

AMENDATORY SECTION

The following sections of Spokane Regional Clean Air Agency, Regulation I, Article IX are amended:

Section 9.01	Purpose
Section 9.02	Definitions
Section 9.03	Asbestos Survey Requirements
Section 9.04	Notification Requirements
Section 9.05	Asbestos Removal Requirements
Section 9.06	Procedures for Asbestos Projects
Section 9.07	Procedures for Nonfriable Asbestos-Containing Roofing Material
Section 9.08	Alternate Means of Compliance
Section 9.09	Disposal of Asbestos-Containing Waste Material
Section 9.10	Compliance With Other Rules

ARTICLE IX

ASBESTOS CONTROL STANDARDS

ADOPTED: September 5, 1991

REVISED: ~~((July 12, 2007))~~ September 4, 2008

EFFECTIVE: ~~((August 12, 2007))~~ October 7, 2008

SECTION 9.01 PURPOSE

The Board of Directors of the Spokane Regional Clean Air Agency recognizes that airborne asbestos is a serious health hazard. Asbestos fibers released into the air can be inhaled and cause lung cancer, pleural mesothelioma, peritoneal mesothelioma or asbestosis. The Board of Directors has adopted this regulation to control asbestos emissions primarily resulting from asbestos ~~((removal))~~ projects, renovation projects, and demolition projects in order to protect the public health.

SECTION 9.02 DEFINITIONS

- A. AHERA Building Inspector means a person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E ~~((, I.B.3))~~) and whose certification is current.
- B. AHERA Project Designer means a person who has successfully completed the training requirements for an abatement project designer established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E ~~((, I.B.5))~~) and whose certification is current.
- C. Asbestos means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.
- D. Asbestos-Containing Material means any material containing more than one percent (1%) asbestos as determined using the method specified in ~~((EPA regulations Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy))~~ the EPA publication, Method for the Determination of Asbestos in Building Materials, EPA/600/R-93/116, July 1993 or a more effective method as approved by EPA. It includes any material presumed ~~((or assumed))~~ to be asbestos-containing.

- E. Asbestos-Containing Waste Material means any waste that contains or is contaminated with asbestos-containing material, except for nonfriable asbestos-containing roofing that remains nonfriable. Asbestos-containing waste material includes asbestos-containing material that has been disturbed or deteriorated in a way that it is no longer an integral part of the structure or component, asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or high efficiency particulate air (HEPA) filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.
- F. Asbestos Project means any activity involving the abatement, renovation, demolition, removal, salvage, clean-up or disposal of asbestos-containing material, or any other action or inaction that disturbs or is likely to disturb any asbestos-containing material. It includes the removal and disposal of asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released nor does it include nonfriable asbestos-containing roofing material that will not be rendered friable.
- G. Asbestos Survey means a written report resulting from a thorough inspection performed pursuant to Section 9.03 of this Regulation. ~~((using the procedures and analysis in EPA regulations (40 CFR 763.85, 40 CFR 763.86 and 40 CFR 763.87), or an alternate asbestos survey method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos. In addition to requirements in 40 CFR 763.85, 40 CFR 763.86 & 40 CFR 763.87 asbestos surveys shall contain the approximate quantity and location of each material determined to contain asbestos and a schematic showing the locations where each bulk asbestos sample was taken. The condition and friability of asbestos-containing materials shall also be described in the asbestos survey. Any material presumed or assumed to be asbestos containing material need not be sampled and tested for asbestos, but materials presumed to be asbestos containing material shall be identified as such in the asbestos survey.))~~
- H. Competent Person means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate the hazards, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor and Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).
- I. Contiguous means properties adjoining one another or in close proximity (e.g., structures separated only by a public roadway) that have the same property owner.
- J. Component means any equipment, pipe, structural member, or other item or material.
- K. Controlled Area means an area to which only certified asbestos workers, representatives of the Agency, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA), have access.
- L. Demolition means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable in part or whole. Pursuant to the EPA asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61, Subpart M, it includes wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations.
- M. Disposal Container means a carton, bag, drum, box, or crate designed for the purpose of safely transporting and disposing of asbestos-containing waste material.
- N. Friable Asbestos-Containing Material means asbestos-containing material that, when dry, can be crumbled, ~~((disintegrated,))~~ pulverized, or reduced to powder by hand pressure or by the forces expected to act upon

the material in the course of demolition, renovation, or disposal. Each of these descriptions is separate and distinct, meaning the term includes ~~((i.e.,))~~ asbestos-containing material that, when dry, can be ~~((a-e))~~

1. Crumbled by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal; ~~((b) disintegrated or p))~~
2. Pulverized by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal; or ~~((e-r))~~
3. Reduced to powder by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal).

Such materials include, but are not limited to, thermal system insulation, surfacing material, Nicolet roofing paper, and cement asbestos products.

- O. Leak-Tight Container means a dust-tight and liquid tight container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.
- P. Nonfriable Asbestos-Containing Material means asbestos-containing material that is not friable (e.g., when dry, cannot be crumbled, ~~((disintegrated,))~~ pulverized, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal).
- Q. Nonfriable Asbestos-Containing Roofing means an asbestos-containing roofing material where all of the following apply:
1. The roofing is a nonfriable asbestos-containing material ~~((not asphalt coated asbestos felting or similar built-up roofing))~~;
 2. The roofing is in good condition and is not peeling, cracking, or crumbling;
 3. The roofing binder is petroleum-based and asbestos fibers are suspended in that base with individual fibers still encapsulated; and
 4. The roofing binder exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing and disposing of it.
- R. Owner-Occupied, Single-Family Residence means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used by one family who owns the property as their domicile (permanent and primary residence) both prior to and after renovation or demolition, and can demonstrate such to the Agency upon request (e.g., utility bills). This term includes houses, mobile homes, trailers, detached garages, outbuildings, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property, multiple unit buildings (e.g., duplexes and condominiums with two or more units) or multiple-family units, nor does this term include any mixed-use building (e.g., a business being operated out of a residence), structure, or installation that contains a residential unit. This term does not include structures used for structural fire training exercises ~~((performed pursuant to))~~ (Regulation I, Article VI, Section 6.01 and 40 CFR Part 61, Subpart M).
- S. Owner's Agent means any person who leases, operates, controls, or is responsible for an asbestos project, renovation, ~~((or))~~ demolition, or property subject to Article IX of this Regulation. It also includes the person(s) submitting ~~((signing) an NOI))~~ a notification pursuant to Section 9.04 of this Regulation and/or performing the asbestos survey.
- T. Person means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

