
- Must also comply with DLS requirements:
 - Worker qualifications/training
 - Work practices/worker safety
 - Final clearance monitoring

MassDEP Asbestos Webpage




<http://mass.gov/dep/asbestos>

Asbestos Abatement Project Requirements

Front-End through Removal

- Survey Requirements
- Notification Requirements
 - Asbestos Notification Form (AQ04/ANF-001)
 - Exemptions for certain small jobs and homeowners; however must follow applicable work practices
- Work Practice Standards
 - Work Area Prep, Isolation, Containment
 - Ventilation, Filtration
 - Adequate Wetting
 - Decon, Removal and Cleanup
- Final Visual Inspection

 **Commonwealth of Massachusetts**
Asbestos Notification Form ANF-001

Asbestos Project Number _____

☐ Project Revision
☐ Project Cancellation

A. Asbestos Abatement Description

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

Asbestos Abatement Project Requirements

Material Specific Work Practices

- **Asphaltic Roofing and Siding**
- **Window Glazing and Caulking Compounds**
- **Exterior Cement Shingles, Siding and Panels**
- **Underground Asbestos-Cement Pipe***
- **Incidental Maintenance**
 - Floor tile
 - Gypsum Wallboard/Joint Compound systems



Image Source: Mack Group, LLC



Image Source: Today's Homeowner

* Note: Added in July 2019 Amendments

Asbestos Abatement Project Requirements

Managing Asbestos Containing Waste Material (ACWM)

- Packaging
- Transportation
- Storage & Disposal
- Waste Shipment Record

Massachusetts Asbestos Waste Shipment Record		MassDEP Asbestos Notification Number
Work Site		
Name & Address of Facility or Work Site _____		
Owner/Operator (Generate) Name _____		Telephone Number _____
Asbestos Abatement Project _____		
Name & Address of Asbestos Contractor _____		
Department of Labor Standards (DLS) License Number _____		Contact Person Name (if Different From Above) _____
Asbestos-Containing Waste Material (ACWM) - Specify Type & Amount Generated		Telephone Number _____
<input type="checkbox"/> Frieze <input type="checkbox"/> Non-Frieze <input type="checkbox"/> Quantity in Cubic Meters (Cubic Yards) <input type="checkbox"/> Quantity in Cubic Meters (Cubic Yards)		
Containers Used for Shipment of ACWM - Specify Type & Number Used		
<input type="checkbox"/> Drums/Drums <input type="checkbox"/> 55 Gallon Plastic Drums/Drums <input type="checkbox"/> Other: _____		
Work Site Owner/Operator Certification: "I hereby certify that the contents of this shipment are fully and accurately described above and that they have been characterized, packaged, marked and labeled in accordance with 310 CMR 7.15."		Certification Date (MM/DD/YYYY) _____
Signature _____		Title _____
Name & Address of Company or Person Transporting ACWM		
Contact Person Name (if Different From Above) _____		Telephone Number _____
Transporter's Certification: "I hereby certify that the contents of this shipment are in all respects in the proper condition for transport according to applicable international, federal, state and local regulations."		Date ACWM Was Picked Up (MM/DD/YYYY) _____
Signature _____		Certification Date (MM/DD/YYYY) _____
Name & Address of Company or Person Transporting ACWM		
Contact Person Name (if Different From Above) _____		Telephone Number _____
Transporter's Certification: "I hereby certify that the contents of this shipment are in all respects in the proper condition for transport according to applicable international, federal, state and local regulations."		Date ACWM Was Picked Up (MM/DD/YYYY) _____
Signature _____		Certification Date (MM/DD/YYYY) _____
Name & Address of Company or Person Operating Disposal Site		
City/Town _____		State _____ ZIP Code _____
Contact Person Name (if Different From Above) _____		Telephone Number _____
Date Shipment Was Received (MM/DD/YYYY) _____		
Indicate Any Discrepancies		
Disposal Facility Certification: "I hereby certify that (1) the quantity of ACWM listed on this asbestos waste shipment record is the same as the quantity accepted for disposal and (2) this facility holds the appropriate permits and/or authorizations to accept for disposal the ACWM described."		
Signature _____		Title _____



Image Source: ILC Dover

Clarification about Material Containing < 1% Asbestos

- Should be identified in the pre-demo/reno survey
- **ACWM includes material containing any amount of asbestos (even <1%)**
- If material with any asbestos gets mixed with non-asbestos C&D, all must be handled as ACWM
- Segregate, manage separately to reduce disposal costs
- Package in individual, leak-tight containers
- Notification prior to disposal
- Never send to C&D Processor



