

Attachment 1

Business Impact Statement

## BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS 237.090 to address the proposed impact of the revision to the DBOH Regulations Governing Air Quality Management, Chapter 040 (Prohibited Emissions), Part 040.110 (Asbestos Control Standards) and Part 040.115 (Acknowledgement of Asbestos Assessment).

1. The following constitutes a description of the manner in which comments were solicited from affected businesses and citizens, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(List all trade associations or owners and officers of businesses likely to be affected by the proposed rule that have been consulted).*

The Air Quality Management Division (AQMD) provided notice of a 30-day public comment period with the issuance of a press release in English on October 14, 2024, and a press release in Spanish on October 18, 2024. The public comment period was conducted between the dates of October 14, 2024, and November 22, 2024. The public comment period was additionally noticed via division website posting (OurCleanAir.com) and AQMD email subscription list.

In addition to the public comment period, a public workshop was conducted on November 14, 2024, from 4:00 – 5:00 p.m. to provide additional opportunities to provide input. The public workshop was noticed with the issuance of a press release in English on October 14, 2024, and a press release in Spanish on October 18, 2024. No public comments were received.

The Association of General Contractors (AGC) was consulted during the development of the proposed rule revisions. An in-person meeting with the AGC and AQMD staff was held during the public comment period on November 12, 2024, at 1:30 p.m. Any questions brought forward were answered and the AGC provided no concerns regarding significant impact on business and industry. AGC submitted several written comments, some of which initiated revisions to the proposed rule. Comments submitted by AGC, along with AQMD responses, have been included in the DBOH packet.

Based on the comments received from the AGC, and consequent revisions to the proposed rule, AQMD made a redline version of the rule available for an additional 14-day public comment period, from January 10, 2025, to January 24, 2025, along with a Business Impact Statement (BIS) Survey. The additional public comment period and BIS Survey were noticed via press release, division website posting, AQMD email subscription list, and AQMD's asbestos stakeholder group. All public comments received have been addressed and included in the rule revision submittal package to the DBOH. No responses to the BIS Survey were received.

2. The estimated economic effect of the proposed rule on businesses and citizens, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects: No adverse effects are anticipated at this time.

Beneficial effects: The proposed rules have been separated into their own Parts, 040.110 – Asbestos Control Standards and 040.115 – Acknowledgement of Asbestos Assessment to reflect a more organized structure of information. Part 040.110 provides additional clarity to the federal requirements for asbestos and defines implementation of the rule. Part 040.115 provides additional clarity to the local requirements for acknowledgements of asbestos assessment associated with renovation and demolition projects. Definitions, specific recordkeeping requirements, and a clear and transparent list of exemptions and exceptions have also been added to increase transparency of the rule and division procedures.

Direct effects: Although not new procedurally, the proposed Asbestos Control Standard rule establishes standard work practices, clarifies requirements for alternative work plans, and includes survey, notification, and disposal requirements. The proposed Acknowledgement of Asbestos Assessment (AAA) rule identifies when a AAA is required, defines quantity of disturbance limits, defines documents required for a complete application, and recordkeeping requirements.

Indirect effects: No indirect effects are anticipated at this time.

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and citizens and a statement regarding whether any, and if so, which of these methods were used: (Include whether the following was considered: simplifying the proposed rule; establishing different standards of compliance for a business or citizen; and if applicable, modifying a fee or fine set forth in the rule so that business could pay a lower fee or fine).

There are no new fees or fee increases in the proposed rule revisions. The proposed rule revisions are intended to satisfy federal EPA requirements and streamline AAA expectations for the regulated community.

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rules is:

There is no anticipated increase in annual cost to the local government for enforcement of the proposed rules.

5. The proposed rules provide for a new fee or increases, and existing fee and the total annual amount expected to be collected is:

There are no new fees or fee increases in the proposed rule revisions.

6. The money generated by the new fee or increase in existing fee will be used by the local government to:

*There are no new fees or fee increases in the proposed rule revisions.*

7. The proposed rule includes provisions that duplicate or are more stringent than federal, state, or local standards regulating the same activity. The following explains when such duplicative or more stringent provisions are necessary:

*In accordance with 40 CFR Part 61, the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) have been delegated to the AQMD as a local government agency. The proposed rule follows the requirements set forth in the Asbestos NESHAP.*

8. The following constitutes an explanation of the reasons for the conclusions regarding the impact of the proposed rules on businesses:

*There are no new fees or fee increases in the proposed rule revisions. The proposed rule revisions are intended to satisfy federal EPA requirements and streamline AAA expectations for the regulated community.*

**To the best of my knowledge or belief, the information contained in this statement is prepared properly and is accurate.**

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Chad Kingsley, MD/MBA, District Health Officer

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Date

Attachment 2

Press Release (October 14, 2024)

NNPH.ORG

English | Español

NORTHERN NEVADA  
**Public Health**  
NEWSROOM

**NNPH AIR QUALITY MANAGEMENT DIVISION SEEKS PUBLIC  
COMMENT AND SETS PUBLIC WORKSHOP DATE FOR ASBESTOS  
REGULATION REVISIONS**

**Oct 14, 2024**

**Oct. 14, 2024. Reno/Sparks, Nev.** – The Northern Nevada Public Health (NNPH) – Air Quality Management Division (AQMD) is asking the public for written comment on asbestos regulations.

