

**WSR 20-06-006
PERMANENT RULES
SOUTHWEST CLEAN
AIR AGENCY**

[Filed February 20, 2020, 9:00 a.m., effective March 22, 2020]

Effective Date of Rule: Thirty-one days after filing.

Purpose: SWCAA 476-010 Purpose. The proposed rule change removes encapsulation from the list of regulated activities.

SWCAA 476-030 Definitions. The proposed rule change reorders two definitions and makes formatting changes to existing definitions.

SWCAA 476-040 Asbestos Project Requirements. The proposed rule change corrects sectional references, replaces the term Agency with the term SWCAA, removes the Exceptions paragraph, revises bulk sampling requirements and makes minor text edits.

SWCAA 476-050 Notification Requirements and Fees. The proposed rule change clarifies the need for SWCAA approval for project notices, replaces the term Agency with the term SWCAA and makes minor text edits.

SWCAA 476-060 Procedures for Asbestos Projects. The proposed rule change adds a requirement for worker certification and identification cards and replaces the term Agency with the term SWCAA.

SWCAA 476-070 Disposal of Asbestos-Containing Waste Material. The proposed rule change replaces the term Agency with the term SWCAA.

Citation of Rules Affected by this Order: Amending SWCAA 476-010, 476-030, 476-040, 476-050, 476-060, 476-070.

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 19-22-040 on October 31, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 6, Repealed 0.

Date Adopted: February 6, 2020.

Uri Papish
Executive Director

AMENDATORY SECTION (Amending WSR 01-05-065 filed 2/15/01, effective 3/18/01)

SWCAA 476-010 Purpose

The purpose of this regulation is to control asbestos emissions from the removal, (~~encapsulation~~) salvage, disposal, or disturbance of asbestos-containing materials in order to protect public health.

AMENDATORY SECTION (Amending WSR 18-13-053 filed 6/13/18, effective 7/14/18)

SWCAA 476-030 Definitions

(1) **"Adequately wet"** means sufficiently mixed, saturated, penetrated, or coated with a fine mist of water or aqueous solution to prevent emissions.

(2) **"AHERA accredited building inspector"**((")) means a person who has successfully completed the training requirements for a building inspector established by the Environmental Protection Agency (EPA) Asbestos Model Accr((-)editation Plan; Interim Final Rule (40 CFR 763, Appendix C to Subpart E, I.B.3) and whose certification is current. (Asbestos Hazard Emergency Response Act-AHERA)

~~((3) "Asbestos project designer" means a person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763 Subpart E, Appendix C) and whose certification is current.)~~

((4)) (3) **"Asbestos"** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.

((5)) (4) **"Asbestos-containing material"**((")) means any material containing greater than one percent (1%) asbestos as determined by polarized light microscopy using the procedures and methods in 40 CFR Part 763 Subpart E, Appendix E, Section 1. This term does not include nonfriable asbestos-containing roofing materials, regardless of asbestos content, when the following conditions are met:

(a) The asbestos-containing roofing material is in good condition and is not peeling, cracking, or crumbling; and

(b) The binder is petroleum based, the asbestos fibers are suspended in that base, and individual fibers are still encapsulated; and

(c) The binder still exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing it; and

(d) The building, vessel, or structure containing the asbestos-containing roofing material, will not be demolished by burning or mechanical renovation/demolition methods that may release asbestos fibers.

((6)) (5) **"Asbestos-containing waste material"**((")) means any waste that contains, or is contaminated with, asbestos-containing material. This term includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material(s) collected for disposal, or asbestos-containing waste, debris, containers, bags, protective clothing, or HEPA filters. This term does not include samples of asbestos containing material taken for testing or enforcement actions.

~~((7) "Asbestos project" means the construction, demolition, maintenance, repair, remodeling, or renovation of any public or private building(s), vessel, structure(s), or component(s) involving the demolition, removal, salvage, disposal, or disturbance of any asbestos-containing material or presumed asbestos containing 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 this include routine maintenance and other non-abatement projects that may minimally disturb asbestos-containing materials.)~~

((8)) (6) **"Asbestos inspection"** means an inspection performed by an AHERA accredited building inspector using the procedures contained in 40 CFR 763. 85 and 86, or an alternate method that has received prior approval from ((the Agency)) SWCAA, to determine whether materials or structures to be worked on, removed, remodeled, renovated

or demolished, (including material on the outside of structures) contain asbestos.