- U. Renovation means altering a structure or component in any way, other than demolition.
- V. Structure means something built or constructed, in part or in whole. Examples include, but are not limited to, the following in part or in whole: houses, garages, commercial buildings, mobile homes, bridges, "smoke" stacks, pole-buildings, canopies, lean-twos, foundations, equipment, and other parts and miscellaneous components. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).
- W. Surfacing Material means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing material on structural members, or other material on surfaces for decorative purposes.
- X. Suspect Asbestos-Containing Material means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and cement siding. Suspect asbestos-containing material must be presumed to be asbestos-containing material unless demonstrated otherwise (e.g., as determined using the method specified in the EPA publication, Method for the Determination of Asbestos in Building Materials, EPA/600/R-93/116, July 1993).
- Y. Thermal System Insulation means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.
- Z. Visible Emissions means any emissions that are visually detectable without the aid of instruments. The term does not include condensed uncombined water vapor.
- AA. Wallboard System means joint compound and tape specifically applied to cover nail holes, ~~((cracks))~~ joints and wall corners. It does not mean "add on materials" such as sprayed on materials, paints, textured ceilings or wall coverings. Wallboard systems where joint compound and tape have become an integral system (40 CFR Part 61 FRL4821-7) may be analyzed as a composite sample for determining if it is an asbestos-containing material.
- BB. Waste Generator means any owner or owner's agent that generates, produces, or is in part or whole, responsible for an activity that results in asbestos-containing waste material.
- CC. Workday means Monday through Friday 8:00 a.m. to 4:30 p.m. excluding legal holidays observed by the ~~((Authority))~~ Agency.
- ~~((DD. Work Schedule Fax Program means a program whereby the property owner or owner's agent provides prior notice by facsimile to the Authority of the specific location and date of the asbestos project or demolition on a form approved by the Authority.))~~

SECTION 9.03 ASBESTOS SURVEY REQUIREMENTS

~~((Except as provided below, an AHERA building inspector shall perform an asbestos survey as defined in Section 9.02.G of this Regulation prior to renovation or demolition.~~

A. ~~Requirements for Renovations:~~

~~Except as provided for in Section 9.03.A.1, Prior to performing any renovation activity the property owner or the owner's agent shall determine whether there are suspect asbestos-containing materials in the work area. The property owner or the owner's agent shall obtain an asbestos survey of any suspect asbestos-containing materials. The asbestos survey shall be performed by an AHERA (Asbestos Hazard Emergency Response Act) building inspector.~~

1. ~~Owner Occupied, Single Family Residence Renovation Performed by the Owner Occupant.~~

~~Asbestos surveys associated with the renovation of an owner-occupied, single family residence by the owner-occupant, need not be performed by an AHERA building inspector and need not be an asbestos survey as defined in Section 9.02.G of this Regulation. An owner-occupant's assessment for the presence of asbestos prior to renovation of an owner-occupied, single family residence will suffice. A written asbestos survey is not required.~~

~~2. Asbestos Survey Posting.~~

~~Except as provided for in Section 9.03.A.1 of this Regulation, a summary of the results of an asbestos survey shall be posted by the property owner or the owner's agent in a readily accessible and visible area at the work site for all persons at the work site.~~

~~3. Asbestos Survey Retention.~~

~~The property owner or owner's agent and the AHERA building inspector that performed the survey, when applicable, shall retain a complete copy of the asbestos survey for at least 2 years and make it available to the Authority upon request.~~

~~4. Determination of the Presence of Asbestos-Containing Material.~~

~~a. Except as provided for in Section 9.03.A.1, only an AHERA building inspector may determine, by performing an asbestos survey as defined in Section 9.02.G, that a suspect material does not contain asbestos.~~

~~b. It is not required that an AHERA building inspector evaluate any material presumed to be asbestos-containing.~~

~~B. Requirements for Demolition.~~

~~It shall be unlawful for any person to cause or allow any demolition, except as provided by RCW 52.12.150(6) unless prior to demolition, the property owner or the owner's agent obtains an asbestos survey, performed by an AHERA building inspector.~~

~~1. Asbestos Survey Posting.~~

~~Except as provided for in Section 9.03.A.1 of this Regulation, a summary of the results of an asbestos survey shall be posted by the property owner or the owner's agent in a readily accessible and visible area at the work site for all persons at the work site.~~

~~2. Asbestos Survey Retention.~~

~~The property owner or owner's agent and the AHERA building inspector that performed the survey when applicable shall retain a complete copy of the asbestos survey for at least 2 years and make it available to the Authority upon request.~~

~~3. Determination of the Presence of Asbestos-Containing Material.~~

~~a. Except as provided by RCW 52.12.150(6), only an AHERA building inspector may determine by performing an asbestos survey that a suspect material does not contain asbestos.~~

~~b. It is not required that an AHERA building inspector evaluate any material presumed to be asbestos-containing.))~~

A. Except as provided for in Section 9.03.F of this Regulation, it shall be unlawful for any person to cause or allow any renovation, demolition, or asbestos project unless the property owner or the owner's agent first obtains an asbestos survey, performed by an AHERA building inspector.

B. Asbestos Survey Procedures.

1. An asbestos survey must consist of a written report resulting from a thorough inspection performed by an AHERA building inspector. The AHERA building inspector must use the procedures in EPA regulations 40 CFR 763.86 or an alternate asbestos survey method pursuant to Section 9.03.F of this Regulation. The inspection, and resulting asbestos survey report, must be performed to determine whether materials, components, or structures to be worked on, renovated, removed, disturbed, impacted, or demolished (including materials on the outside of structures) contain asbestos.
2. Except as provided for in Section 9.03.F of this Regulation, only an AHERA building inspector may determine, by performing an asbestos survey, that a suspect asbestos-containing material does not contain asbestos. Per the sampling procedures detailed in EPA regulations 40 CFR Part 763.86, the required number of bulk asbestos samples must be collected and analyzed pursuant to Section 9.02.D of this Regulation to determine that material does not contain asbestos.
3. Bulk samples must be analyzed for asbestos pursuant to Section 9.02.D of this Regulation by laboratories accredited by the National Voluntary Laboratory Accreditation Program (NVLAP).

C. Asbestos Survey Report.

Except where additional information is required pursuant to EPA Regulation 40 CFR Part 763.85, asbestos surveys shall contain, at a minimum, all of the following information:

1. General Information.
 - a. Date that the inspection was performed;
 - b. AHERA Building Inspector signature, certification number, date certification expires, and name and address of entity providing AHERA Building Inspector certification;
 - c. Site address(es) / location(s) where the inspection was performed;
 - d. Description of the structure(s) / area(s) inspected (e.g., use, approximate age and approximate outside dimensions);
 - e. The purpose of the inspection (e.g., pre-demolition asbestos survey, renovation of 2nd floor, removal of acoustical ceiling texturing due to water damage, etc.), if known;
 - f. Detailed description of any limitations of the asbestos survey (e.g., inaccessible areas not inspected, survey limited to renovation area, etc.);
 - g. Identify all suspect-asbestos containing materials and their locations, except where limitations of the asbestos survey identified in Section 9.03.C.1.f (above) prevented such identification;
 - h. Identify materials presumed to be asbestos-containing material;
 - i. Exact location where each bulk asbestos sample was taken (e.g., schematic and/or other description);

- j. Complete copy of the laboratory report for bulk asbestos samples analyzed, which includes all of the following:
 - i. Laboratory name, address and NVLAP certification number;
 - ii. Bulk sample numbers;
 - iii. Bulk sample descriptions;
 - iv. Bulk sample results showing asbestos content; and
 - v. Name of the person at the laboratory that performed the analysis.