Comments will be accepted until midnight on Nov. 22, 2024. All comments **must include** first and last name, mailing address, and contact information. Your comments can be submitted the following ways:

- Email to [HealthAirQuality-Planning@nnph.org](mailto:HealthAirQuality-Planning@nnph.org).
- Mailed or dropped off to the AQMD office at 1001 E. 9th St., Reno, NV 89512 ([Find the AQMD Dropbox here](#)).

The revisions are for “Prohibited Emissions” under District Board of Health (DBOH) Regulations Governing Air Quality Management, Chapter 040.

AQMD is hosting a public workshop specific to these rule revisions, which are currently available on the AQMD website, [OurCleanAir.com](https://www.aqmd.com).

The Chapter 040 revisions were initiated in response to revisions to DBOH Regulations Governing Air Quality Management Chapter 030 – General Source Permitting, adopted by the DBOH on September 26, 2024. The revisions to Chapter 030 included a wholesale replacement of the previous rule, where sections pertaining to asbestos were removed and will be relocated to Chapter 040 – Prohibited Emissions. This relocation will include an extensive rule revision, where the new language will also be a wholesale replacement of the previous rule. The replaced sections pertaining to asbestos will now be covered in two new parts of Chapter 040:

- Asbestos Control Standards (Part 040.110)
- Acknowledgment of Asbestos Assessment (Part 040.115)

The sections pertaining to asbestos have not been significantly reviewed nor revised since 1995, and do not reflect the current asbestos Acknowledgement process or intended purpose of the federal regulation. The revisions will also clarify asbestos sampling, notification, contamination, and abatement requirements.

The public workshop will be hybrid via Microsoft Teams and can be attended in-person in the NNPH Conference Rooms A & B located in Building B at 1001 E. 9th St. Reno, NV 89512. The workshop will be held on Nov. 14, 2024, at 4 p.m., and will include a presentation regarding the revisions made and an opportunity for questions.

[November 14, 2024 Teams Meeting Link](#)

Meeting ID: 269 670 133 418

Passcode: PTFaZn

[Sign up for Air Quality Updates in Washoe County here.](#)

For more information regarding the Northern Nevada Public Health's Air Quality Efforts, visit the AQMD's website at [OurCleanAir.com](http://OurCleanAir.com).

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*Please note the Washoe County Health District changed its name to Northern Nevada Public Health on Aug. 31, 2023. [More information is here.](#)*

*Northern Nevada Public Health (NNPH) is nationally accredited by the Public Health Accreditation Board and has jurisdiction over all public health matters in Reno, Sparks, and Washoe County through the policy-making District Board of Health. NNPH consists of five divisions: Administrative Health Services, Air Quality Management, Community and Clinical Health Services, Environmental Health Services and Epidemiology & Public Health Preparedness. [More info can be found here.](#)*

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Attachment 3

Press Release (January 10, 2025)

NNPH.ORG

English | Español

NORTHERN NEVADA

# Public Health

N E W S R O O M

## AIR QUALITY MANAGEMENT DIVISION SEEKS PUBLIC COMMENT FOR PROPOSED ASBESTOS REGULATION REVISIONS AND BUSINESS IMPACT STATEMENT SURVEY

Jan 10, 2025

**Jan. 10, 2024. Reno/Sparks, Nev.** – The Northern Nevada Public Health (NNPH) – Air Quality Management Division (AQMD) is taking comments on proposed revisions to asbestos regulations and stakeholder input on a business impact statement (BIS) survey.

Comments and survey responses will be accepted until midnight on Jan. 24, 2025. All comments **must include** first and last name, mailing address, and contact information. Your comments can be submitted the following ways:

- Email to [AQMDPlanning@nnph.org](mailto:AQMDPlanning@nnph.org).
- Mailed or dropped off to the AQMD office at 1001 E. 9th St. Bldg. B, Reno, NV 89512 ([Find the AQMD Dropbox here](#)).

The proposed revisions and BIS survey are for “Prohibited Emissions” under District Board of Health (DBOH) Regulations governing Air Quality Management, Chapter 040, and are currently available on the AQMD website, [OurCleanAir.com](https://www.ourcleanair.com), on the “Public Outreach” page. The BIS Survey can be found [here](#).

The Chapter 040 revisions were initiated in response to revisions to DBOH Regulations Governing Air Quality Management Chapter 030 – General Source Permitting, adopted by the DBOH on September 26, 2024. The revisions to Chapter 030 included a wholesale replacement of the previous rule, where sections pertaining to asbestos were removed and will be relocated to Chapter 040 – Prohibited Emissions. This relocation will include an extensive rule revision, where the new language will also be a wholesale replacement of the previous rule. The replaced sections pertaining to asbestos will now be covered in two new parts of Chapter 040:

- Asbestos Control Standards (Part 040.110)
- Acknowledgment of Asbestos Assessment (Part 040.115)

The sections pertaining to asbestos have not been significantly reviewed nor revised since 1995, and do not reflect the current asbestos acknowledgement process or intended purpose of the federal regulation. The revisions will also clarify asbestos sampling, notification, contamination, and abatement requirements.

