



Advisory

ASBESTOS NESHAP REGULATION

Number 344

March 2006

Asbestos NESHAP Advisory for Demolitions and Renovations

The California Air Resources Board's (CARB) Enforcement Division is responsible for enforcing the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) regulation under Title 40 CFR Part 61, Subpart M, implemented by the Health and Safety Code Section 39658(b)(1) for the 16 California non-delegated air districts. A copy of the regulation can be downloaded at <http://www.arb.ca.gov/enf/asbcfr.htm>

CARB assists the United States Environmental Protection Agency (USEPA) in enforcing the Asbestos NESHAP. CARB staff conducts inspections, investigates complaints, collects asbestos samples, issues notice of violations and collects demolition/renovation data from the non-delegated air districts. See map at <http://www.arb.ca.gov/enf/asbestos/asbmap.htm>

The Asbestos NESHAP requires that a thorough inspection of the facility, by an accredited inspector, be conducted for all renovations and all demolitions.

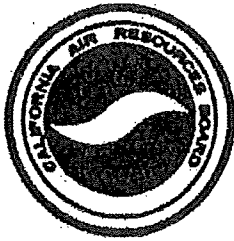
The Asbestos NESHAP regulations must be followed, in the non-delegated air districts, for all demolition/renovation of facilities with at least: 260 linear feet of regulated asbestos-containing materials (RACM) on pipes, or at least 160 square feet of RACM on other facility components, or 35 cubic feet on facility components where the amount of RACM previously removed from pipes and other facility components could not be measured before stripping.

A written notification is required to USEPA and CARB at least 10 working days prior to demolition/renovation activities that are located in non-delegated air districts. Instructions and notification forms can be downloaded at <http://www.arb.ca.gov/enf/asbestos/asbestosform.htm>

Failure to meet these requirements by the owner or operator will result in the issuance of a Notice of Violation to owner or operator that may result in monetary penalties, or in serious cases, in civil or criminal prosecution. The maximum penalty is \$50,000 per day per violation.

For questions regarding this advisory, please contact Ahmad Najjar at 916-322-6036. You may also view this advisory and all other Enforcement Advisories at <http://www.arb.ca.gov/enf/adv/advlist.htm>

James R. Ryden, Chief
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CALIFORNIA AIR RESOURCES BOARD

ADVISORY (REGULATION CHANGES)

Number 57

October 9, 1990

ASSEMBLY BILL 2791 - DEMOLITION PERMITS

Attached is a copy of Section 19827.5 which is to be added to the Health and Safety Code as a result of the passage of Assembly Bill 2791. This Section becomes effective January 1, 1991 and will apply to any demolition permits issued on or after that date.

Under the new law, local agencies may not issue permits to demolish until the applicant has demonstrated exemption or compliance with the notification requirements of Part 61 of Title 40 of the Code of Federal Regulations (Asbestos NESHAP). It is hoped that this bill will eliminate the situations where building department permits to demolish are issued even though required asbestos removal or notification requirements have not been met.

AB 2791 imposes no new responsibilities on APCDs; however, staff in both delegated and non-delegated districts should anticipate an increase in requests for information from both building owners and demolition permitting authorities. To facilitate district response to these inquiries, a generic notification is attached which you may wish to share with building owners and permitting authorities. As you are aware, this form should be submitted to EPA Region IX, Cal OSHA, and either ARB Compliance Division or the delegated district when any asbestos project is undertaken by a contractor. AB 2791 now requires that such notification must be submitted to the appropriate local agency before the demolition permit is issued or declare that the project is exempt from the Asbestos NESHAP requirements.

To assure that appropriate local agencies are aware of this new requirement, we would appreciate your sending a copy of this advisory to them. If you have any questions regarding this advisory, please contact the Air Resources Board Compliance Division at (800) 952-5588.

Attachment

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Assembly Bill No. 2791

CHAPTER 418

An act to add Section 19827.5 to the Health and Safety Code, relating to demolition permits.

[Approved by Governor July 25, 1990. Filed with
Secretary of State July 26, 1990.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2791, Speier. Demolition permits.

Existing law does not regulate demolition permits granted to buildings containing hazardous air pollutants.