2. Information Regarding Asbestos-Containing Materials (including those presumed to contain asbestos).

- a. Describe the color of each asbestos-containing material;
- b. Identify the location of each asbestos-containing material (e.g., schematic and/or other description); and
- c. Provide the approximate quantity of each asbestos-containing material (generally in square feet or linear feet).

~~(G. Alternate Asbestos Survey Method.~~

~~An alternate asbestos survey method shall be submitted to the Control Officer for approval prior to sampling, at a minimum, on occasions when conventional sampling methods required in Section 9.02.G of this Regulation can not or will not be exclusively performed. For example, conventional sampling methods may not be possible on fire damaged buildings or portions thereof, rubble or debris piles, and ash or soil, because they are not structures with intact materials and identifiable homogeneous areas. Alternate asbestos survey methodology may be used alone or, when possible, in combination with conventional survey methodology. An alternate asbestos survey methodology typically involves random sampling according to a grid pattern, but is not limited to such. An illustration of how the principles of such sampling techniques are applied can be found in the EPA publication, Preparation of Soil Sampling Protocols: Sampling Techniques & Strategies, EPA/600/R-92/128, July 1992.)~~

D. Asbestos Survey Posting.

Except as provided for in Section 9.03.F of this Regulation, a complete copy of an asbestos survey shall be posted by the property owner or the owner's agent in a readily accessible and visible area at the work site for all persons at the work site. If an AHERA Building Inspector determines there are no suspect asbestos-containing materials in the work area, this determination shall be posted by the property owner or the owner's agent in a readily accessible and visible area at the work site for all persons at the work site.

E. Asbestos Survey Retention.

The property owner or owner's agent, and the AHERA building inspector that performed the asbestos survey (when the asbestos survey has been performed by an AHERA building inspector), shall retain a complete copy of the asbestos survey for at least 24 months from the date the inspection was performed and make it available to the Agency upon request.

F. Exceptions.

- 1. Owner-Occupied, Single-Family Residence Renovation Performed by the Owner-Occupant.

For renovation of an owner-occupied, single-family residence performed by the owner-occupant, an asbestos survey is not required. An owner-occupant's assessment for the presence of asbestos-containing material prior to renovation of an owner-occupied, single-family residence is adequate. A written report is not required.

2. Presuming Suspect Asbestos-Containing Materials are Asbestos-Containing Materials.

It is not required that an AHERA building inspector evaluate (e.g., sample and test) any material presumed to be asbestos-containing material. All other requirements of this Regulation remain in effect.

3. Alternate Asbestos Survey

A written alternate asbestos survey method shall be prepared and used on occasions when conventional sampling methods required in EPA regulations 40 CFR 763.86 can not be exclusively performed (all other asbestos survey requirements in Section 9.03 of this Regulation apply). For example, conventional sampling methods may not be possible on fire damaged buildings or portions thereof, rubble or debris piles, and ash or soil, because they are not structures with intact materials and identifiable homogeneous areas. Alternate asbestos survey methodology may be used alone or, when possible, in combination with conventional survey methodology. An alternate asbestos survey methodology typically includes random sampling according to a grid pattern (e.g., random composite bulk samples at incremental 1" depths from 10' x 10' squares of a debris pile), but is not limited to such. An illustration of how the principles of such sampling techniques are applied can be found in the EPA publication, Preparation of Soil Sampling Protocols: Sampling Techniques & Strategies, EPA/600/R-92/128, July 1992.

4. Demolition by Fire Fighting Instruction Fires.

Pursuant to RCW 52.12.150(6), asbestos surveys need not be performed by an AHERA Building Inspector. However, pursuant to Section 9.04.A.6 of this Regulation, the project fee in Section 10.09 is waived for any demolition performed in accordance with RCW 52.12.150(6), where the good faith inspection referred to in RCW 52.12.150(6) is an asbestos survey performed by an AHERA Building Inspector, as required in Section 9.03.A-E of this Regulation.

5. Underground Storage Tanks.

An asbestos survey is not required prior to renovation or demolition of an underground storage tank. However, if suspect asbestos-containing material is identified during the renovation or demolition of an underground storage tank, work shall cease until it is determined pursuant to Section 9.03.B and C of this Regulation whether or not the suspect asbestos-containing material is asbestos-containing material. All other requirements of this Regulation remain in effect.

SECTION 9.04 NOTIFICATION REQUIREMENTS

A. General Requirements.

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer, has been submitted to the Agency ((Authority on approved forms by the property owner or owner's agent)), in accordance with the ((advance)) notification waiting period requirements ((contained)) in Article X, Section 10.09 of this Regulation. The notification must be submitted by the property owner or owner's agent on approved forms through the Agency's website, submitted at the Agency's place of business in person or via U.S. mail, or for those contractors using the Agency's prepayment account, notifications may be submitted via facsimile. Prepayment accounts will no longer be offered and notifications submitted via facsimile will no longer be accepted once the Agency begins accepting notifications via its website.

1. When the Notification Waiting Period Begins

The ~~((advance))~~ notification waiting period shall begin on the workday a complete notification is received by the ~~((Authority))~~Agency and shall end after the ~~((advance))~~ notification waiting period in Section 10.09 has passed (e.g., The ~~((advance))~~ notification waiting period for a notification submitted after 4:30 p.m. on a Friday shall not begin until the following Monday, provided Monday is not a holiday observed by the ~~((Authority))~~Agency. A 10-day notification period means work on an asbestos project or demolition can begin on day 11.)

2. Asbestos Project Duration

The duration of an asbestos project shall be commensurate with the amount of work involved.

~~((3. Notification is not required for asbestos projects involving less than 10 linear feet or 48 square feet (per structure, per calendar year) of any asbestos-containing material. Owners and/or owner's agents must file notification once the 10 linear feet or 48 square feet has been reached on any asbestos project or multiple asbestos project.~~

~~4. Notification is not required for removal and disposal of the following nonfriable asbestos-containing materials: caulking, window glazing, or roofing. All other asbestos project and demolition requirements remain in effect except as provided by Article IX.~~

~~5. Notification is not required for renovations involving owner-occupied, single-family residences. All other asbestos project and demolition requirements remain in effect except as provided by Article IX.~~

~~6. Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present. All other demolition requirements remain in effect.~~

~~7. A copy of the notification, all amendments to the notification, the asbestos survey, and any Order of Approval for an alternate means of compliance shall be made available for inspection at all times at the asbestos project or demolition site.~~

8))3. Multiple Asbestos Projects or Demolitions.

Notification for multiple asbestos projects or demolitions may be filed by a property owner or owner's agent on one form if all the following criteria are met:

a. The notification applies only to contiguous properties having the same owner.

b. The work will be performed by the same abatement and/or demolition contractor.

c. The notification includes the site address for each structure.~~((A work plan is submitted that includes:))~~

d. The notification includes the amount and type of asbestos-containing material in each structure.