**[Sign up for Air Quality Updates in Washoe County here.](#)**

For more information regarding the Northern Nevada Public Health’s Air Quality Efforts, visit the AQMD’s website at [OurCleanAir.com](https://www.ourcleanair.com).

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*of five divisions: Administrative Health Services, Air Quality Management, Community and Clinical Health Services, Environmental Health Services and Epidemiology & Public Health Preparedness. [More info can be found here.](#)*

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Attachment 4

“As Revised” Version of the Rule

## CHAPTER 040 – PROHIBITED EMISSIONS

**NOTE:** The *italicized* words and phrases used in this regulation have specific meanings: see SECTION B - DEFINITIONS.

### Part 040.110 - ASBESTOS CONTROL STANDARDS

#### SECTION A - GENERAL

##### 1. PURPOSE:

The District Board of Health (DBOH) 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 DBOH has adopted this regulation and been delegated by the United States Environmental Protection Agency the authority to enforce the rules found in 40 CFR 61 Subpart M - *Asbestos* to control *asbestos* emissions primarily resulting from *asbestos projects*, *renovation* projects, and *demolition* projects in order to protect the public health.

#### SECTION B - DEFINITIONS

AHERA BUILDING INSPECTOR means a *person* who has successfully completed the training requirements for a building inspector established by United States Environmental Protection Agency (EPA) *Asbestos* Model Accreditation Plan: Interim Final Rule (40 CFR 763, Appendix C to Subpart E) and whose certification is current.

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 763, Appendix C to Subpart E) and whose certification is current.

ASBESTOS means the asbestiform varieties of actinolite, amosite (cumingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.

~~ASBESTOS-CONTAINING BUILDING MATERIAL (ACBM) means suspected surfacing asbestos-containing material (ACM), thermal system insulation ACM, or miscellaneous ACM that is found in or on the interior structural members or other parts of a school building and that when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.~~

ASBESTOS-CONTAINING MATERIAL (ACM) means any material containing more than one percent (1%) *asbestos* 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 or a more effective method as approved or required by EPA. It includes ~~all loose vermiculite (e.g., vermiculite attic insulation, vermiculite block fill)~~ and any material presumed to be *asbestos*-containing.

ASBESTOS-CONTAINING WASTE MATERIAL (ACWM) means any waste that contains or is contaminated with *asbestos-containing material*. *Asbestos-containing waste material* includes *asbestos-containing material* that has been removed from a *structure*, 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.

**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.

**ASBESTOS SURVEY** means a written report resulting from a thorough inspection performed pursuant to Section C of this Regulation.

**ASPHALT SHINGLES** means asphalt roofing in shingle form, composed of glass felt or felts impregnated and coated on both sides with asphalt, and surfaced on the weather side with mineral granules. Some asphalt shingle styles are commonly referred to as three-tab shingles.

**CATEGORY I NONFRIABLE ACM** means *asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.*

**CATEGORY II NONFRIABLE ACM** means *any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.*

**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 Nevada Occupational Safety and Health Administration (Nevada OSHA), the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction). A *person* will be deemed competent if they satisfy the requirements found in 40 CFR 61.145 (c) (8).

**COMPONENT** means any equipment, pipe, structural member, or other item or material.

**CONTIGUOUS** means touching or adjoining.

**CONTROLLED AREA** means an area to which only certified *asbestos* workers, the Control Officer or their representative, or other *persons* authorized by the Nevada OSHA, have access; ***referred to in the federal Occupational Safety & Health Administration regulation 29 CFR Part 1926.1101(b) Definitions as Regulated Area.***

**DEMOLITION** means wrecking, razing, leveling, dismantling, or burning of a *facility*, making the *facility* permanently uninhabitable or unusable in part or whole. It includes any related handling operations. It also

includes moving a *facility* (except a mobile home which remains intact) and wrecking or taking out of any load-supporting structural member.

DISPOSAL CONTAINER means a carton, bag, drum, box, or crate designed for the purpose of safely transporting and disposing of *asbestos-containing waste material*.

FACILITY means any institutional, commercial, public, industrial, or residential *structure*, installation, or building (including any *structure*, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, *structure*, or installation that contains a loft used as a dwelling is not considered a residential *structure*, installation, or building. Any *structure*, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

FRIABLE ASBESTOS-CONTAINING MATERIAL means *asbestos-containing material* that, when dry, can be crumbled, 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 *asbestos-containing material* that, when dry, can be:

- a. Crumbled by hand pressure or by the forces expected to act upon the material in the course of *renovation*, *demolition*, or disposal.
- b. Pulverized by hand pressure or by the forces expected to act upon the material in the course of *renovation*, *demolition*, or disposal; or
- c. 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 similar *asbestos papers*, ~~and cement asbestos products~~.

HOMOGENEOUS AREA means an area of *surfacing material*, *thermal system insulation material*, or a miscellaneous material that is uniform in color or texture. Unless approved otherwise by the Control Officer or their representative, rubble piles, debris piles, ash, soil, and similar materials are not *homogeneous areas*.

LEAK-TIGHT CONTAINER means a dust-tight and liquid tight *disposal 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.

