

**SAN JOAQUIN VALLEY UNIFIED  
AIR POLLUTION CONTROL DISTRICT  
COMPLIANCE DEPARTMENT**

**COM 2340**

**APPROVED:** \_\_\_\_\_ **SIGNED** \_\_\_\_\_ **DATE:** March 8, 2007  
**Jon Adams**  
**Director of Compliance**

**TITLE:** **RULE 7050 - ASBESTOS-CONTAINING MATERIAL FOR SURFACING APPLICATIONS (CALIFORNIA CODE OF REGULATIONS AATCM – Section 93106)**

**SUBJECT:** **DETERMINING COMPLIANCE WITH RULE 7050 AND ASBESTOS AIRBORNE TOXIC CONTROL MEASURE, SECTION 93106 AS IT PERTAINS TO THE USE OF ASBESTOS CONTAINING ROCK IN SURFACING MATERIALS.**

**OBJECTIVE:**

To establish policies and procedures for implementation of RULE 7050 – ASBESTOS-CONTAINING MATERIAL FOR SURFACING APPLICATIONS.

**PURPOSE:**

To control airborne asbestos emissions generated from asbestos containing rock, which is used for surfacing applications.

**POLICY STATEMENT:**

District staff will enforce the provisions of Rule 7050 and the provisions of the California Code of Regulations as outlined in the Asbestos Airborne Toxic Control Measure For Surfacing applications, Section 93106. These provisions apply to any person who produces, sells, supplies, offers for sale, uses, or transports any restricted material as defined in this rule.

## **REQUIREMENTS:**

### **I. Definition of restricted material:**

- a. Aggregate material extracted from property where any portion of the property is located in a geographic ultramafic rock unit. A geographic ultramafic rock unit means any area that is designated as an ultramafic rock unit or a ultrabasic rock unit, including the boundary line, on any maps referenced in Appendix A; and
- b. Aggregate material extracted from property that is NOT located in a geographic ultramafic rock unit if the material has been;
  - i. Evaluated at the request of the APCO and determined to be ultramafic rock or serpentine;
  - ii. Tested at the request of the APCO and determined to have asbestos content of 0.25% or greater; or
  - iii. Determined by the owner/operator of a facility to be ultramafic rock, serpentine, or aggregate material that has asbestos content of 0.25% or greater.
- c. Any mixture of aggregate material that contains 10% or more of any of the materials listed in “a” and “b” above.

### **II. Prohibition:**

Unless specifically exempt, no person shall produce, sell, supply, offer for sale or supply, use, apply, or transport any restricted material for surfacing material unless it has been tested using an approved asbestos bulk test method and determined to have an asbestos content less than 0.25%.

### **III. Noticing requirements:**

- a. Producers of restricted materials for surfacing with < .25% asbestos must provide a written receipt including the date, amount, test date, & test results to the recipient.
- b. Sellers & suppliers of restricted materials for surfacing < .25% asbestos must provide a written receipt including the date, amount, & test results to the recipient.
- c. Sellers & suppliers of restricted materials for non-surfacing purposes must provide the appropriate warning label to the recipient which reads:

**“WARNING!  
This material may contain asbestos.**

**It is unlawful to use this material for surfacing or an application in which it would remain exposed and subject to possible disturbances.**

**Extreme care should be taken when handling this material to minimize the generation of dust.”**

IV. Record keeping requirements:

- a. Any person who uses or applies restricted material for surfacing must retain written verification the material contained < .25% asbestos for seven years.
- b. Any person transporting restricted material must retain written verification the material contains < .25% asbestos during transit and application.
- c. Any person who sells, supplies, or offers restricted material for sale or supply must retain written verification the material contained < .25% asbestos for seven years.
- d. Any person, who uses restricted material for surfacing, sells, supplies, or offers restricted material for sale or supply must provide receipts and test results to the APCO upon request.