(7) "Asbestos project" means the construction, demolition, maintenance, repair, remodeling, or renovation of any public or private building(s), vessel, structure(s), or component(s) involving the demolition, removal, salvage, disposal, or disturbance of any asbestos-containing material or presumed asbestos containing material. It does not include the application of duct tape, re-wettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released. Nor does this include routine maintenance and other non-abatement projects that may minimally disturb asbestos-containing materials.

(8) "Asbestos project designer" means a person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763 Subpart E, Appendix C) and whose certification is current.

~~(9) "Agency" means the Southwest Clean Air Agency (SWCAA).~~

~~((10))~~ (9) "Certified asbestos contractor" means any partnership, firm, association, corporation or sole proprietorship, registered under chapter 18.27 RCW, that submits a bid, or contracts to remove asbestos for another and is certified by the Washington Department of Labor & Industries to remove asbestos.

~~((11))~~ (10) "Certified asbestos worker/supervisor" means a person who is certified by the Washington State Department of Labor and Industries under WAC 296-65-010 and 012, and 030 to undertake an asbestos project or, for federal employees working in a federal facility, trained in an equally effective program approved by the United States Environmental Protection Agency.

~~((12))~~ (11) "Collected for disposal" means sealed in a leak-tight container while adequately wet.

~~((13))~~ (12) "Component" means any equipment, pipe, structural member, or other item covered with, coated with, or containing asbestos-containing material.

~~((14))~~ (13) "Controlled area" means an area with access restricted to allow only certified asbestos workers, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA). For owner-occupied, single-family residence dwellings, the controlled area is the area where the asbestos-containing material is being removed.

~~((15))~~ (14) "Demolition" means the wrecking, dismantling, removal of any load-supporting structural member on, or the intentional burning of any building, vessel, structure, or portion thereof, rendering the structure uninhabitable. Demolition includes the removal of a facility from its foundation followed by relocation of the facility onto a new foundation at a different location.

~~((16))~~ (15) "Emergency asbestos project" means an unplanned asbestos project necessitated by a sudden and unexpected event. Such events may include earthquakes, water damage, fire damage, non-routine failure or malfunction of equipment, or identification of additional asbestos-containing material discovered during an asbestos project.

~~((17))~~ (16) "Facility" means all or part of any institutional, commercial, public, industrial, agricultural or residential structure, and marine vessels. This term does not include recreational vehicles such as campers, trailers, motorhomes or personal watercraft.

((+18+)) (17) "**Friable asbestos-containing material**" means asbestos-containing material that, when dry, can be crumbled, disintegrated, 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.

((+19+)) (18) "**HEPA filter**" means a high efficiency particulate air filter found in respirators and vacuum systems capable of filtering 0.3 micrometer mean aerodynamic diameter particles with 99.7% efficiency or greater.

((+20+)) (19) "**Leak tight container**" means a dust and liquid tight container that encloses the 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 polyethylene plastic used to wrap asbestos covered components.

((+21+)) (20) ((=)) "**Negative pressure enclosure**"((=)) means any enclosure of an asbestos abatement project where the air pressure outside the enclosure is greater than the air pressure inside the enclosure and the air inside the enclosure is changed at least four times an hour by exhausting it through a HEPA filter.

((+22+)) (21) "**Nonfriable asbestos-containing material**" means asbestos-containing material that, when dry, cannot be crumbled, disintegrated, 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.

((+23+)) (22) ((=)) "**Notification period**"((=)) means the 10-day period from the date that all required submittals and fees are received ((a±)) by SWCAA.

((+24+)) (23) "**Owner**" or "**Operator**" means any person who owns, leases, operates, controls, or is responsible for activities at a project site, or a project operation, or both.

((+25+)) (24) ((=)) "**Owner occupied residential dwelling**"((=)) means any single-family housing unit which is permanently or seasonally occupied by the owner of the unit both prior to and after renovation ((or demolition)). This term includes houses, mobile homes, houseboats, houses with a 'mother-in-law apartment' or 'guest rooms', and associated structures located on the property.((±)) This term does not include structures that are to be demolished or renovated as part of a commercial or public project; nor does this term include any mixed-use building, structure or installation that contains a residential unit, or any building that is leased, used as a rental, or for commercial purposes.

((+26+)) (25) "**Person**" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

((+27+)) (26) "**Presumed asbestos-containing material**" means any suspect asbestos containing material not evaluated or sampled by an AHERA accredited building inspector and is therefore presumed to be greater than 1% asbestos and shall be treated as such.

((+28+)) (27) "**Renovation**" means the modification of any existing building, vessel, structure, component, or portion thereof, not including demolition.