NONFRIABLE ASBESTOS-CONTAINING MATERIAL means *asbestos-containing material* that is not friable (e.g., when dry, cannot be crumbled, 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).

NONFRIABLE ASBESTOS-CONTAINING ROOFING means an *asbestos-containing roofing material* where all the following apply:

- a. The roofing is a nonfriable *asbestos-containing material*;



- b. The roofing is in good condition and is not peeling, cracking, or crumbling;
- c. The roofing binder is petroleum-based and *asbestos* fibers are suspended in that base with individual fibers still encapsulated; and
- d. The roofing binder exhibits enough plasticity to prevent the release of *asbestos* fibers in the process of removing and disposing of it.

OWNER'S AGENT means any *person* who leases, operates, controls, or is responsible for an *asbestos project, renovation, demolition*, or property subject to 040.110 of this Regulation. It also includes the *person(s)* submitting a notification pursuant to Section D of this Regulation and/or performing the *asbestos survey*.

PERSON means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

REGULATED ASBESTOS-CONTAINING MATERIAL (RACM) means

- a. Friable *asbestos* material,
- b. *Category I nonfriable ACM* that has become friable,
- c. *Category I nonfriable ACM* that will be or has been subjected to sanding, grinding, cutting, or abrading, or
- d. *Category II nonfriable ACM* that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of *demolition* or *renovation* operations regulated by this rule.

RENOVATION means altering a *structure* or *component* in any way, other than *demolition*.

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 Control Office or their representative 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 multiple unit buildings (e.g., duplexes and condominiums with five 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 (Prohibited Emissions, 040.040 and 40 CFR 61, Subpart M), *structures* previously subject to the federal *asbestos* NESHAP (40 CFR 61, Subpart M), *structures* that are part of a larger installation (e.g., military base, company housing, apartment complex, housing complex, institution, industrial operation, etc.), or government ordered *demolitions*.

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-tos, and foundations. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).

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.

SUSPECT ASBESTOS-CONTAINING MATERIAL means material that has historically contained *asbestos* including, but not limited to, *surfacing material*, *thermal system insulation*, roofing material (~~excluding asphalt shingles~~), 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).

THERMAL SYSTEM INSULATION (TSI) means material applied to pipes, fittings, boilers, tanks, ducts, or other structural *components* to prevent heat loss or gain.

VISIBLE EMISSIONS means any emissions that are visually detectable without the aid of instruments. The term does not include condensed uncombined water vapor.

WALLBOARD SYSTEM means **wallboard where** joint compound and tape **is** specifically applied to cover nail holes, joints, and wall corners. It does not mean “add on materials” such as sprayed on materials, paints, textured ceilings, or wall coverings. A *wallboard system* where joint compound and tape have become an integral system (40 CFR 61 FRL4821-7) may be analyzed as a composite sample for determining if it is an *asbestos-containing material*.

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*.

WORKDAY means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

## **SECTION C - ASBESTOS SURVEY REQUIREMENTS**

1. Except as provided for in Section C.6 of this Regulation, it shall be unlawful for any *person* to cause or allow any *renovation, demolition, or asbestos project* at a regulated *facility* unless the property owner or the *owner’s agent* first obtains an *asbestos survey*, performed by an *AHERA building inspector*.
2. *Asbestos Survey Procedures*.
  - a. 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 C.6.**be** 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*.

- b. Except as provided for in Section C.6 of this Regulation, only an *AHERA building inspector* may determine, by performing an *asbestos survey*, that a material is not a *suspect asbestos-containing material* (ACM) and that a suspect ACM does not contain *asbestos*.
- c. The required number of bulk *asbestos* samples must be collected per the sampling procedures detailed in EPA regulations 40 CFR 763.86 and analyzed pursuant to this Article to determine that *suspect ACM* does not contain *asbestos*.
  - (1) *Surfacing Material* - An *AHERA 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 assumed to be ACM, and shall collect the samples as follows:
    - (a) At least three (3) bulk samples shall be collected from each *homogeneous area* that is 1,000 square feet or less.
    - (b) 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.
    - (c) At least seven (7) bulk samples shall be collected from each *homogeneous area* that is greater than 5,000 square feet.
  - (2) *Thermal System Insulation* (TSI)
    - (a) Except as provided in paragraphs (2).(b)-(d) of this section and 40 CFR 763.87(c), an accredited inspector shall collect, in a randomly distributed manner, at least three bulk samples from each *homogeneous area* of TSI that is not assumed to be ACM.
    - (b) Collect at least one bulk sample from each *homogeneous area* of patched TSI that is not assumed to be ACM if the patched section is less than 6 linear or square feet.
    - (c) In a manner sufficient to determine whether the material is ACM or not ACM, collect bulk samples from each insulated mechanical system that is not assumed to be ACM where cement or plaster is used on fittings such as tees, elbows, or valves, except as provided under 40 CFR 763.87(c)(2).
    - (d) Bulk samples are not required to be collected from any *homogeneous area* where the accredited inspector has determined that the TSI is fiberglass, foam glass, rubber, or other non-~~ACBM~~ *suspect asbestos-containing material*.
  - (3) *Miscellaneous material* - An *AHERA building inspector* shall collect, in a manner sufficient to determine whether material is ACM or not ACM, at least two (2) bulk samples from each *homogeneous area* of any miscellaneous material that is not assumed to be ACM.
  - (4) Bulk samples must be analyzed by laboratories accredited by the National Institute of Standards and Technology's (formerly the National Bureau of Standards) National Voluntary Laboratory Accreditation Program (NVLAP), or an equivalent standard approved by the Control Officer or their representative. Except for *wallboard systems* as defined in Section B, bulk samples shall

not be composited for analysis.

