

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

**COM 2065**

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

**TITLE:** **RULE 4002 – NATIONAL EMISSION STANDARDS FOR  
HAZARDOUS AIR POLLUTANTS (NESHAP) FOR ASBESTOS**

**SUBJECT:** **ASBESTOS DEMOLITION AND RENOVATION COMPLIANCE**

**OBJECTIVE:**

To establish District policies and procedures for implementation of 40 CFR Part 61 Subpart M – Asbestos, of the National Emissions Standards for Hazardous Air Pollutants (NESHAP), which is adopted by reference in District Rule 4002.

**PURPOSE:**

The purpose of this policy is to protect the public from asbestos exposure, promote compliance by providing accurate information to the regulated community, and provide consistency and direction to all District asbestos inspectors involved in enforcing the provisions of 40 CFR Part 61 Subpart M – Asbestos, NESHAP (District Rule 4002).

**POLICY STATEMENT:**

The San Joaquin Valley Unified Air Pollution Control District has been named by the United States Environmental Protection Agency (EPA) as the delegated agency for San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern (valley portion) Counties to enforce 40 CFR Part 61, NESHAP as promulgated in the Federal Clean Air Act. As delegated, District staff will enforce the provisions of this regulation to prevent public exposure to asbestos. District staff will determine applicability, require proper notification, and ensure compliance with work practices and disposal.

## **I. ACRONYMS**

- A. AHERA – Asbestos Hazard Emergency Response Act
- B. ACM – Asbestos-Containing Materials
- C. ACWM – Asbestos-Containing Waste Material
- D. Cal-OSHA –California Occupational Safety and Health Administration
- E. CARB –California Air Resources Board
- F. CH&SC –California Health and Safety Code
- G. EPA – United States Environmental Protection Agency
- H. HEPA – High Efficiency Particulate Arresting
- I. NESHAP – National Emission Standards for Hazardous Air Pollutants
- J. NOV – Notice of Violation
- K. NTC – Notice to Comply
- L. PAPR – Powered Air Purifying Respirator
- M. PEL – Personal Exposure Limit
- N. PLM – Polarized Light Microscopy
- O. RACM – Regulated Asbestos-Containing Material
- P. SCBA – Self-Contained Breathing Apparatus
- Q. SFD – Single Family Dwelling
- R. UC – University of California

## **II. INSPECTION PROTOCOL**

The EPA publication “Guidelines for Asbestos NESHAP Demolition and Renovation Inspection Procedures (Revision)” is to be used as definitive guidance for inspection procedures.

### **A. Office Preparation**

1. Review the notification, asbestos survey, and other case file information in order to become familiar with the project in question and determine if the notification is complete.
  - a. A complete notification must be received at least 10 days prior to the start date and shall include:
    - i. A hard copy of the two-page asbestos notification form with all entries complete, signed, and dated.
    - ii. A copy of a thorough asbestos survey (AHERA or equivalent) performed by a Certified Asbestos Consultant or OSHA approved alternate.

- iii. A Demolition or Renovation Permit Release form as applicable, with all entries complete, signed, and dated.
    - iv. A valid check payable to the SJVUAPCD for the appropriate fee per Rule 3050 (Asbestos Removal Fees).
  - b. Highlight ACM that is noted on the survey, noting non-friable as well as friable ACM (RACM).
  - c. Record in writing any questions you have resulting from your review.
- 2. Before leaving the office, take along the following:
  - a. Personal protective equipment, including respirator, appropriate filter or cartridge, hardhat, Tyvec™ suit, gloves, duct tape, rubber boots, etc. Make certain that PAPR batteries are charged and/or SCBA tanks are filled and up to date on required maintenance. Check the condition of all personal protective equipment. Notify the supervisor if any equipment needs maintenance or repair.
  - b. Inspection forms, NTC and NOV books, chain of custody forms, sampling labels, pens or pencils, and other supplies for taking notes.
  - c. Copies of the NESHAP regulation for reference during the inspection activities and the SJVUAPCD Compliance Assistance Bulletin, including Asbestos Notification and Demolition/Renovation Permit Release forms.
  - d. Inspection equipment, including waterproof camera, film, spray bottle filled with water, sample bags, sampling equipment and containers, waterproof flashlight, tape measure, permanent marker, chain of custody forms, etc.
- 3. The inspector shall maintain and provide appropriate identification, current medical monitoring certification, and current training certifications as required.

B. Interview

- 1. Verify that the identity of the site owner, operator, abatement contractor, and demolition contractor is as stated in the notification. At the

inspector's discretion, verify the contractor's identity via Cal-OSHA required posted information.