((+29+)) (28) ((=)) "**Structure**"((=)) means something built or constructed, in part or whole. Examples include, but are not limited to, the following in part or whole: houses, garages, commercial/industrial/municipal buildings, storage tanks and vessels, mobile homes, bridges, pole buildings, canopies and lean-tos. The term does not in-

clude normally mobile equipment (including but not limited to automobiles, recreational vehicles and boats), wood decks and fences.

~~((30))~~ (29) "**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, mastics and cement siding regardless of year installed.

~~((31))~~ (30) ("**Temporary asbestos storage facility**") means a controlled facility for the storage of asbestos-containing waste materials longer than 10 days after collection and prior to transfer to a permanent disposal site.

~~((32))~~ (31) "**Visible emissions**" means emissions to the atmosphere that are visually detectable without the aid of instruments, including deposition and track out of asbestos containing material outside of the controlled area. This term does not include condensed uncombined water vapor.

~~((33))~~ (32) "**Waste generator**" means any owner or operator of a source whose act or process produces asbestos-containing waste material.

~~((34))~~ (33) "**Waste shipment record**" means the shipping document required to be originated and signed by the owner or operator, used to track and substantiate the disposition of asbestos-containing waste material.

~~((35))~~ (34) "**Working Day**" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 18-13-053 filed 6/13/18, effective 7/14/18)

SWCAA 476-040 Asbestos Project Requirements

(1) Renovation

(a) 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. If suspect asbestos containing material is present and may be disturbed during the project, the property owner or owner's agent must:

(i) Treat the suspect asbestos-containing material as presumed asbestos-containing material and handle it as asbestos containing material; or

(ii) Have an asbestos inspection conducted by an AHERA accredited building inspector to determine if asbestos is present. Suspect material shall be analyzed for asbestos content using the procedures in Title 40 Part 763 Subpart E, Appendix E, Section 1.

(iii) For renovations performed by the owner-occupant of a ~~((single))~~ single-family residence all suspect materials shall be handled as presumed asbestos-containing materials unless determined otherwise by analyzing for asbestos content using the procedures in 40 CFR Part 763 Subpart E, Appendix E, Section 1. An asbestos inspection is not required to be performed by an AHERA certified building inspector at a ~~((single))~~ single-family residence when the renovation project is performed by the owner-~~((/))~~ occupant.

(b) The results of any asbestos inspection required under this rule shall be documented and be posted by the property owner or owner's agent.

(2) Demolition

(a) Prior to performing any demolition project, the property owner or the owner's agent shall obtain an asbestos inspection of the structure or part of the structure where the demolition will occur for the presence of asbestos. The asbestos inspection shall be performed by an AHERA accredited building inspector.

(b) Samples of suspect asbestos-containing materials shall be collected by an AHERA accredited building inspector for analysis to determine the amount and type of asbestos present in the material.

(c) Any material presumed to be asbestos-containing material is not required to be sampled by an AHERA accredited building inspector. Any material presumed to be asbestos-containing material shall be handled as though it was an asbestos-containing material.

(d) Only an AHERA accredited building inspector may determine, by performing an asbestos inspection, that a material is not a suspect asbestos-containing material.

(e) Suspect materials collected shall be analyzed for asbestos content using the procedures and methods in 40 CFR Part 763 Subpart E, Appendix E, Section 1.

(f) A summary of the results of the asbestos inspection shall be documented and shall either be posted by the property owner or owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

(g) Prior to demolition all identified or presumed asbestos-containing material must be removed as an asbestos project in accordance with SWCAA 476-060((080)).

(h) Regardless of the amount of asbestos-containing material present (including none), a Notification of Demolition must be submitted to ((the Agency)) SWCAA on SWCAA ((Agency)) approved forms and include a copy of the asbestos inspection report prior to commencing a demolition project in accordance with SWCAA 476-050(2). In no event shall a project or activity proceed on a date other than the date indicated on the notification.

(i) If the facility is to be demolished by intentional burning, all asbestos-containing material shall be removed as an asbestos project in accordance with SWCAA 476-080.

(j) ((Underground Storage Tanks)) An asbestos survey is not required prior to demolition of an underground storage tank. However, if suspect asbestos-containing material is identified during the demolition of an underground storage tank, work shall cease until it is determined whether or not the suspect asbestos-containing material is asbestos-containing material by the procedures and methods in 40 CFR Part 763 Subpart E, Appendix E, Section 1.