- (5) Bulk samples shall be analyzed for *asbestos* content by polarized light microscopy (PLM) using the method specified in 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 or required by EPA.

### 3. *Asbestos Survey Report*.

These requirements apply to *asbestos surveys*, regardless of when they were performed. Except where additional information is required pursuant to EPA Regulation 40 CFR 763.85, *asbestos surveys* shall contain, at a minimum, all the following information:

#### a. General Information.

- (1) Date that the inspection was performed;
- (2) *AHERA Building Inspector* signature, certification number, date certification expires, and name and address of entity providing *AHERA Building Inspector* certification;
- (3) Site address(es) / location(s) where the inspection was performed;
- (4) Description of the *structure(s)* / area(s) inspected (e.g., use, approximate age, and approximate outside dimensions);
- (5) The purpose of the inspection (e.g., *pre-demolition asbestos survey*, *renovation* of second floor, removal of acoustical ceiling texturing due to water damage, etc.), if known;
- (6) Detailed description of any limitations of the *asbestos survey* (e.g., inaccessible areas not inspected, survey limited to *renovation area*, etc.);
- (7) Identify and describe all *homogeneous areas* of *suspect asbestos-containing materials*, except where limitations of the *asbestos survey* identified in Section C.3.a.(6) (paragraph above) prevented such identification and include whether each homogeneous material is *surfacing material*, *thermal system insulation*, or miscellaneous material;
- (8) Identify materials presumed to be *ACM*;
- (9) Exact location where each bulk *asbestos* sample was taken (e.g., schematic and/or other detailed description sufficient for any *person* to match the material(s) sampled and tested to the material(s) on site);
- (10) Complete copy of the laboratory report for bulk *asbestos* samples analyzed, which includes all the following:
  - (a) Laboratory name, address and NVLAP certification number;

- (b) Bulk sample numbers;
  - (c) Bulk sample descriptions;
  - (d) Bulk sample results showing *asbestos* content;
  - (e) Name of the *person* at the laboratory that performed the analysis; and
  - (f) Chain of Custody.
- b. Information Regarding *ACMs* (including those presumed to contain *asbestos*).
- (1) Describe the color of each *ACM*;
  - (2) Identify the location of each *ACM* within a *structure*, on a *structure*, from a *structure*, or otherwise associated with the project (e.g., schematic and/or other detailed description);
  - (3) Provide the approximate quantity of each *ACM* (generally in square feet or linear feet); and
  - (4) Describe the condition of each *ACM* (e.g., good, damaged). If the *ACM* is damaged, describe the general extent and type of damage (e.g., flaking, blistering, crumbling, water damage, fire damage).

4. *Asbestos Survey Posting*.

Except as provided for in Section C.6 of this Regulation, a complete copy of an *asbestos survey* 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 the Control Officer or their representative and all *persons* at the work site. This applies even when the *asbestos survey* performed by an *AHERA Building Inspector* states there are no *asbestos-containing materials* in the work area. During *demolition*, if it is not practical to post the *asbestos survey*, it must be readily accessible and made readily available for inspection by the Control Officer or their representative and all *persons* at the *demolition* site.

5. *Asbestos Survey Retention*.

The property owner, *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 provide a copy to the Control Officer or their representative upon request.

6. Exceptions.

a. Presuming Suspect *ACMs* are *ACMs*.

It is not required that an *AHERA building inspector* evaluate (e.g., sample and test) any material presumed to be *ACM*. If material is presumed to be *ACM*, 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 ACM 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 ACM, 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 Control Officer or their representative upon request. Except for Section C.1-6, all other requirements of this Regulation remain in effect.

b. *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 cannot be exclusively performed (all other *asbestos survey* requirements in Section C 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 Control Officer or their representative. If conventional sampling methods cannot exclusively be used and material is not presumed to be ACM, alternate *asbestos survey* methodology must 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 is applied can be found in the EPA publication, *Preparation of Soil Sampling Protocols: Sampling Techniques & Strategies*, EPA/600/R-92/128, July 1992.

c. *Demolition, Renovation, or Fires Set for Public Safety Training Purposes.*

*Asbestos surveys* need to be performed by an *AHERA Building Inspector* for *demolition, renovation, or fires set for public safety training purposes.*

d. *Underground Storage Tanks.*

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

## SECTION D - NOTIFICATION (PERMIT) REQUIREMENTS

### 1. General Requirements.

Except as provided for in Section D.1.e, 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, has been submitted to the Control Officer or their representative, in accordance with the notification waiting period requirements in Section D.1.a of this Regulation. Unless otherwise approved or required by the Control Officer or their representative, the notification must be submitted by the property owner or *owner's agent*. Notifications will not be accepted if the earliest project start date is greater than 365 days from the date of submittal.

a. When the Notification Waiting Period Begins.