~~((1) a map of the structures involved in the project;~~

~~2) the site address for each structure;~~

~~3) the amount and type of asbestos-containing material in each structure;~~

- 4) ~~the schedule for performing asbestos project and demolition work (for projects where a detailed work schedule cannot be provided, the property owner or owner's agent shall participate in the Authority's work schedule fax program and will continue to participate in the program throughout the duration of the project);~~
- 5) ~~a copy of the asbestos survey for all structures that do not contain asbestos containing material; and~~
- 6) ~~any other information requested by the Authority.~~

9. ~~The property owner or owner's agent shall retain a copy of all asbestos notification records for at least 2 years and make them available to the ((Authority))Agency upon request.~~

10. ~~Fee for Work Done Without Notification.~~

~~Where any work on an asbestos project or demolition, for which notification is required, is commenced or performed prior to making notification, except as provided for in Section 9.04.C, the Control Officer may conduct a compliance investigation and assess a fee. In such case, a compliance investigation fee, as established in Section 10.09(c) of this Regulation, shall be paid by the applicant in addition to the fees required in Section 10.09(a) of this Regulation. Payment of fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.~~

11)4. Notification Expiration.

~~Notifications are valid for no more than ((twelve months))365 days from the earliest original notification start date. A new notification shall be submitted to the ((Authority))Agency for work to be performed beginning or continuing more than ((twelve months))365 days from the earliest original notification start date and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09((a)) of this Regulation.~~

5. Record Keeping.

- a. A copy or printout of the notification, all amendments to the notification, and the complete asbestos survey shall be made available for inspection at all times at the asbestos project or demolition site.
- b. The property owner or owner's agent shall retain a copy of all asbestos notification records for at least 2 years and make them available to the Agency upon request.

6. Notification Exceptions.

a. Asbestos Project Thresholds.

Notification is not required for asbestos projects involving less than 10 linear feet or 48 square feet (per structure, per calendar year) of any asbestos-containing material. Owners and/or owner's agents must file notification once the 10 linear feet or 48 square feet has been reached on any asbestos project or multiple asbestos project (per structure, per calendar year).

b. Nonfriable Asbestos-Containing Materials: Caulking, Window-Glazing, Roofing.

Notification is not required for removal and disposal of the following nonfriable asbestos-containing materials: caulking, window-glazing, or roofing. All other asbestos project and demolition requirements remain in effect except as provided by Article IX.

c. Owner-Occupied, Single-Family Residences.

Notification is not required for renovations involving owner-occupied, single-family residences. All other asbestos project and demolition requirements remain in effect except as provided by Article IX.

d. Underground Storage Tanks.

Notification is not required for demolition of underground storage tanks with no asbestos. All other asbestos project and demolition requirements remain in effect except as provided by Article IX.

e. Demolition of Structures With a Projected Roof Area \leq 120 Square Feet.

Notification is not required for demolition of structures with a projected roof area less than or equal to 120 square feet, unless asbestos-containing material is present. If asbestos-containing material is present, asbestos project notification requirements apply. All other requirements remain in effect except as provided by Article IX.

f. Demolition by Fire Fighting Instruction Fires.

The project fee in Section 10.09 is waived for any demolition performed in accordance with RCW 52.12.150(6), where the good faith inspection referred to in RCW 52.12.150(6) is an asbestos survey performed by an AHERA Building Inspector, as required in Section 9.03.A-E of this Regulation.

g. Abandoned Asbestos-Containing Material.

The Control Officer may waive part or all of the notification period and project fee, by written authorization, for disposal of abandoned (without the knowledge or consent of the property owner) asbestos-containing materials. All other requirements remain in effect.

h. Emergencies.

The advance notification period may be waived if an asbestos project or demolition must be conducted immediately because of any of the following:

- i. There was a sudden, unexpected event that resulted in a public health or safety hazard;
- ii. The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;
- iii. Asbestos-containing materials were encountered that were not identified during the asbestos survey; or
- iv. The project must proceed to avoid imposing an unreasonable financial burden.

B. Amendments.

1. Mandatory Amendments.

Amendments must be submitted by the person or party that originally submitted the notification or, if applicable, submitted the most recent notification amendment on file with the Agency, unless that person or party explicitly names another person or party that is authorized to file an amendment to the original notification or most recent amendment filed with the Agency. An amendment shall be

submitted to the ~~((Authority))~~ Agency for any of the following changes in notification, must be submitted in accordance with the advance notification requirements in Section 10.09 of this Regulation (e.g., In order to change the asbestos project start date or place a project “on hold”, an amendment must be submitted prior to the asbestos project start date listed on the original notification or, if applicable, prior to the start date submitted on the most recent notification amendment on file with the Agency.), and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09~~((a))~~ of this Regulation:

a. Project Type.

Changes in the project type (e.g., from asbestos removal only to asbestos removal and demolition) or cancellation of a project filed under a notification. ~~((;))~~

b. Job Size.

Increases in the job size category which increase the fee or changes the advance notification period. ~~((;))~~ For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category shall be submitted.

c. Type of Asbestos.

Changes in the type of asbestos-containing material that will be removed. ~~((;))~~

d. Start Date.

Changes in the asbestos project start date or demolition start date including placing a project “on hold” or “off hold” (e.g., an asbestos project is temporarily delayed and a new start date has not been confirmed) or canceling a notification altogether. ~~((;))~~

e. Completion Date.

Changes in the asbestos project or demolition completion date including placing a project “on hold” or “off hold” (e.g., an asbestos project is temporarily delayed and a new end date has not been confirmed). ~~((;))~~

~~((f. —))~~ Work Schedule.

~~Changes in the asbestos project work schedule, including days and hours of work (Asbestos contractors or property owners participating in the Authority’s work schedule fax program, as defined in this Regulation, are not required to submit amendments for work schedule changes such as days of the week and hours of the day occurring between the asbestos project start and completion date); or~~

~~g. — An amendment must be submitted to the Authority for any other change in a notification (e.g., changing a demolition contractor).)~~

2. Opportunity for Amendment.

a. Last Asbestos Removal Completion Date on Record.

In no case shall an amendment be accepted ~~((and approved))~~ by the ~~((Authority))~~ Agency if it is filed after the last completion date on record. In the case of additional work to be performed after the last completion date on record, a new notification shall be submitted to

the ~~((Authority))~~Agency and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09~~((a))~~ of Article X of this Regulation.

b. Canceled Notification.

Once a property owner or owner's agent cancels a notification, it shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a new, complete notification, including the required fee and any additional information requested by the Control Officer, has been submitted to the Agency on approved forms through the Agency's website or in person at the Agency's place of business by the property owner or owner's agent, in accordance with the advance notification period requirements contained in Article X, Section 9.04.A and 10.09 of this Regulation).

c. Project Sites.