V. Exemptions:

- a. Sand and gravel operations. Defined as any aggregate-producing facility operating in alluvial deposits.
- b. Roads located at quarries or mines, which are within a geographic ultramafic rock unit, ultramafic rock deposit, or a serpentine deposit and material was obtained on-site.
- c. Maintenance operations on existing roads provided no additional restricted material is added to the road.
- d. Roads located at construction sites, provided the temporary roads are not for public use.
- e. Riprap. Defined as material used to construct loose assemblage of stones along a watercourse or shoreline to prevent erosion or provide stability.
- f. Landfill operations, except for surfacing of public-access roads.
- g. APCO (District) approved exemptions:

- i. Temporary exemption for emergency road repairs.
- ii. Qualifying geologic evaluations performed by a registered geologist.
- iii. Qualifying limited access surfaces.
- iv. Qualifying remote locations.

VI. The APCO (District) may require testing:

- a. A geologic evaluation for the presence of ultramafic rock or serpentine on any property from which aggregate is extracted;
- b. Testing for asbestos content of any aggregate material sold, supplied, offered for sale or supply, or used for surfacing.

**PROCEDURE:**

- I. Inspections may be conducted as a result of public complaints, public inquiries, or during routine inspections of aggregate plants, aggregate handling facilities, or by observing suspect surfacing materials.
- II. During an inspection, it will be important to determine the likelihood of the material being ultramafic or serpentine rock. However, the only definitive way to determine the presence of asbestos is to have a sample analyzed.
  - a. Ultramafic rocks are generally dark in color and the asbestos containing variety may have bands of fibers running through them.
  - b. See photographs in Appendix B.
  - c. Ultramafic Rock Unit maps may be helpful in making a preliminary determination. (See Appendix A)
  - d. If samples are required, refer to ARB Test Method 435 (appendix C).
- III. Sampling for ARB Test Method 435 (general requirements)
  - a. Serpentine Aggregate Storage Piles
    - i. Utilize the appropriate sampling tube.
    - ii. Collect a minimum of 3 samples/1,000 tons.
    - iii. Composite the samples.
  - b. Serpentine Aggregate Conveyor Belts
    - i. Utilize drag tool or other means.
    - ii. Collect a minimum of 3 samples/1,000 tons.
    - iii. Composite the samples.
  - c. Serpentine Aggregate Covered Surface or Road.
    - i. Utilize shovel or other tool.
    - ii. Collect a minimum of 3 random samples/mile.

- iii. Composite the samples.
- d. Serpentine Aggregate Covered Area
  - i. Utilize shovel or other means.
  - ii. Collect a minimum of 3 samples/acre.
  - iii. Composite the samples.
- e. Serpentine Aggregate Covered Road Shoulders
  - i. Utilize shovel or other means.
  - ii. Collect a minimum of three samples/2 miles.
  - iii. Composite the samples.

#### IV. Safety

- a. Respiratory protection must be worn during sampling.
  - i. PAPR with HEPA filter is preferred.
  - ii. ½ face with HEPA filter at a minimum.
- b. Other personal protection equipment (PPE).
  - i. Tyvec™ coveralls may be appropriate.
  - ii. Disposable rubber gloves should be used.