The notification waiting period shall begin on the *workday* a complete notification is postmarked or received by the Control Officer or their representative and shall end after the notification waiting period defined in this section has passed (e.g., The notification waiting period for a notification submitted at the Air Quality Management Division (AQMD) place of business after *the last pickup time 4:00 p.m.* on a Friday shall not begin until the following Monday. A 10-day notification period means work on an *asbestos project* or *demolition* can begin on day 11.). A notification is considered complete when all information requested on the notification, including the required fee and any additional information requested by the Control Officer or their representative, is received *by the Agency*. The notification waiting period shall not begin for incomplete notifications (e.g., unpaid fees, notifications where the *asbestos project* start date and/or completion date and/or *demolition* start date is listed as “To Be Determined”, when types and quantities of *asbestos* to be removed are unknown, etc.).

b. Project Duration.

The duration of an *asbestos project* shall be commensurate with the amount of work involved. The duration of the project may take into account applicable scheduling limitations (e.g., *asbestos* removal that needs to be done in phases, based on scheduling limitations determined by the property owner). The daily *asbestos project* work schedule must be provided by the owner or *owner’s agent* to the Control Officer or their representative upon request.

c. Projects Involving Asbestos Abatement in Multiple *Structures* or Multiple Areas of a *Facility*

Notification is required if the total combined quantity of *RACM* to be removed meets or exceeds any of the *asbestos project* thresholds at the *facility*. This includes *contiguous* properties having the same owner or *contiguous* properties with the same owner separated only by a public right-of-way (e.g., alley or roadway). A single notification must be submitted listing the total quantity of *RACM* to be removed, *including an addendum of* the quantity to be removed from each *structure*.

d. Projects Involving the *Demolition* of Multiple *Structures*.

A separate *Demolition* Notification must be submitted for each parcel where a *structure* or *structures* will be demolished.

e. Notification Expiration.

Notifications are valid for no more than 365 days from the earliest original notification start date. A new notification shall be submitted to the Control Officer or their representative for work to be performed beginning or continuing more than 365 days from the earliest original notification start date and shall be accompanied by the appropriate fee established by the DBOH as specified in the fee schedule. The Control Officer or their representative may revoke a notification for cause (e.g., providing any false material statement, representation, or certification). Reason(s) for revocation shall be provided to the owner or *owner’s agent*. If a notification is revoked, a new notification shall be submitted with the appropriate fee established by the DBOH as specified in the fee schedule.

f. Notification Posting.

A copy or printout of the notification and all amendments to the notification 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 the Control Officer or their representative and all *persons* at the *asbestos project* or *demolition* site. During *demolition*, if it is not practical to post the *asbestos survey*, it must be readily accessible and made readily available for inspection by the Control Officer or their representative and all *persons* at the *demolition* site.

g. Notification Retention.

The property owner and *owner's agent* (including the *person* that filed the notification), shall retain a complete copy of all notification records for at least 24 months from the date the notification was filed with the AQMD and provide a copy to the Control Officer or their representative upon request.

h. Notification Exceptions.

(1) *Asbestos Project Thresholds.*

Notification is not required for *asbestos projects* involving less than 260 linear feet, 160 square feet or 35 cubic feet (per *structure*, per calendar year) of any **ACM/RACM**. Owners and/or *owner's agents* must file notification once the 260 linear feet, 160 square feet or 35 cubic feet has been reached on any *asbestos project* or multiple *asbestos projects* (per *structure*, per calendar year).

(2) *Nonfriable ACMs: Caulking, Window-Glazing, Roofing.*

Except for nonfriable roofing removed in accordance with Section H.2 (Leaving *Nonfriable Asbestos-Containing Roofing Material* in Place During *Demolition*) or Section H.3 (Exception for Hazardous Conditions), notification is not required for removal and disposal of the following nonfriable ACMs **where the nonfriable ACMs will remain nonfriable**: caulking, window-glazing, or roofing (roofing used on roofs versus other applications). All other *asbestos projects* and *demolition* requirements remain in effect except as provided by this rule.

(3) *Single-Family Residences.*

For an *asbestos project* involving a *single-family residence* a notification is not required. A *demolition* of a *single-family residence* does require notification which must be submitted by the *owner's agent* on approved forms. All other *asbestos project* and *demolition* requirements remain in effect except as provided by this rule.

(4) *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 this rule.



(5) *Demolition of Structures* with a Projected Roof Area less than or equal to 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 *ACM* is present. If *ACM* is present, *asbestos project* notification requirements apply. All other requirements remain in effect except as provided by this rule.

(6) Abandoned *ACM*.

The Control Officer or their representative 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) *ACMs* and for *demolition* of abandoned *structures*. All other requirements remain in effect.

(7) Emergencies.

The advance notification period does not apply if 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) *ACMs* were encountered that were not identified during the *asbestos survey*; or
- (d) The project must proceed to avoid imposing an unreasonable financial burden.

(8) 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 Control Officer or their representative may temporarily waive part or all the project fee(s) 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.

(9) Annual Notification.