Amendments may not be used to add or change project site addresses listed on a previously submitted notification.

~~((C. — Emergencies.~~

~~1. — Advance Notice.~~

~~The Control Officer may waive the advance notification period, if the property owner or owner's agent submits a written request, demonstrating to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:~~

~~a. — There was a sudden, unexpected event that resulted in a public health or safety hazard;~~

~~b. — The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;~~

~~c. — Asbestos-containing materials were encountered that were not identified during the asbestos survey; or~~

~~d. — The project must proceed to avoid imposing an unreasonable financial burden.~~

~~2. — When Advance Notice is Not Possible~~

~~Advance notification shall not be required to commence an asbestos project or demolition which would normally require advance notification pursuant to Section 9.04 and 10.09 of this Regulation, if all of the following criteria are met:~~

~~a. — A notification shall be filed with the Authority not later than the first working day after the asbestos project or demolition is commenced and shall be accompanied by a written request from the property owner or owner's agent, demonstrating to the Control Officer that an asbestos project or demolition was conducted without advance notification because of life endangerment or other serious consequences.~~

~~b. — For purposes of compliance with Section 9.04 and 10.09, the Control Officer shall determine whether the asbestos project or demolition, commenced before approval by the Authority, meets the requirements of this subsection.)~~

SECTION 9.05 ASBESTOS REMOVAL REQUIREMENTS ((PRIOR TO RENOVATION OR DEMOLITION))

A. Removal of Asbestos ((Prior to Renovation or Demolition)).

1. Except as provided in Sections ~~9.08.B-C~~~~((9.05.B, 9.07.B (Leaving Nonfriable Asbestos Containing Roofing Material in Place During Demolition), and 9.08.C.,))~~ of this Regulation, it shall be unlawful for any person to cause or allow any renovation, ~~((or))~~ demolition, or other action or inaction that may:
 - a. ~~((d))~~Disturb asbestos-containing material without first removing all asbestos-containing material in accordance with the requirements of this Regulation; or
 - b. ~~((d))~~Damage a structure so as to preclude access to asbestos-containing material for future removal, without first removing all asbestos-containing material in accordance with the requirements of this Regulation.
2. Except as provided in Sections ~~((9.07.B and))~~9.08.A-C of this Regulation, it shall be unlawful for any person to create or allow a condition, involving an existing structure, that will likely result in the disturbance of asbestos-containing material (e.g., not removing all asbestos-containing material in a structure scheduled for demolition;~~((or partially))~~ not completely removing asbestos-containing material identified for removal by the last asbestos removal completion date on record;~~((and))~~ leaving ~~((remaining))~~ asbestos-containing material in a state that makes it more susceptible to being disturbed; asbestos-containing material that is peeling, delaminating, crumbling, blistering, or other similar condition; etc.).
3. Asbestos-containing material need not be removed from a component if ~~((, prior to renovation or demolition,))~~ the component is removed for reuse, stored for reuse, or transported for reuse without disturbing or damaging the asbestos-containing material.
4. Suspect asbestos-containing material that has been disturbed must be removed as soon as possible and disposed of in accordance with this Regulation unless an asbestos survey, performed in accordance with Section 9.03 of this Regulation, demonstrates that suspect asbestos-containing materials are not asbestos-containing materials.

~~((B.))~~ Exception for Hazardous Conditions:

~~Asbestos-containing material need not be removed prior to a demolition, if the property owner or owner's agent demonstrates to the Control Officer that it is not accessible (e.g., asbestos survey cannot be performed or asbestos cannot be removed prior to demolition) because of hazardous conditions such as: structures or buildings that are structurally unsound or in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. The property owner or owner's agent must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition and disposal of the asbestos-containing waste material. The Exception for Hazardous Conditions plan (i.e., hazardous conditions determination and procedures) shall be submitted to the Authority for approval with a complete notification pursuant to Section 9.04 of this Regulation.~~

1. ~~At a minimum, all of the following procedures shall be incorporated into the Exception for Hazardous Conditions plan and followed by the owner or owner's agent unless equally effective work practices and procedures are submitted to, and approved by, the Authority:~~
 - a. ~~Presume that the structure contains friable and nonfriable asbestos-containing material and treat all demolition debris as asbestos-containing waste material;~~
 - b. ~~Follow the procedures for asbestos projects in Section 9.06 of this Regulation;~~
 - c. ~~Remove and dispose of a minimum of six inches of soil beneath and six feet of soil around the demolition debris pile as asbestos-containing waste material or submit a sampling plan for approval, for demonstrating that soil has not been contaminated from the asbestos project; and~~

d ——— Make air monitoring data available for the Authority to review, upon request, for 2 years from the date the Control Officer approves the plan.)

SECTION 9.06 PROCEDURES FOR ASBESTOS PROJECTS

A. Training Requirements.

It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current. This certification requirement does not apply to asbestos projects conducted in an owner-occupied, single-family residence performed by the resident owner of the dwelling.

B. Asbestos ~~((Removal))~~ Project Work Practices.

Except as provided in Sections 9.08.A-C ~~((9.07.A (Method of Removal for Nonfriable Asbestos-Containing Roofing Materials) and Section 9.08 (Alternate means of Compliance))~~ of this Regulation, it shall be unlawful for any person to cause or allow the removal or disturbance of asbestos-containing material unless all the following requirements are met:

1. Controlled Area.

The asbestos project shall be conducted and maintained in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only, including occasions when asbestos abatement is not actively occurring (e.g., when workers are on break or ~~((temporarily))~~ off-site).

2. Negative Pressure Enclosure.

If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.

3. Wetting Asbestos-Containing Material Prior to and During Removal.

a. Absorbent asbestos-containing materials, such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated absorbent asbestos-containing material~~((surfaces))~~ exposed during removal shall be ~~((wetted))~~ immediately saturated with a liquid wetting agent and kept wet until sealed in leak-tight containers.

~~((4))~~b. Nonabsorbent asbestos-containing materials, such as cement asbestos board or vinyl asbestos tile, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. ~~((They shall be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers.))~~ Any dry surfaces of nonabsorbent asbestos-containing material exposed during removal shall be ~~((wetted))~~ immediately coated with a liquid wetting agent and kept wet until sealed in leak-tight containers.

~~((5))~~c. Metal components (such as valves, fire doors, and reactor vessels) that have internal asbestos-containing material do not require wetting of the asbestos-containing material if all access points to the asbestos-containing materials are welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the asbestos-containing material from the environment.

~~((6))~~4. Handling.

Except for surfacing material being removed inside a negative pressure enclosure, asbestos-containing material that is being removed, has been removed, or may have fallen off components during an asbestos project shall be carefully lowered to the ground or the floor, not dropped, thrown, slid, or otherwise damaged.

5. Asbestos-Containing Waste Material.

a. All absorbent, asbestos-containing waste material shall be kept saturated with a liquid wetting agent until sealed in leak-tight containers. All nonabsorbent, asbestos-containing waste material shall be kept coated with a liquid wetting agent until sealed in leak-tight containers.