(3) **Asbestos Inspection Procedures**

(a) The required number of bulk asbestos samples must be collected per the sampling procedures detailed in EPA regulation 40 CFR Part 763.86

(b) An AHERA accredited building inspector shall collect, in a statistically random manner, a minimum of three bulk samples from each homogeneous area of any surfacing material that is not presumed to be asbestos-containing material, and shall collect the samples as follows:

(i) At least three (3) bulk samples shall be collected from each homogeneous area that is 1,000 square feet or less.

(ii) At least five (5) bulk samples shall be collected from each homogeneous area that is greater than 1,000 square feet but less than or equal to 5,000 square feet.

(iii) At least seven (7) bulk samples shall be collected from each homogeneous area that is greater than 5,000 square feet.

(c) Except as provided for in 40 CFR 763.86 (b) (2)-(4), an AHERA accredited building inspector shall collect, in a statistically random manner, at least three (3) bulk samples from each homogeneous area of thermal system insulation that is not presumed to be asbestos-containing material.

(d) An AHERA accredited building inspector shall collect, at least one (1) bulk sample from each homogenous area of any miscellaneous material that is less than 100 square feet and at least three (3) bulk samples from each homogeneous area of any miscellaneous material that is greater than or equal to 100 square feet not presumed to be asbestos-containing material.

(e) Except for wallboard, bulk samples shall not be composited for analysis.

(f) Bulk samples shall be analyzed for asbestos content by polarized light microscopy (PLM) using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1, or a more effective method as approved or required by EPA.

(4) **Asbestos Inspection Report Requirements.** Asbestos inspection reports shall contain, at a minimum, all of the following information:

(a) General Information.

(i) Date the inspection was performed;

(ii) AHERA accredited building inspector name and signature, certification number, date certification expires, and name and address of entity providing AHERA accredited building inspector certification;

(iii) Site address/location where the inspection was performed;

(iv) Description of the structure(s)/area(s) inspected (e.g., use, approximate age and approximate outside dimensions);

(v) The purpose of the inspection (e.g., pre-demolition asbestos survey, renovation of 2nd floor, removal of acoustical ceiling texturing due to water damage), if known;

(vi) Detailed description of any limitations of the asbestos survey (e.g., inaccessible areas not inspected, survey limited to renovation area);

(vii) Identify and describe all homogeneous areas of suspect asbestos-containing materials, except where limitations of the asbestos survey identified prevented such identification and include whether each homogeneous material is surfacing material, thermal system insulation, or miscellaneous material;

(viii) Identify materials presumed to be asbestos-containing material;

(ix) Exact location where each bulk asbestos sample was taken (e.g., schematic or other detailed description sufficient for any person to match the material(s) sampled and tested to the material(s) on site);

(x) Complete copy of the laboratory report for bulk asbestos samples analyzed, which includes all of the following:

(A) Laboratory name, and address

(B) Bulk sample numbers;

(C) Bulk sample descriptions;

(D) Bulk sample results showing asbestos content; and

(E) Name of the person at the laboratory that performed the analysis.

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

(i) Describe the color of each asbestos-containing material;

(ii) Identify the location of each asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project (e.g. using schematics, detailed description, or both);

(iii) Provide the approximate quantity of each asbestos-containing material in square feet or linear feet and;

(iv) Describe the condition of each asbestos-containing material (good or damaged). If the asbestos-containing material is damaged, describe the general extent and type of damage (e.g., flaking, blistering, crumbling, water damage, or fire damage).

(5) **Asbestos Inspection Posting.** Except as provided for in SWCAA 476-040((-))(7), a complete copy of an asbestos inspection report must be posted by the property owner or the owner's agent in a readily accessible and visible area at all times for inspection by SWCAA and all persons at the work site. This applies even when the asbestos inspection performed by an AHERA accredited building inspector states there are no asbestos-containing materials in the work area. During demolition, if it is not practical to post the asbestos inspection report, it must be readily accessible and made readily available for inspection by SWCAA and all persons at the demolition site.

(6) **Asbestos Survey Retention.** The property owner or owner's agent, and the AHERA accredited building inspector that performed the asbestos inspection (when the asbestos inspection has been performed by an AHERA accredited building inspector), shall retain a complete copy of the asbestos inspection for at least 24 months from the date the inspection was performed and provide a copy to ((the Agency)) SWCAA upon request.