Survey Requirements

- Required prior to **ANY** demolition/renovation project
 - ANY structure of ANY age
 - Exception: Owner of a single- family house conducting work on non-friable asbestos themselves in the home they live in
- **DLS-certified Asbestos Inspector** must conduct **“thorough”** inspection of all suspect ACM
 - Identify all material containing asbestos in any amount (including <1%) in area to be worked on
 - Destructive survey (inspect/sample behind wall cavities, through floor layers, above ceilings)
 - Must use of approved analytical methods
 - *EPA Method for the Determination of Asbestos in Bulk Building Materials* (EPA/600/R-93/116) - Polarized Light Microscopy (PLM)
 - Any suspect ACM not analyzed must be identified as ACM
- Keep the Survey Report for at least two years (preferably longer)

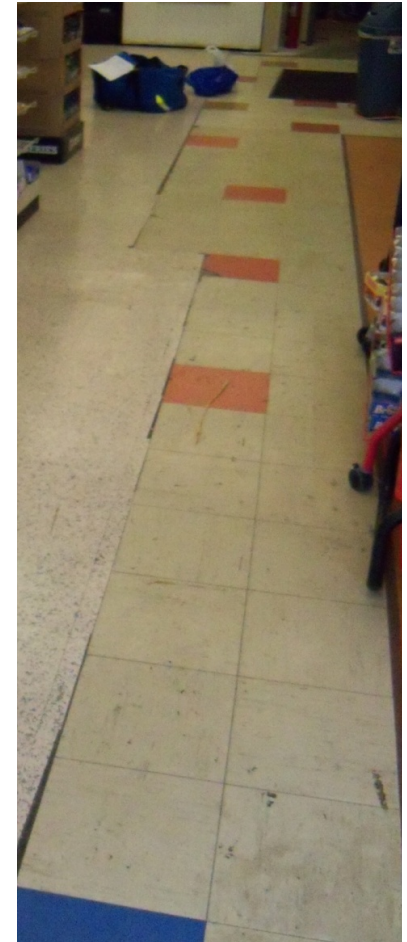
Purpose of Survey

- Identify and properly manage materials that contain asbestos
- Survey report enables determination of:
 - Notification requirements
 - Licensed contractor requirements
 - Work practice requirements
 - Sequence of project tasks
 - Removal requirements prior to demo/reno
 - Minimize volume managed as ACWM
 - Waste packaging, transportation and disposal requirements
- Survey protects owner/operators from liability

“Suspect Asbestos-Containing Material”

- MassDEP Definition: Products reasonably likely to contain asbestos based on appearance, composition, and use
- Includes (but is not limited to):

Non-fiberglass insulation (e.g., pipe, boiler, duct work)	Mastic (flooring or cove base adhesive or damp-proofing)
Spray-on fire proofing	Vinyl floor and wall tiles
Asphalt roofing and siding (shingles, roofing felts, tars, etc.)	Vinyl sheet flooring
Cement/transite shingles	Wallboard Joint Compound
Cement/transite pipes	Plaster
Cement sheets (corrugated and decorative)	Ceiling tiles
Cloth vibration dampers or duct work	



ASBESTOS BUILDING

TYPICAL LOCATIONS FOR THE MOST COMMON ASBESTOS-CONTAINING MATERIALS

KEY

ROOF AND EXTERIOR WALLS

- 1 Roof sheets and tiles
- 2 Guttering and drainpipe
- 3 Wall cladding
- 4 Soffit/facia boards
- 5 Panel beneath window
- 6 Roofing felt and coating to metal wall cladding

BOILER, VESSELS AND PIPEWORK

- 7 Lagging on boiler, pipework, calorifier etc.
- 8 Damaged lagging and associated debris
- 9 Paper lining under non-asbestos pipe lagging
- 10 Gasket in pipe and vessel joints
- 11 Rope seal on boiler access hatch and between cast iron boiler sections
- 12 Paper lining inside steel boiler casing
- 13 Boiler flue

CEILINGS

- 14 Spray coating to ceiling, walls, beams/columns
- 15 Loose asbestos in ceiling/floor cavity
- 16 Tiles, slats, canopies and firebreaks above ceilings
- 17 Textured coatings and paints