#### V. Post inspection

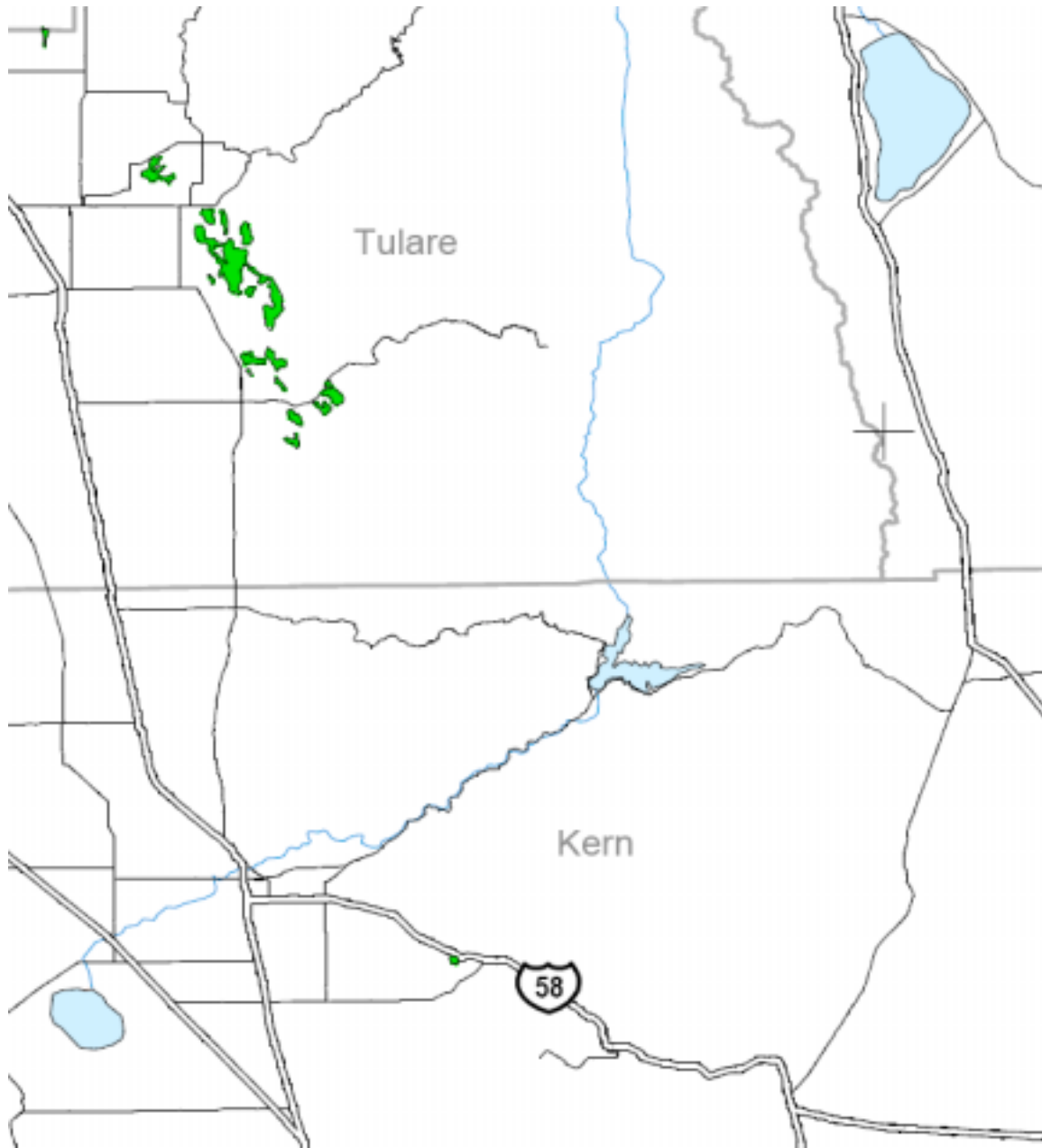
- a. If it is determined the material is not restricted material, there are no noticing or reporting requirements.
- b. If it is determined the material is restricted material and is found through analyses to contain < .25% asbestos.
  - i. Determine if exemptions apply.
  - ii. Determine compliance with noticing requirements.
  - iii. Determine compliance with record keeping requirements.
- c. If it is determined the material is restricted material and is found through analyses to contain > .25% asbestos.
  - i. Determine if exemptions apply.
  - ii. If the use is not exempt, issue a Notice of Violation (NOV) citing Rule 7050, Section 5.1 and determine mitigation measures through the Mutual Settlement process.

**Appendix A:**

**ULTRAMAFIC ROCK UNITS**  
**(Northern and Central)**



**ULTRAMAFIC ROCK UNITS**  
**(Kern and Tulare Counties)**



**Appendix B:**

**I. Serpentine Rock – asbestos containing**



**II. Chrysotile Rock – asbestos containing**





**II. Chrysotile Rock (continued)**



**III. Trimolite Rock – asbestos containing**



**IV. This is not ultramafic, but granodiorite (granite). – not asbestos containing**



**Appendix C:**

**ARB Test Method 435**

**[http://www.capcoa.org/noa/\[21\]%20CARB%20Method%20435.pdf](http://www.capcoa.org/noa/[21]%20CARB%20Method%20435.pdf)**