~~((7) Exceptions. An asbestos inspection is not required for renovation of an owner-occupied, single-family residence performed by the owner-occupant. 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.))~~

((8)) **(7) Presuming Suspect Asbestos-Containing Materials are Asbestos-Containing Materials.** It is not required that an AHERA accredited building inspector sample any material presumed to be asbestos-containing material. If material is presumed to be asbestos-containing material, 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. The determination shall include a description, approximate quantity, and location of presumed asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project. The property owner, owner's agent, and the person that determined that material would be presumed to be asbestos-containing material, shall retain a complete copy of the written determination for at least 24 months from the date it was made and shall provide a copy to ((the Agency)) SWCAA upon request.

((9)) **(8) Alternate Asbestos Inspection.** A written alternate asbestos inspection method shall be prepared and used on occasions when conventional sampling methods required in EPA regulation 40 CFR 763.86 cannot be exclusively performed. All other asbestos inspection requirements of this regulation apply. For example, conventional sampling methods may not be possible on fire damaged buildings or portions thereof (e.g. when materials are not intact or homogeneous areas are not identifiable). Conventional sampling methods shall not be used for rubble or debris piles, and ash or soil unless approved otherwise

in writing by ((the Agency)) SWCAA. If conventional sampling methods cannot exclusively be used and material is not presumed to be asbestos-containing material, alternate asbestos inspection methodology must be used alone or, when possible, in combination with conventional inspection methodology. An alternate asbestos inspection 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.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 18-13-053 filed 6/13/18, effective 7/14/18)

SWCAA 476-050 Notification Requirements and Fees

(1) **Applicability.** No person shall cause or allow work on an asbestos project or demolition activity unless the owner or owner's agent has submitted a complete notification to ((the Agency)) SWCAA on ((Agency)) SWCAA approved forms, in accordance with the advance notification period requirements and fees as provided in the current SWCAA Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(a) A SWCAA approved Notice of Intent to Remove Asbestos is required for all asbestos projects. A Notice of Intent to Remove Asbestos is not required for removal of nonfriable roofing material. The owner/operator shall maintain documentation to substantiate qualification for the exemption.

(b) A SWCAA approved Notification of Demolition ~~must be submitted to the Agency on Agency approved forms~~ is required prior to commencing any demolition activity.

(c) The approval date to perform a project will be the date that all required submittals and fees are received at SWCAA.

(i) For asbestos and demolition projects that are subject to Title 40 Code of Federal Regulations, Part 61, Subpart M, the notification period shall be 10 working days following submittal of a complete notification.

(ii) For asbestos and demolition projects that are not subject to Title 40 Code of Federal Regulations, Part 61, Subpart M, the notification period shall be 10 days following submittal of a complete notification.

(iii) The asbestos or demolition project may commence on the day following the notification period. Asbestos projects performed by the owner-occupant are not subject to this requirement but must provide prior notification.

(d) In no event shall a project or activity proceed on a date other than the date indicated on the notification.

(e) The duration of the asbestos project, maintenance activity, renovation, or demolition activity or project shall not exceed one (1) year beyond the original project starting date.

(f) The notification shall expire on the project completion date as specified by the owner or owner's agent unless amended prior to the completion date.

(g) A copy of the notification, all amendments and the asbestos inspection report shall be available for inspection at the project site at all times until completion of the project.

(h) For an asbestos project or demolition activity that will begin or end on a date other than the date(s) contained in the original notification, the owner or the owner's agent shall notify SWCAA (~~in writing~~) as soon as possible before the original start or end date. In no event shall a project or activity begin or end on a date other than the date indicated in the revised notification.

(2) **Advance Notification Period and Fee.** Any notification required by SWCAA 476-050(1) shall be considered incomplete until all the information required by SWCAA 476-050(1) is received by (~~the Agency~~) SWCAA and accompanied by the appropriate fee. The advance notification period and appropriate fee shall be determined as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(3) **Annual notification.** In lieu of the notification requirements of SWCAA 476-050(1) the owner or operator of a facility may submit to (~~the Agency~~) SWCAA, on the (~~Agency's~~) SWCAA approved form, an annual notification to conduct asbestos removal projects on one or more buildings, vessels, or structures at the facility during each calendar year for the purpose of scheduled maintenance or emergency repairs for removal of small quantities of asbestos-containing material as identified below. The requirements of SWCAA 476-050(1) shall not apply to asbestos projects undertaken during the calendar year at the applicable facility if all of the following conditions are met:

(a) Annual notifications shall be submitted to (~~the Agency~~) SWCAA for approval before commencing work on any asbestos projects specified in an annual notification.

(b) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section shall be limited to less than 260 linear feet on pipes and 160 square feet on other components.