INTERIOR WALLS/PANELS

- 18 Loose asbestos inside partition walls
- 19 Partition walls
- 20 Panel beneath window
- 21 Panel lining to lift shaft
- 22 Panelling to vertical and horizontal beams
- 23 Panel behind electrical equipment
- 24 Panel on access hatch to service riser
- 25 Panel lining service riser and floor
- 26 Heater cupboard around domestic boiler
- 27 Panel behind/under heater
- 28 Panel on or inside, fire door
- 29 Bath panel

FLOORING MATERIALS

- 30 Floor tiles, linoleum and paper backing, lining to suspended floor

AIR HANDLING SYSTEMS

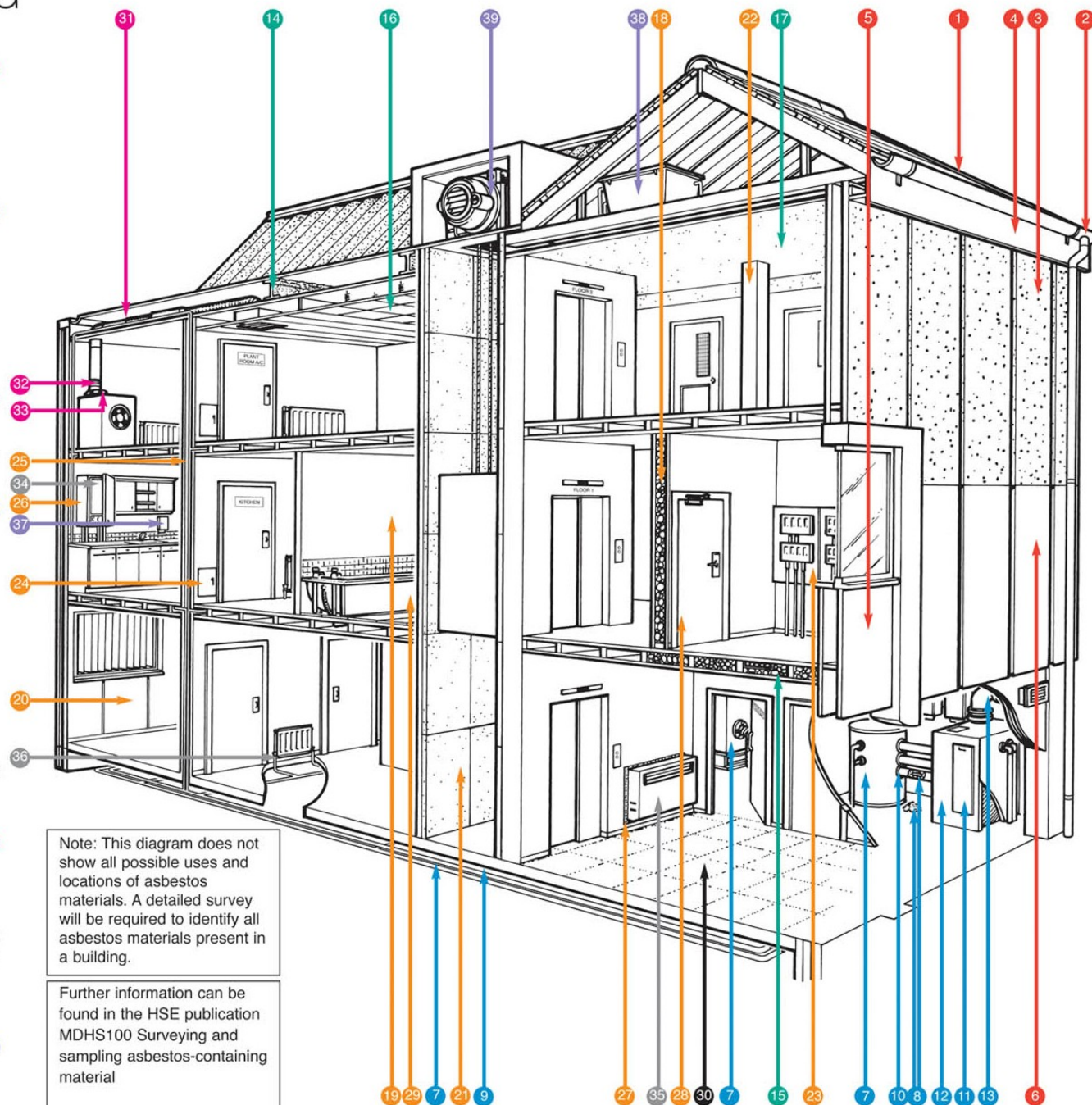
- 31 Lagging
- 32 Gaskets
- 33 Anti-vibration gaiter

DOMESTIC APPLIANCES

- 34 Gaskets, rope seals and panels in domestic boilers
- 35 'Caposil' insulating blocks, panels, paper, string etc in domestic heater
- 36 String seals on radiators

OTHER

- 37 Fire blanket
- 38 Water tank
- 39 Brake/clutch lining



Note: This diagram does not show all possible uses and locations of asbestos materials. A detailed survey will be required to identify all asbestos materials present in a building.