A property owner or owner's agent may file one or more annual notifications if all the following conditions are met:

- (a) If more than one annual notification is filed for the same real property, there must not be duplication of *structures* listed on the annual notifications.
- (b) The total amount of *ACM* for all *asbestos projects* performed under an annual notification is less than or equal to 259 linear feet and less than or equal to 159 square feet per *structure*, per calendar year.

- (c) The annual notification is valid for one calendar year.
- (d) The annual notification is exempt from the requirements in Sections D.1.b and D.1.e. All other requirements apply.
- (e) Quarterly reporting forms approved by the Control Officer or their representative shall be completed and received by the Control Officer or their representative for the first calendar quarter by April 15, for the second calendar quarter by July 15, for the third calendar quarter by October 15, and for the fourth calendar quarter by January 15. Quarterly reports shall be filed with the Control Officer or their representative even when no *asbestos-containing material* is removed for the respective reporting period.

## 2. Revisions.

### Mandatory Revisions

Revisions must be submitted by the *person* or party that originally submitted the notification unless that *person* or party explicitly names another *person* or party that is authorized to file a revision. A revision shall be submitted to the Control Officer or their representative for any of the following changes in notification, must be submitted in accordance with Section D.1 and if applicable, shall be accompanied by the appropriate nonrefundable fee as set forth in the fee schedule:

#### a. Project Cancellation.

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. When there is an increase in the job size category which increases the fee, the additional quantities of ACM must be itemized on the notification form.

#### c. Type of Asbestos.

Changes in the type or new types of ACM that will be removed. All types ~~(except as provided for in Section D.1.h.(2))~~ and quantities of ACM must be itemized on the notification form.

#### d. Start / End Dates.

Changes in the project date (i.e., *asbestos* removal start date, *asbestos* removal end date or earliest *demolition* start date). This includes placing a project “on hold” (e.g., an *asbestos project* is temporarily delayed, and a new project date has not been determined). Placing a project “on hold” is limited to *asbestos projects* where the remaining types and quantities of ACM to be removed are known. When placing a project “on hold”, the remaining types and quantities of ACM to be removed

from each *structure* shall be itemized on the notification form. If an *asbestos project* date is placed “on hold”, a notification taking it “off hold” must be filed prior to work on the *asbestos project* resuming.

e. Completion Date.

Except as provided below, in the case of additional work to be performed after the last completion date on record, a new notification shall be submitted to the Control Office or their representative and shall be accompanied by the appropriate nonrefundable fee as set forth in the fee schedule. Where the notification project type indicates *asbestos* removal, the last completion date on record refers to the last *asbestos* removal completion date on record.

(1) Completion Date Extension.

Where the notification project type indicates *asbestos* removal only or *asbestos* removal and *demolition*, the last *asbestos* removal completion date on record has already passed, when an *asbestos survey* was performed that was designed to address the full scope of the *renovation* or *demolition* being performed, and when *ACMs* are discovered unexpectedly prior to or during *renovation* or *demolition* and those materials were not identified in an *asbestos survey*, the owner or *owner’s agent* may request that the Control Officer or their representative accept an amendment under this section for removal of additional *ACM*. In making the request, the owner or *owner’s agent* shall submit a copy of the *asbestos survey* to the Control Officer or their representative. If the Control Officer or their representative does not approve an amendment under this section, a new notification must be submitted pursuant to Section D.1 of this rule for removal of additional *ACM*.

f. Adding *Structures*.

Adding one or more *structures* to a previously submitted notification.

(1) Revisions cannot be used to add *structures* to a previously submitted notification unless one or more of the following applies:

(a) The *structure(s)* meet(s) the definition of a, *single-family residence* and the last completion date on record has not passed; or

(b) The *structure(s)* is/are added prior to the earliest start date listed on the original notification.

(2) The multiple *asbestos project* and *demolition* requirements in Section D.1.c and other applicable requirements apply.

## SECTION E - ASBESTOS DISTURBANCE

### 1. Removal to Prevent Disturbance.

Except as provided in Sections ~~E.5 and~~ H of this Regulation, it shall be unlawful for any *person* to cause or allow any *renovation*, *demolition*, or other action or inaction that may:

a. Disturb *ACM* without first removing all *asbestos-containing material* in accordance with the

requirements of this Regulation; or

- b. Damage a *structure* so as to preclude access to *ACM* for future removal, without first removing all *ACM* in accordance with the requirements of this Regulation.

2. Conditions that will Likely Result in Disturbance.

Except as provided in Sections ~~E.5 and~~ H of this Regulation, it shall be unlawful for any *person* to create or allow a condition, involving an existing *structure* or *component*, that will likely result in the disturbance of *asbestos-containing material* (e.g., not removing all *ACM* in a *structure* scheduled for *demolition*; not completely removing *ACM* identified for removal by the last *asbestos* removal completion date on record; leaving *ACM* in a state that makes it more susceptible to being disturbed; *ACM* that is peeling, delaminating, crumbling, blistering, or other similar condition; etc.).

3. Reuse.

*ACM* (as determined in Section C.3.b.(4) when an *asbestos survey* is performed) may not be removed for reuse, stored for reuse, or transported for reuse. *ACM* will not be reused, and it must be handled and disposed of in accordance with this Regulation.