(c) Any asbestos project involving at least 260 linear feet on pipes or 160 square feet or more on other components for each building, vessel, or structure at the facility shall be subject to (~~-~~) the notification requirements of SWCAA 476-050(1) and 476-050(2) and not the annual notification requirements.

(d) A copy of the annual notice shall be available for inspection at the property owner's or operator's office until the end of the calendar year.

(e) Asbestos-containing waste material generated from asbestos projects filed under an annual notification may be stored for disposal at the facility if all of the following conditions are met:

(i) All asbestos-containing waste material shall be treated in accordance with SWCAA 476-070(1);

(ii) Accumulated asbestos-containing waste materials collected from each asbestos project shall be kept in a controlled storage area posted with one (1) or more highly visible asbestos warning signs and accessible only to authorized persons; and

(iii) For storage of asbestos-containing waste material longer than 10 days, the owner/operator or owner's agent shall apply to SWCAA for a Temporary Asbestos Storage Facility Authorization unless the asbestos-containing waste material is handled as dangerous waste in accordance with WAC 173-303. Asbestos-containing waste material shall only be disposed of at sites operated in accordance with the provi-

sions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction.

(f) Annual notifications shall be submitted by the facility owner or operator on forms provided by ~~((the Agency))~~ SWCAA. Notifications shall be submitted to ~~((the Agency))~~ SWCAA at least 10 days in advance of the start date and shall be accompanied by the annual fee as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(g) The facility owner or operator shall submit quarterly reports to ~~((the Agency))~~ SWCAA within fifteen (15) days after the end of each calendar quarter. Each quarterly report shall be submitted on forms provided by ~~((the Agency))~~ SWCAA or an alternate format approved by ~~((the Agency))~~ SWCAA.

(4) **Amendments.** An amended notification shall be submitted to ~~((the Agency))~~ SWCAA prior to deviating from any of the information contained in a notification as detailed below. Amended notifications addressed by this section shall be filed by the original applicant, received by ~~((the Agency))~~ SWCAA no later than the asbestos project date, and are limited to the following revisions:

(a) A change in the job size category because of identification of additional asbestos-containing material. In this case, the fee shall be increased accordingly and the total fee shall be equal to, but not exceed, the fee amount provided for the new job size category as specified in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098;

(b) The project starting or completion date, provided the total duration of the work does not exceed one (1) calendar year beyond the original starting date. The commencement date of the original advance notification period shall apply with no additional waiting period required for amended notifications. If an amended notification results in a job size category that requires a waiting period and the original notification did not require a waiting period, the advance notification period shall commence on the date the original application was submitted;

(c) Name, mailing address, and telephone number of the owner or operator of the asbestos project site or operation;

(d) Waste disposal site, provided the revised waste disposal site is operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction;

(e) Method of removal or compliance procedures, provided the revised work plan meets the asbestos emission control and disposal requirements of SWCAA 476-060 and 450-070;

(f) Description, size (total square feet or number of floors), and approximate age of the building, vessel, or structure at the original address or location; and

(g) An amendment fee shall be incurred after the second revision to the original notification and for every subsequent revision thereafter in accordance with the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(5) **Emergencies.**

(a) ~~((The Agency))~~ SWCAA may waive the required advance notification period if the property owner or owner's agent demonstrates in writing to ~~((the Agency))~~ SWCAA that 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; or

(ii) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; or

(iii) Asbestos-containing materials were encountered that were not identified during the asbestos inspection; or

(iv) The project must proceed to avoid imposing an unreasonable financial burden.

(b) Each emergency waiver request shall include a fee as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(c) If the emergency asbestos project occurs during (~~non~~) non-business hours, notification to SWCAA must occur no later than the next business day.

(6) **Abandoned Asbestos-Containing Material.** (~~The Agency~~) SWCAA may waive part or all of the notification waiting period and project fee, by written authorization, for removal and disposal of abandoned (without the knowledge or consent of the property owner) asbestos-containing materials and for demolition of abandoned structures. All other requirements remain in effect.

(7) **State of Emergency.** If a state of emergency is declared by an authorized local, state, or federal governmental official due to a storm, flooding, or other disaster, (~~the Agency~~) SWCAA may temporarily waive part or all of the project fee(s) and notification period by written authorization. The written authorization shall reference the applicable state of emergency, what fee(s) will be waived, to what extent the fee(s) will be waived, and the effective date(s) of the fee(s) waiver.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 18-13-053 filed 6/13/18, effective 7/14/18)

SWCAA 476-060 Procedures for Asbestos Projects

(1) **Project requirements.** No person shall cause or allow work on an asbestos project unless the following are met, except as provided in SWCAA 476-060(2):

(a) Any work on an asbestos project shall be performed by a certified asbestos abatement contractor with certified asbestos workers under the direct, on-site supervision of a certified asbestos supervisor. Asbestos workers and asbestos supervisors must have a valid certification and identification card on-site. This requirement shall not apply to asbestos projects conducted in accordance with SWCAA 400-060(2) for owner-occupied, single-family dwellings performed by the owner/occupant.