~~((7))~~b. All asbestos-containing waste material resulting from an asbestos project shall be ~~((kept wet and shall be))~~ sealed in leak-tight containers ~~((while still wet,))~~ as soon as possible after removal, but no later than the end of each work shift.

~~((8))~~c. The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

~~((9))~~d. Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.

~~((10))~~e. Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.

~~((14))~~f. ~~((The a))~~ Asbestos-containing waste material shall be stored in a controlled area until transported to, and disposed of at, a waste disposal site approved to accept asbestos-containing waste material.

~~((12))~~6. Visible Emissions

No visible emissions shall result from an asbestos project.

SECTION 9.07 PROCEDURES FOR NONFRIABLE ASBESTOS-CONTAINING ROOFING MATERIAL

A. Method of Removal for Nonfriable Asbestos-Containing Roofing Material.

All of the following asbestos removal methods shall be employed for nonfriable asbestos-containing roofing material as defined in Section 9.02 of this Regulation:

1. The nonfriable asbestos-containing roofing material shall be removed using methods, such as spud bar and knife, which do not render the material friable. Removal methods such as sanding, grinding, abrading, or sawing shall not be employed unless the material that is disturbed is handled ~~((as friable asbestos-containing material))~~ in accordance with Section 9.06.B of this Regulation.
2. After being removed, ((N)) nonfriable asbestos-containing roofing material shall be transferred to a disposal container as soon as possible after removal, ((, but no later than the)) In no case shall the transfer occur later than the end of each work shift.

3. Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing roofing material and shall be transported to, and disposed of at, an approved waste disposal site in compliance with applicable local, state, and federal regulations.
4. Appropriate dust control methods as provided in Article VI, Section 6.05 of this Regulation shall be used to control fugitive dust emissions.

~~((B. Leaving Nonfriable Asbestos-Containing Roofing Material in Place During Demolition.~~

~~Nonfriable asbestos-containing roofing material may be left in place during demolition, except for demolition by burning, if all of the following are met:~~

- ~~1. A signed and dated written determination is submitted to SRCAA with the notification for demolition, and includes all of the following:
 - ~~a. the person making the determination is an AHERA Project Designer;~~
 - ~~b. a summary of the evaluation performed within the past 12 months, including a description of the type and current condition of asbestos-containing roofing materials;~~
 - ~~c. a summary of the work practices and engineering controls that will be used;~~
 - ~~d. a determination that nonfriable asbestos-containing roofing material will remain nonfriable during all demolition activities and subsequent disposal of the debris; and~~
 - ~~e. any other information requested by the Authority.~~~~
- ~~2. The proposal is approved by the Authority.~~
- ~~3. The owner or owner's agent complies with any conditions of approval.))~~

SECTION 9.08 ALTERNATE MEANS OF COMPLIANCE

~~((The plan for using an alternate means of compliance as provided below shall be submitted to the Authority for Approval with a complete notification pursuant to Section 9.04 of this Regulation.~~

~~A. Friable Asbestos-Containing Material Removal Alternative.~~

~~An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 9.06.B of this Regulation in controlling asbestos emissions.~~

~~The property owner or the owner's agent shall document through air monitoring, both upwind and downwind or at the exhaust from the controlled area, that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fiber/cc, 8 hour average.~~

~~The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.~~

~~B. Nonfriable Asbestos-Containing Material Removal Alternative.~~

~~An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if a Competent Person or AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the proposed work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 9.06.B of this Regulation in controlling asbestos emissions.~~

~~The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.~~

~~C. Leaving Nonfriable Asbestos-Containing Material in Place During Demolition (Other than Nonfriable Asbestos-Containing Roofing Material per Section 9.07.B of this Regulation).~~

~~Nonfriable asbestos-containing material may be left in place during a demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type and condition of asbestos-containing materials involved, the proposed work practices, and the engineering controls, and demonstrates to the Control Officer that the asbestos-containing material will remain nonfriable during all demolition activities and the subsequent disposal of the debris.~~

~~The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.)~~

A. Alternate Asbestos Project Work Practices for Removing Asbestos-Containing Material Prior to Demolition.

Where standard asbestos project work practices in Section 9.06.B can not be utilized to remove asbestos-containing material (financial considerations aside) prior to demolition, when demolition has already occurred, or a similar situation exists (typically leaving a pile / area of debris, rubble, ash, and /or soil), an alternate asbestos removal method may be employed provided it complies with all of the following:

1. Qualifications of Person Preparing an Alternate Work Plan (AWP).

An AHERA Project Designer who is also a Certified Industrial Hygienist or a Licensed Professional Engineer must evaluate the work area, the type and quantity (known or estimated) of asbestos-containing material, the projected work practices, and the engineering controls and develop an AWP that ensures the planned control methods will be as effective as the work practices in Section 9.06.B of this Regulation.

2. AWP Contents.

The AWP must contain all of the following information:

- a. Reason(s) why standard work practices can not be utilized;
- b. Date the work area was evaluated by the AHERA Project Designer that prepared the AWP;
- c. Site address(es) / location(s) where the inspection was performed;
- d. The purpose of the evaluation (e.g., asbestos removal from an electrical structure or component where standard wet methods cannot be utilized, removal and disposal of a debris pile resulting from a fire-damaged structure, etc.);
- e. If an asbestos survey was performed, incorporate it by reference;

- f. All procedures that will be followed for controlling asbestos emissions during the asbestos project;
- g. Procedures that will be followed for the final inspection of the property to ensure that asbestos-containing material has been removed and disposed of in accordance with applicable regulations;
- h. The AHERA Project Designer that prepares the AWP must state in the AWP, that in his/her professional opinion, the control methods identified in the AWP will be as effective as the work practices in Section 9.06.B; and
- i. Signature of the AHERA Project Designer that prepared the AWP, AHERA Project Designer certification number, and date certification expires.

3. Asbestos Survey.

If an asbestos survey is not performed pursuant to Section 9.03 of this Regulation, it must be presumed that the asbestos project involves friable and nonfriable asbestos-containing material.

4. AWP Procedures.

The AWP must identify in detail all procedures that will be followed for controlling asbestos emissions during the asbestos project (e.g., during asbestos removal, when workers are off-site, etc.). Unless alternate procedures are specified in the AWP by an AHERA Project Designer who is also a Certified Industrial Hygienist or a Licensed Professional Engineer, the AWP shall include all of the following requirements in Section 9.08.A.4.a-f of this Regulation:

a. Controlled Area.

The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only. The controlled area shall protect persons outside the controlled area from potential exposure to airborne asbestos.

b. Wetting.