2. Verify the identity and address of the building, its age and its current or primary usage (i.e. commercial, industrial, school, public facility, etc.).
3. Identify the reason for removal (renovation or demolition) and determine if the scope of work is properly addressed in the notification.
4. Determine the current job status and whether abatement work will be conducted during the inspection. Confirm the job start date and projected completion date.
5. Document the name, address, telephone number, and state contractor's license number (if appropriate) of all responsible parties, including the abatement contractor, the NESHAP trained individual [CFR §145(c)(8)], the owner, general contractor, sub-contractors and onsite consultant. If the contractor is unfamiliar to the inspector, ascertain his prior asbestos removal experience, training, and understanding of the handling procedures regarding ACM and RACM.
6. Verify that the NESHAP trained individual [CFR §145(c)(8)] is on site, as required.
7. Do not sign any liability waivers. District policy prohibits the signing of any liability waivers by District staff.
8. Discuss the purpose and goals of the site inspection. Also, discuss whether there are any safety issues to be considered. Should the responsible party deny access, inform the party of the authority under CH&SC section 41510 and District Rule 1070 to perform inspections. If entry is still denied, a NOV citing the above rules shall be issued immediately. In addition, the NOV shall state: "All activities must cease and desist until access is granted."
9. Request to see the training certificates of abatement workers and supervisors on site.
10. Verify that a three-stage decontamination chamber is available, the shower water is turned on, that safe access and egress can be made, and that reasonable accommodation is made for inspection staff.

11. Verify the level of respiratory protection being worn by abatement workers and ensure that District inspectors wear equivalent or better respiratory protection.

C. Pre-inspection Activities

If at any time during the following steps an emission or work practice violation is observed or suspected, the inspector will use the appropriate respirator. SCBA equipment shall be used during active asbestos abatement activities when any of the following applies:

1. Abatement workers are using equivalent respiratory protection.
2. Required by District policy.
3. Required by the lead inspector.
4. Inspector's discretion.

An inspector shall not enter a structure or space where there are air-borne visible emissions from suspect ACM where the PEL may be exceeded. Doing so would create a hazard to the inspector is prohibited by District policy.

1. Survey the perimeter of the property for possible receptors including: residential areas, commercial/industrial centers, schools, daycare facilities, hospitals, etc.
2. Check for the posting of asbestos exposure warning signs.
3. Observe the abatement site for obvious violations such as airborne visible emissions or suspect asbestos-containing debris.
4. Locate the asbestos waste disposal area and note the proximity to the abatement area. Check for possible asbestos debris between the abatement area and the disposal area and around the disposal area.
5. Locate and assess the general (non-asbestos waste) disposal areas for possible asbestos contamination or illegal disposal.

## D. Site Inspection

### 1. Health Hazards

- a. Observe proper health and safety protocols, including “suiting-up”, donning a respirator, and performing proper decontamination procedures. If, in the judgement of the inspector, performance of the inspection would subject the inspector to a physical and/or health hazard, the inspector should not conduct the inspection or immediately halt an ongoing inspection and exit the area.
- b. A health hazard is indicated by, but is not limited to the following:
  - i. Elevated levels of chemicals, vapors, or fumes for which the HEPA filters are not approved for or may create a dangerous environment.
  - ii. An indication or the presence of high asbestos fiber counts for which the respirator would not be appropriate, considering the respirator protection factor. The protection factor for a PAPR is 100, and for a SCBA it is 1000.
  - iii. Entry into a confined space. Per the District’s Administrative Directive (January 4, 1994), no District employee shall enter a confined space, structure, or area that would require the use of a respirator or SCBA unless the employee is appropriately trained in respirator/breathing apparatus use and utilizes proper respiratory protection equipment and techniques while following all established safety procedures.

### 2. Specific Inspection Procedures

- a. Check the work area for properly sealed doors and windows.
- b. Note the type of containment being used, such as full containment, critical barriers, glove bags, or other OSHA approved containment. Assess the integrity of the containment enclosing the removal area. For example, observe whether there are any openings other than designated doors or make-up air

vents in plastic sheeting that may allow visible emissions to escape containment.

- c. If the area is under full containment evaluate the three-stage decontamination room. Inspect the wastewater filtering system to ensure that it is present and operating. Note the type of decontamination facility if other than a three-stage system.
- d. Note the type and amount of RACM that is removed or will be removed (e.g. acoustical texture, pipe lagging, elbows, insulation, Transite™, etc.) to ensure the project was properly notified.
- e. Determine whether all RACM is adequately wetted.
  - i. Verify whether an adequate water supply available for wetting RACM.
  - ii. Verify whether water or a wetting agent being applied to the RACM is adequately wet prior to removal, during removal, and until placed into leak-tight containers.
  - iii. Note the type of wetting agent and application equipment, and whether it is operating correctly.
  - iv. Note whether surfactants or encapsulants are being used.
  - v. Examine a dry sample of RACM and determine how it responds to wetting (color, weight, texture, etc.). Use this information to determine if the RACM is adequately wet prior to removal, during removal, and until placed in leak-tight containers. If RACM is found that is not adequately wet, describe how this determination was made, photograph the evidence, and take a sample for later analyses to confirm that the material is RACM (see Product Sampling Policy on the procedures for gathering suspect ACM samples).
  - vi. If RACM does not exhibit a change in response to wetting (color, weight, texture, etc.), examine carefully to determine if all exposed surfaces are wet. Also, be aware of differences in temperature between materials, as a wet material may feel cooler than a dry material.