This bill would prohibit the issuance of a demolition permit as to any building or other structure except upon the receipt from the permit applicant of a copy of each written asbestos notification regarding the building that has been required to be submitted to the United States Environmental Protection Agency, or its designee, under certain provisions of federal law relating to hazardous air pollutants, except as otherwise specified. As to the agencies that issue demolition permits, this bill would thereby create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 19827.5 is added to the Health and Safety Code, to read:

19827.5. A demolition permit shall not be issued by any city, county, city and county, or state or local agency which is authorized to issue demolition permits as to any building or other structure except upon the receipt from the permit applicant of a copy of each written asbestos notification regarding the building that has been required to be submitted to the United States Environmental Protection Agency or to a designated state agency, or both, pursuant to Part 61 of Title 40 of the Code of Federal Regulations, or the successor to that part. The permit may be issued without the applicant submitting a copy of the written notification if the applicant declares that the notification is not applicable to the scheduled demolition project. The permitting agency may require the applicant to make the declaration in writing, or it may incorporate the applicant's response on the demolition permit

application. Compliance with this section shall not be deemed to supersede any requirement of federal law.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17590 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



ASBESTOS NESHAP NOTIFICATION OF DEMOLITION AND RENOVATION FORM
Attention – This Form is for Non-Delegated Air Districts in California Only
(More Information <http://www.arb.ca.gov/enf/asbestos/asbestos.htm>)

I. TYPE OF NOTIFICATION: (check one) ☐ ORIGINAL ☐ CANCELED ☐ REVISION (IF REVISION, WRITE REVISION #: _____)						
II. FACILITY INFORMATION (Identify Owner, Removal Contractor, and Other Operator)						
Owner Name: _____						
Address: _____						
City: _____				State: _____	ZIP: _____	
Contact: _____				Telephone: _____		
Asbestos Removal Contractor: _____						
Address: _____						
City: _____				State: _____	ZIP: _____	
Contact: _____		Telephone: _____		Title: _____		
Demolition Contractor: _____						
Address: _____						
City: _____				State: _____	ZIP: _____	
Contact: _____		Telephone: _____		Title: _____		
III. TYPE OF OPERATION: (check one) ☐ DEMOLITION ☐ ORDERED DEMOLITION ☐ RENOVATION ☐ EMERGENCY RENOVATION						
IV. IS ASBESTOS PRESENT? (check one) ☐ YES ☐ NO		What Asbestos Containing Materials are Going to be Removed: _____ Must attach Asbestos Inspection Report (40 CFR 61.145(a))				
V. NAME OF FACILITY AND DESCRIPTION: _____						
Address: _____						
City: _____		County: _____	State: _____	ZIP: _____		
Site Location: _____						
Building Size: _____		Number of Floors: _____		Age in Years: _____		
Current Use: _____		Prior Use(s): _____				
VI. PROCEDURE, INCLUDING ANALYTICAL METHOD USED TO DETECT THE PRESENCE OF ASBESTOS MATERIAL: _____						
VII. APPROXIMATE AMOUNT OF ASBESTOS CONTAINING MATERIAL (ACM), INCLUDING:		REGULATED ASBESTOS CONTAINING MATERIALS (RACM) TO BE REMOVED	NONFRIABLE ASBESTOS MATERIAL TO BE REMOVED		NONFRIABLE ASBESTOS MATERIAL NOT TO BE REMOVED	
			Category I	Category II	Category I	Category II
Pipes (Linear Feet): _____						
Surface Area (Square Feet): _____						
Volume RACM Off Facility Component (Cubic Feet): _____						
VIII. SCHEDULED DATES OF DEMOLITION (MM/DD/YY) Start: _____ Complete: _____						
IX. SCHEDULED DATES OF ASBESTOS REMOVAL (MM/DD/YY) Start: _____ Complete: _____ Weekday Work Hours: _____ Weekend Work Hours: _____						

X. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHOD(S) TO BE USED:		
XI. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE:		
XII. WASTE TRANSPORTER:		
Name: _____		
Address: _____		
City: _____	State: _____	ZIP: _____
Contact Person: _____	Telephone: _____	
XIII. NAME OF WASTE DISPOSAL SITE:		
Address: _____		
City: _____	State: _____	Zip: _____
Telephone: _____		
XIV. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:		
Name: _____	Title: _____	
Authority: _____		
Date of Order (MM/DD/YY): _____	Date Ordered to Begin (MM/DD/YY): _____	
XV. FOR EMERGENCY RENOVATIONS		
a) Date and Hour of Emergency (MM/DD/YY): _____		
b) Description of the Sudden, Unexpected Event:		
c) Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden:		
XVI. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLED, PULVERIZED, OR REDUCED TO POWDER.		
XVII. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS (REQUIRED 1 YEAR AFTER PROMULGATION)		
_____ NAME	_____ SIGNATURE	_____ DATE
XVIII. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT.		
_____ NAME	_____ SIGNATURE	_____ DATE

MUST ATTACH ASBESTOS INSPECTION REPORT