All materials and debris shall be handled in a wet condition.

i. Absorbent materials shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated surfaces exposed during removal shall be wetted immediately.

ii. Nonabsorbent materials shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during the removal. They shall be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers. Any dry surfaces exposed during removal shall be wetted immediately.

c. Asbestos-Containing Waste Materials.

i. All asbestos-containing waste material and/or asbestos contaminated waste material shall be kept wet and shall be sealed in leak-tight containers while still wet, as soon as possible after removal but no later than the end of each work shift.

ii. The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the

Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

- iii. Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.
- iv. Leak-tight containers shall be kept leak-tight.
- v. The asbestos-containing waste material shall be stored in a controlled area until transported to an approved waste disposal site.

d. Air Monitoring.

Procedures that shall be followed for air monitoring at the outside perimeter of the controlled area, both upwind and downwind, to ensure that the asbestos fiber concentrations do not exceed a net difference (between concurrent upwind and downwind monitoring results) of 0.01 fibers per cubic centimeter (f/cc) as determined by the NIOSH Manual of Analytical Methods, Method 7400 (asbestos and other fibers by PCM).

- i. The procedures shall require that any air sampling cassette(s) that become(s) overloaded with dust be immediately replaced. Work shall stop until an AHERA Project Designer (who is also a Certified Industrial Hygienist or a Licensed Professional Engineer) has re-evaluated the engineering controls for dust control, revised the AWP as necessary, and the owner or owner's agent implements all revisions to the AWP.
- ii. The Agency shall immediately be notified by the owner or owner's agent if the airborne fiber concentrations exceed a net difference of 0.01 f/cc and work shall stop until an AHERA Project Designer (who is also a Certified Industrial Hygienist or a Licensed Professional Engineer) has re-evaluated the engineering controls, revised the AWP as necessary, and the owner or owner's agent implements all revisions to the AWP.

e. Competent Person.

- i. A competent person shall be present for the duration of the asbestos project (includes demolition) and shall observe work activities at the site.
- ii. The competent person shall stop work at the site to ensure that friable asbestos-containing material found in the debris, which can readily be separated, is removed from the main waste stream and is placed and maintained in leak-tight containers for disposal.
- iii. The competent person shall stop work if AWP procedures are not be followed and shall ensure that work does not resume until procedures in the AWP are followed.

f. Separation of Materials.

If the project involves separation of clean(ed) materials from debris piles (e.g., rubble, ash, soil, etc.) that contain or are contaminated with asbestos-containing materials, the material separation procedures shall be included in the AWP. In addition to these procedures, the following requirements apply:

- i. The AWP shall identify what materials will be separated from the asbestos-containing material waste stream and shall describe the procedures that will be used for separating and cleaning the materials. All materials removed from the asbestos-containing waste material stream shall be free of asbestos-containing material.
- ii. A competent person shall ensure that materials being diverted from the asbestos-containing waste material stream are free of asbestos-containing material.

5. Visible Emissions.

No visible emissions shall result from an asbestos project.

6. Record Keeping.

- a. The AWP shall be kept at the work site for the duration of the project and made available to the Agency upon request. The property owner or owner's agent and AHERA Project Designer that prepared the AWP shall retain a complete copy of the AWP for at least 24 months from the date it was prepared and make it available to the Agency upon request.
- b. Complete copies of other asbestos-related test plans and reports (e.g., testing soil for asbestos, air monitoring for asbestos, etc.) associated with the project shall also be retained by the property owner or owner's agent for at least 24 months from the date it was performed and make it available to the Agency upon request. The person(s) preparing and performing such tests shall also retain a complete copy of these records for at least 24 months from the date it was prepared and make it available to the Agency upon request.

7. Other Requirements.

All applicable local, state, and federal regulations must be complied with.

B. Leaving Nonfriable Asbestos-Containing Roofing Material in Place During Demolition.

Nonfriable asbestos-containing roofing material as defined in Section 9.02 of this Regulation may be left in place during demolition, except for demolition by burning, if all of the following are met:

1. A signed and dated written determination was made by an AHERA Project Designer that includes all of the following:
 - a. A summary of the evaluation performed within the past 12 months, including a description of the type and current condition of asbestos-containing roofing materials;
 - b. A summary of the work practices and engineering controls that will be used;
 - c. A determination that nonfriable asbestos-containing roofing material will remain nonfriable during all demolition activities and subsequent disposal of the debris; and
 - d. The property owner or owner's agent and the AHERA Project Designer that performed the determination shall retain a complete copy of the determination for at least 24 months from the date it was performed and make it available to the Agency upon request.
2. Appropriate dust control methods as provided in Article VI, Section 6.05 of this Regulation shall be used to control fugitive dust emissions.

3. Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing roofing material and shall be transported to, and disposed of at, an approved waste disposal site in compliance with applicable local, state, and federal regulations.

C. Exception for Hazardous Conditions (Leaving Friable and/or Nonfriable Asbestos-Containing Material (Other than Nonfriable Roofing) in Place During Demolition).

Friable and nonfriable asbestos-containing material need not be removed prior to demolition, if it is not accessible (e.g., asbestos cannot be removed prior to demolition) because of hazardous conditions such as structures or buildings that are structurally unsound, structures or buildings that are in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. At a minimum, the owner and owner's agent must comply with all of the following:

1. Qualifications of Person Preparing an Alternate Work Plan (AWP).

An AHERA Project Designer who is also a Certified Industrial Hygienist or a Licensed Professional Engineer must evaluate the work area, the type and quantity (known or estimated) of asbestos-containing material, the projected work practices, and the engineering controls and develop an Alternative Work Plan (AWP) that ensures the planned control methods will be protective of public health.

2. Determination of a Hazardous Condition.

An authorized government official or a licensed structural engineer must determine in writing that a hazard exists, which makes removal of asbestos-containing material dangerous to life or health.

3. AWP Contents.

The AWP must contain all of the following information:

- a. Date the work area was evaluated by the AHERA Project Designer that prepared the AWP;
- b. Site address(es) / location(s) where the inspection was performed;
- c. A copy of the hazardous conditions determination from a government official or licensed structural engineer;
- d. If an asbestos survey was performed, incorporate it by reference;
- e. All procedures that will be followed for controlling asbestos emissions during the asbestos project;
- f. The AHERA Project Designer that prepares the AWP must state in the AWP, that in his/her professional opinion, the control methods identified in the AWP will be protective of public health; and
- g. Signature of the AHERA Project Designer that prepared the AWP, AHERA Project Designer certification number, and date certification expires.

4. AWP Procedures.

The requirements of Section 9.08.A.3-7 of this Regulation shall be complied with.

SECTION 9.09 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL

- A. Disposal Within 10 Days of Removal.

Except as provided in Section 9.09.C((-))(Temporary Storage Site) of this Regulation, it shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless it is deposited within 10 calendar days of removal at a waste disposal site authorized to accept such waste.