- f. Observe whether air monitoring is performed. Identify the location of the equipment, the individual in charge of monitoring, and the company, business, consultant, or person that individual represents. Sample pumps may be worn by individual workers to comply with OSHA regulations or may be placed inside or outside the containment area on stationary stands to determine air-borne fiber concentrations.
- g. If necessary, collect samples by following the procedures described in the Product Sampling Policy. Document with photographs where the samples were taken, surrounding conditions, wetting characteristics, etc. Label containers with a permanent marker and include all pertinent information (date, time, description, location, sample number, etc.). Complete all labels and chain of custody documents.
- h. Note how waste materials are handled during removal. Verify whether all RACM sections or units are carefully lowered to the ground or transported to the ground via a leak tight chute. Determine if non-friable ACM is made friable (RACM) during removal or handling procedures.
- i. Waste Handling:
  - i. Assure waste handling and cleanup is not generating visible emissions.
  - ii. Confirm waste RACM was adequately wet prior to being placed in leak-tight wrappings or containers, remains adequately wet within the leak-tight container, is properly labeled, and is stored in a roll-off bin, storage truck, or other approved container until disposal. All waste must be properly labeled prior to shipment off site.
- j. Observe and document negative pressure air systems in the work area.
  - i. Number of units, size (CFM rating), and identification/unit number of each negative pressure air unit on site.
  - ii. Operating status of each unit.



- iii. Hours of operation. Examine the hour meter and record the number.
  - iv. Determine whether the project specifications require each unit to pass an efficiency test. If so, verify that those in use have passed.
  - v. Verify that the negative air filtration system is equipped with a HEPA filter rated at least 99.97% efficiency for 0.3-micron particles. This may be accomplished by gathering information from the trained representative, observing filter specifications, or checking the supply of new filters. Also, check the condition of filters in place.
- k. Clearance inspections, where asbestos was previously removed:
- i. Inspect the site to ensure the asbestos survey was complete and accurate (a thorough survey).
  - ii. Ensure that all identified RACM was removed.
  - iii. Ensure that all non-friable ACM was removed that could become friable (RACM) during a demolition or a training burn.
  - iv. If non-friable category I ACM that is in good condition remains in a building during a demolition, verify that the demolition contractor is a certified asbestos abatement contractor. If not, notify the owner, operator, contractors, etc. that OSHA requires a demolition contractor to be certified as an asbestos abatement contractor to conduct a demolition under these circumstances. Notify OSHA, if appropriate.
  - v. Ensure all waste materials (bags, containers, contaminated materials, etc.) are properly disposed of and manifested.
  - vi. Request the results of any required clearance air sampling.

E. Post Inspection Procedures

1. Interview and questions.

- a. Discuss the findings of the inspection with the on-site responsible party (i.e. owner, contractor, supervisor or foreman, third-party consultant). Evaluate compliance with the asbestos NESHAP regulation.
- b. Inform an on-site representative whether any samples were taken.
- c. Explain the NESHAP violations found during the inspection. For example:
  - i. Improper notification.
  - ii. Failure to control emissions, such as inadequately wetting of RACM or creating visible emissions.
  - iii. Waste handling and/or waste disposal.
- d. Issue NOV(s) to document the observed violation(s).
  - i. If a violation is suspected, establish that at least the threshold quantity of RACM is being removed or disturbed.
  - ii. Determine from the contractor or responsible party how and when the violations will be remedied and re-schedule a site visit to determine compliance.
  - iii. Inspectors issuing NOVs should follow the policies and procedures outlined in the “Notice of Violation Guidelines” policy.
  - iv. The “Notice to Comply” policy does not include references to asbestos violations and none can be issued.

F. Departure: Ascertain and note any changes to the job site and perimeter.

G. Document inspection results utilizing approved forms found on the intranet at [http://intranet.com/ComForms-Letters/Approved\\_Forms.htm](http://intranet.com/ComForms-Letters/Approved_Forms.htm) and submit them to your supervisor or senior for review. Once approved, forms will be filed in the project folder.