(b) 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. This includes asbestos projects performed by the owner-occupant at owner-occupied, single family dwellings.

(c) All asbestos containing material shall be kept adequately wet while being removed from any structure, building, vessel, or component.

(d) No visible emissions, including fallout or track out, shall result from an asbestos project.

(e) All asbestos-containing material that has been removed or may have fallen off components during the course of an asbestos project shall be:

(i) Kept adequately wet until collected for disposal;
(ii) Collected for disposal at the end of each working day;
(iii) Contained in a controlled area at all times until transported to a temporary asbestos storage site or waste disposal site;
(iv) Placed into a leak-tight container before removal from containment area; and
(v) Carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise handled in such a manner that may risk further damage to them; or transported to the ground via dust tight chutes or containers if they have been removed or stripped more than 50 feet above ground level and were not removed as a unit or in sections.

(f) Mechanical assemblies or components covered with, coated with, or containing asbestos-containing material, removed as a unit or in sections, shall be contained in a leak-tight wrapping after wetting and shall be labeled in accordance with SWCAA 476-070 (1)(a)(iii).

(i) For large components such as boilers, steam generators, and large tanks, the asbestos-containing material is not required to be removed or stripped if the component can be removed, stored, transported, and deposited at a waste disposal site or reused without disturbing or damaging the asbestos.

(ii) Metal components such as valves, fire doors, and reactor vessels that have internal asbestos-containing material do not require wetting and leak tight wrapping if:

(A) All access to the asbestos-containing material is welded shut; or

(B) The component has mechanical seals in place that separate the asbestos-containing material from the environment and these seals cannot be removed by hand.

(g) Local exhaust ventilation and collection systems used on an asbestos project shall:

(i) Be maintained to ensure the integrity of the system; and

(ii) When feasible, have one or more transparent plastic or glass viewing ports installed on the walls of the enclosure in such a manner that will allow for viewing inside the enclosure. When available, existing windows may be utilized for viewing ports.

(h) Local exhaust ventilation and collection systems, control devices, and vacuum systems, used on an asbestos project shall be equipped with a HEPA exhaust filter, maintained in good working order, and shall allow no visible emissions.

(2) **Exemptions for Owner-Occupied, Single-Family Residence.** The requirements of SWCAA 476-060 (1)(a) shall not apply to asbestos projects conducted in an owner-occupied, single-family residence by the resident owner of the residence.

(3) **Alternate Means of Compliance.**

(a) **Friable Asbestos-Containing Material Alternative Removal Methods** 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 Agency)) SWCAA that the planned control method will be effective as the work practices contained in SWCAA 476-060(1) in controlling asbestos emissions. The property owner or the owner's agent shall document through air monitoring at the exhaust from the controlled area that the asbestos fiber concentrations outside the

controlled area do not exceed 0.01 fibers/cc, ((8-hour)) 8-hour average. ((The Agency)) SWCAA may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the alternate removal method for cause.

(b) **Nonfriable Asbestos-Containing Material Alternative Removal Methods** An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if an AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to ((the Agency)) SWCAA that the planned control method will be equally as effective as the work practices in SWCAA 476-060(1) in controlling asbestos emissions. ((The Agency)) SWCAA may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the alternative removal method for cause.

(c) **Leaving Nonfriable Asbestos-Containing Material in Place During Demolition** Nonfriable asbestos-containing material may be left in place during 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 of asbestos-containing materials involved, the projected work practices, and the engineering controls, and demonstrates to ((the Agency)) SWCAA that the asbestos-containing material will remain nonfriable during all demolition activities and subsequent disposal of the debris. No asbestos-containing material shall remain in place if the demolition involves burning or other activities that would result in the potential release of asbestos-containing material to the ambient air. ((The Agency)) SWCAA may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the asbestos-containing material remains nonfriable.

(4) **Exceptions 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 Agency)) SWCAA that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and may immediately collapse, or other conditions that are dangerous to life and health. The property owner must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures as prepared by an AHERA project designer that will be followed for controlling asbestos emissions, including run off, during the demolition and disposal of the asbestos-containing waste material.