Further information can be found in the HSE publication MDHS100 Surveying and sampling asbestos-containing material

Asbestos Products still Available in Commerce

The manufacture, importation, processing and distribution in commerce of these building products are **not banned** (partial list):

- Asphaltic roofing shingles, felts, flashing
- Cement shingles/panels
- Cement pipe
- Vinyl floor tile
- Millboard
- Gaskets
- Adhesives/mastics
- Friction materials (auto, truck, rail, industrial)



Image Source: Rosenfeld Injury Lawyers

Reference: <https://www.epa.gov/asbestos/us-federal-bans-asbestos>


Suggested Checklist for Municipal Officials

Asbestos Survey/Removal Requirements

1. Was the structure, or the portion of structure where work will be performed, thoroughly surveyed by a DLS-certified asbestos inspector prior to **ANY** demolition or renovation activity?
 - *Ask for copy of asbestos survey report.*
2. Did survey identify any Asbestos-Containing Material (ACM)?
 - *Note: Any suspect ACM not analyzed must be managed as ACM*
3. If ACM was identified, has it been removed?
 - *Ask for copy of Asbestos Notification Form (ANF)*
 - *Ask for evidence of project completion*
 - *Final clearance monitoring report, or*
 - *Waste Shipment Record (WSR).*

Notification Prior to Construction/Demolition

- Submit 10 working-days before start of construction or demolition of a building:
 - Industrial/Commercial/Institutional
 - Residential buildings ≥ 20 units (EPA requires notification for demo of any residence >4 units)
- Use MassDEP form BWP AQ 06 *Notification Prior to Construction or Demolition*
- Prevent release of nuisance 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?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Describe the current or prior use of the facility: _____			
Is the facility a residential facility? <input type="checkbox"/> Yes <input type="checkbox"/> 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 _____

<https://www.mass.gov/how-to/aq-06-constructiondemolition-notification>


Suggested Checklist for Municipal Officials

Notification Prior to Construction/Demolition

1. Does the project involve an institutional, commercial or industrial structure, or any portion of such a structure?
2. Does the project involve of a residential structure, or any portion of such a structure, with 20 or more dwelling units?
3. Does the project involve the demolition of a residential structure with more than 4 dwelling units?
4. If yes to any of above, then the owner/operator is required to submit an AQ06 Notification Prior to Construction or Demolition.
 - 10 working-days (ca. two weeks) prior to start of any activity
 - MassDEP can grant emergency waiver upon request

Asbestos Project Look-up Tool

< Mass.gov | Executive Office of Energy & Environmental Affairs (EEA) An official application of the Commonwealth of Massachusetts

 **Energy & Environmental Affairs**
Data Portal

HOME DASHBOARDS SEARCH DATA ▼ HELP ▼

Search for Asbestos Projects

Project ID ?

Form Type ?

Location Address ?

Project End Date ? to

City/Town ?

Location Name ?

Project Start Date ? to

For More Information:

- MassDEP Asbestos Regulation – July 2019: <https://www.mass.gov/doc/310-cmr-715-massdep-asbestos-regulation-july-2019/download>
 - Questions about Asbestos Regulations and Policy: Mike Elliott, email: michael.elliott@mass.gov, telephone: 617/292-5575
- Regional MassDEP Asbestos Contacts:
 - Central: Gregg Levins (gregory.levins@mass.gov, 508/767-2768)
 - Northeast: John MacAuley (john.macauley@mass.gov, 978/694-3262)
 - Southeast: Cynthia Baran (cynthia.baran@mass.gov, 508/946-2887)
 - Western: David Slowick (david.slowick@mass.gov, 413/755-2246)
- Find your region:
<https://www.mass.gov/service-details/massdep-regional-offices-by-community>
- Asbestos Project Lookup Tool (via EEA Data Portal):
<https://eeaonline.eea.state.ma.us/portal#!/search/asbestos>
- MassDEP Asbestos Website:
<http://mass.gov/dep/asbestos>