B. Waste Tracking Requirements.

It shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless all of the following requirements are met:

1. Maintain waste shipment records, beginning prior to transport, using a separate form for each waste generator that includes all of the following information:
 - a. The name, address, and telephone number of the waste generator.
 - b. The approximate quantity in cubic meters or cubic yards.
 - c. The name and telephone number of the disposal site operator.
 - d. The name and physical site location of the disposal site.
 - e. The date transported.
 - f. The name, address, and telephone number of the transporter.
 - g. A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable waste transport regulations.
2. Provide a copy of the waste shipment record to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered.
3. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 35 calendar days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment.
4. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 45 calendar days of the date the waste was accepted by the initial transporter, report in writing to the Control Officer. Include in the report, a copy of the waste shipment record and cover letter signed by the waste generator, explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.
5. Retain a copy of all waste shipment records for at least ~~((2 years))~~ 24 months from the date it was generated, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site. A copy of waste shipment records shall be provided to the ~~((Authority))~~ Agency upon request.

C. Temporary Storage Site.

A person may establish a facility for the purpose of collecting and temporarily storing asbestos-containing waste material if the facility is approved by the Control Officer and all of the following conditions are met:

1. A complete application for Temporary Storage of asbestos containing waste material is submitted to and approved by the ~~((Authority))~~ Agency.

2. The application must be accompanied by a ~~(((\$55-))~~non-refundable fee as set in the fee schedule.
3. Accumulated asbestos-containing waste material shall be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons.
4. All asbestos-containing waste material shall be stored in leak-tight containers which are maintained in leak-tight condition.
5. The storage area must be locked except during transfer of asbestos-containing waste material.
6. Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed 90 calendar days.
7. ~~((Effective January 1, 2008, Temporary Storage of asbestos-containing waste material approvals))~~ Asbestos-Containing Waste Material Temporary Storage Permits approved by the Agency are valid for ((the))one calendar year((in which they are issued)) unless a different time frame is specified in the permit.

D. Disposal of Asbestos Cement Pipe.

Asbestos cement pipe used on public right-of-ways, public easements, or other places receiving the prior written approval of the Control Officer may be buried in place if the pipe is left intact (e.g., not moved, broken or disturbed) and covered with at least 3 feet or more of non-asbestos fill material. All asbestos cement pipe fragments that are 1 linear foot or less and other asbestos-containing waste material shall be disposed of at a waste disposal site authorized to accept such waste.

SECTION 9.10 COMPLIANCE WITH OTHER RULES

A. Other Requirements.

1. _____ Other government agencies have adopted rules that may apply to asbestos regulated under these rules including, but not limited to, the U.S Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, and the Washington State Department of Labor and Industries. Nothing in the ~~((Authority's))~~Agency's rules shall be construed as excusing any person from complying with any other applicable local, state, or federal requirement.
2. _____ The ~~((Authority))~~Agency implements and enforces the requirements of 40 CFR Part 61 Subpart M (except for asbestos on roadways, asbestos demolition or renovation activities subject to 40 CFR 61.145).

AMENDATORY SECTION

SECTION 10.09 ASBESTOS PROJECT AND DEMOLITION NOTIFICATION WAITING PERIOD AND FEES

A. Written notification, as required in Article IX, Section 9.04, shall be in accordance with the waiting period in the tables that follow and shall be accompanied by the appropriate nonrefundable fee, as specified in the fee schedule.((follows:

Project	Size or Type	Notification Period	Project Fee
Owner-Occupied, Single-Family Residence Asbestos Project (excluding demolition)	Notification Not Required	None	None
Owner-Occupied, Single-Family Residence Demolition	All	Prior Notice	Per the Fee Schedule
All Other Demolitions with no asbestos project	All	10 Days	Per the Fee Schedule
Asbestos Project includes demolition fee*	10-259 linear ft 48-159 square ft	3 Days	Per the Fee Schedule
Asbestos Project includes demolition fee	260-999 linear ft 160-4,999 square ft	10 Days	Per the Fee Schedule
Asbestos Project includes demolition fee	≥ 1,000 linear ft ≥ 5,000 square ft	10 Days	Per the Fee Schedule
Amendment***	9.04.B	Prior Notice	Per the Fee Schedule
Emergency	9.04.C	Prior Notice **	Additional fee equal to project fee
Exception for Hazardous Conditions	9.05.B	Concurrent with Project	Regular Project fee
Leaving Nonfriable Asbestos-Containing Roofing Material in Place During Demolition	9.07.B	Concurrent with Project	Per the Fee Schedule
Alternate Means of Compliance friable asbestos removal alternative, nonfriable asbestos removal alternative, and leaving nonfriable asbestos in place during demolition (except roofing)	9.08.A, B, and C	10 Days	((Additional fee equal to project fee)) Per the Fee Schedule

* ——— Demolitions with asbestos projects involving less than 10 linear feet or less than 48 square feet may submit an asbestos project notification under this project category and will be eligible for the 3-day notification period.

** ——— Except in the case where advance notice is not required pursuant to Section 9.04.C.2.

*** ——— For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category shall be submitted.))

Owner-occupied, single-family residence	Waiting Period
<u>≥ 0 ln ft and/or ≥ 0 sq ft asbestos</u>	<u>Notification Not Required</u>
<u>All Demolition</u>	<u>3 Days</u>

Not owner-occupied, single-family residence	Waiting Period
<u>≤ 10 ln ft and/or ≤ 48 sq ft asbestos</u>	<u>Notification Not Required</u>
<u>10-259 ln ft and/or 48-159 sq ft asbestos</u>	<u>3 Days</u>
<u>260-999 ln ft and/or 160-4,999 sq ft asbestos</u>	<u>10 Days</u>
<u>≥ 1,000 ln ft and/or ≥ 5,000 sq ft asbestos</u>	<u>10 Days</u>
<u>All Demolition</u>	<u>10 Days</u>

Additional categories	Waiting Period	Reference
<u>Emergency</u>	<u>Prior Notice</u>	<u>Section 9.04.A.6.h</u>
<u>Amendment</u>	<u>Prior Notice</u>	<u>Section 9.04.B</u>
<u>Alternate Asbestos Project Work Practices</u>	<u>10 days</u>	<u>Section 9.08.A</u>
<u>Demolition with Nonfriable Asbestos Roofing</u>	<u>10 days</u>	<u>Section 9.08.B</u>
<u>Exception for Hazardous Conditions</u>	<u>10 days</u>	<u>Section 9.08.C</u>

- ~~((1. The Board shall periodically review the fee schedule for notifications submitted pursuant to Section 9.04 and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fee schedule to more accurately recover program costs.~~
- ~~B. The Control Officer may waive part or all of the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) asbestos-containing materials. All other asbestos project and demolition requirements remain in effect.~~
- ~~C. Where a compliance investigation is conducted pursuant to Section 9.04 of this Regulation, the compliance investigation fee shall be equal to \$50 per hour of compliance investigation.~~
- ~~D. The asbestos project fee in Section 10.09.a is waived for any demolition performed in accordance with RCW 52.12.150(6), where the good faith inspection is an asbestos survey, as defined in Section 9.02.G, performed by an AHERA Building Inspector, as defined in Section 9.02.A.~~
- ~~E. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.))~~
- B. The Board shall periodically review the fee schedule for notifications submitted pursuant to Section 9.04 and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fee schedule to more accurately recover program costs.