AMENDATORY SECTION (Amending WSR 18-13-053 filed 6/13/18, effective 7/14/18)

SWCAA 476-070 Disposal of Asbestos-Containing Waste Material

(1) **Disposal Requirements.** No person shall cause or allow work on an asbestos project unless the following procedures are employed during the collection, processing, packaging, or disposal of any asbestos-containing waste material:

- (a) Treat all asbestos-containing waste material as follows:
 - (i) Adequately wet all asbestos-containing waste material;

(ii) After wetting, seal all asbestos-containing waste material in leak tight containers or wrapping to ensure that they remain adequately wet when deposited at a waste disposal site;

(iii) Permanently (indelible markers or labels made with indelible ink) label wrapped materials and each container with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the Occupational Safety and Health Administration. Permanently mark the label with the date the material was collected for disposal, the name of the waste generator, the name and affiliation of the certified asbestos supervisor((7)) (unless performed by owner-occupant at residential structure), and the location at which the waste was generated prior to removal from the controlled area;

(iv) Ensure that the exterior of each container is free of all asbestos residue;

(v) Exhibit no visible emissions during any of the operations required by this section; and

(vi) 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.

(b) All asbestos-containing waste material shall be deposited within 10 days after collection at a waste disposal site operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction. Asbestos-containing waste material may remain onsite longer than 10 days if the facility has a current Temporary Asbestos Storage Facility Authorization and the asbestos-containing waste material is stored within that temporary storage facility as provided in SWCAA 476-070(3).

(c) All asbestos-containing waste material, handled as dangerous waste in accordance with WAC 173-303, shall be excluded from the requirements of SWCAA 476-070 (1)(a)(iii) and 476-070 (1)(b).

(2) **Waste Tracking Requirements.** No person shall cause or allow the disposal of asbestos-containing waste material unless all of the following requirements are met:

(a) Maintain waste shipment records, beginning prior to transport, using a separate form for each waste generator that includes all of the following information:

(i) The name, address, and telephone number of the waste generator

(ii) The approximate quantity in cubic meters or cubic yards.

(iii) The name and telephone number of the disposal site operator.

(iv) The name and physical site location of the disposal site.

(v) The date transported.

(vi) The name, address, and telephone number of the transporter.

(vii) A certification from the waste generator 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.

(b) Provide a copy of the waste shipment record to the transfer station/disposal site owner or operator at the same time the asbestos-containing waste material is delivered. If requested by the disposal site operator, a copy of the Alternate Work Plan or written determination as specified pursuant to SWCAA 476-060(3) shall also be provided to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered.

(c) 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, the waste generator shall contact the transporter or the owner or operator of the disposal site to determine the status of the waste shipment.

(d) 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 Southwest Clean Air Agency~~) SWCAA. 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.

(e) Retain a copy of all waste shipment records for 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 Agency~~) SWCAA upon request.

(3) **Alternative Storage Method - Temporary Asbestos Storage Facility.** The owner or operator of a licensed asbestos abatement company or disposal facility may apply to (~~the Agency~~) SWCAA to establish a temporary facility for the purpose of collecting and temporarily storing asbestos-containing waste material.

(a) No person shall cause or allow the operation of a temporary asbestos storage facility without the prior written approval of (~~the Agency~~) SWCAA.

(b) The owner or operator must submit a complete application for establishment of a temporary asbestos storage facility on forms provided by (~~the Agency~~) SWCAA. When approved, an Asbestos Storage Facility Authorization will be returned to the owner or operator by SWCAA to be posted at the entrance to the facility or on file at the facility office.

(c) A temporary asbestos storage facility shall meet the following general conditions:

(i) Asbestos-containing waste material must be stored in a leak tight container in a secured building or in a secured exterior enclosure; and

(ii) The secured building or enclosure must be locked except during transfer of asbestos-containing waste material.

(4) **Alternative Disposal Method - Asbestos-Cement Water Pipe.** Asbestos-cement pipe used on public right-of-ways or public easements shall be excluded from the disposal requirements of SWCAA 476-070

(1)(b) if the following condition is met:

(a) The asbestos-cement pipe is maintained intact, not crushed or broken, and is left in place under at least 3 feet of backfill and the location noted on deeds, easements and other applicable property and legal documents. Prior written approval from (~~the Agency~~) SWCAA is required. If the asbestos-cement pipe has been crushed or broken and left in place, the location shall be subject to the active waste disposal site requirements of 40 CFR 61.154.