4. If Disturbance Occurs.

Suspect *ACM* 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 C of this Regulation, demonstrates that suspect *ACMs* are not *ACMs*.

~~5. Vermiculite.~~

~~Except as provided in Sections H.1 and H.3, it shall be unlawful for any *person* to cause or allow any renovation, demolition, or other action or inaction that may disturb loose vermiculite containing one percent or less asbestos, including damaging a *structure* so as to preclude access for future removal, without first removing it to the extent practicable in accordance with Section F.3 and other applicable requirements of this Regulation. Furthermore, it shall be unlawful for any *person* to create or allow a condition, involving an existing *structure* or *component* that will likely result in the disturbance of loose vermiculite containing one percent or less asbestos (e.g., not removing it to the extent practical in a *structure* scheduled for *demolition*; not removing visible vermiculite to the extent practical by the last *asbestos* removal completion date on record; leaving loose vermiculite containing one percent or less asbestos in a state that makes it more susceptible to being disturbed).~~

## SECTION F - PROCEDURES FOR ASBESTOS PROJECTS

1. Training Requirements.

It shall be unlawful for any *person* to cause or allow any work on an *asbestos project* at a regulated *facility* defined by these regulations, unless it is performed by *persons* trained and certified in accordance with the standards established by the State of Nevada Department of Business and Industry Industrial Relations, 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.

## 2. Standard Asbestos Project Work Practices.

Standard *asbestos project* work practices require manual removal methods unless otherwise approved by the Control Officer or their representative. Examples of mechanical work practices which may be approved include, but are not limited to, the use of a stationary fixed blade attached to a motorized vehicle for removal of *asbestos-containing floor tile* and self-contained shot blasting equipment fitted and operated with HEPA filtration. The use of mechanical work practices to remove *ACMs* will result in those materials being classified as ~~Regulated Asbestos-Containing Materials~~ **RACM** regardless of the category or initial condition of the *ACM* determinations found in an *asbestos survey*, performed in accordance with Section C of this Regulation. Standard *asbestos* work practices require removal of *ACM* using all procedures described in Section F.2.a-f. Except as provided in Sections H.1-3 of this Regulation, it shall be unlawful for any *person* to cause or allow the removal or disturbance of *ACM* unless all the following requirements are met:

### a. 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 off-site).

### b. 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.

### c. Wetting *ACM* Prior to and During Removal.

(1) Absorbent *ACMs*, 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 *ACM* exposed during removal shall be immediately saturated with a liquid wetting agent and kept wet until sealed in *leak-tight containers*.

(2) Nonabsorbent *ACMs*, 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. Any dry surfaces of nonabsorbent *asbestos-containing material* exposed during removal shall be immediately coated with a liquid wetting agent and kept wet until sealed in leak-tight containers.

(3) Metal *components* (such as valves, fire doors, and reactor vessels) that have internal *ACM* do not require wetting of the *ACM* if all access points to the *ACMs* are welded shut or the *component* has mechanical seals, which cannot be removed by hand, that separate the *ACM* from the environment.

d. Handling.

Except for *surfacing material* being removed inside a negative pressure enclosure, *ACM* 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.

e. *Asbestos-Containing Waste Material*.

- (1) 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*.
- (2) All *asbestos-containing waste material* resulting from an *asbestos project* shall be sealed in *leak-tight containers* as soon as possible after removal, but no later than the end of each work shift.
- (3) 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 federal Occupational Safety and Health Administration.
- (4) 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 made at the site where the waste was generated and must be readable without opening the container.
- (5) *Leak-tight containers* shall not be dropped, thrown, slid, or otherwise damaged.
- (6) *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*.

f. *Visible Emissions*

No *visible emissions* shall result from an *asbestos project*.

~~3.—Procedures for Loose Vermiculite Containing One Percent or Less Asbestos~~

~~Except as provided in Sections H.1 and H.3, all the following asbestos procedures shall be employed for removal or demolition of loose vermiculite containing one percent or less asbestos:~~

~~a.—Removal~~

- ~~(1) 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 off site).~~
- ~~(2) Vermiculite shall be misted or wetted to the extent practicable with a liquid wetting agent prior to~~

and during removal.

- ~~(3) Vermiculite shall be removed using manual methods or using vacuum systems with HEPA filtered exhaust systems designed for the vacuum system on which it is used. The HEPA filtered exhaust system shall be operated and maintained according to manufacturer specifications.~~
- ~~(4) Following vermiculite removal, the workspace shall be treated with a post-abatement encapsulant (e.g., lock-down encapsulant, penetrating encapsulant).~~

~~b. Handling & Disposal~~

- ~~(1) After being removed, vermiculite shall immediately be transferred to a leak-tight container.~~
- ~~(2) The exterior of each leak-tight container shall be free of all vermiculite residue and shall be permanently labeled with an asbestos warning sign as specified by the federal Occupational Safety and Health Administration.~~
- ~~(3) 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 made at the site where the waste was generated and must be readable without opening the container.~~
- ~~(4) Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.~~
- ~~(5) 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 in accordance with Section I of this Regulation.~~

~~c. Except as provided for in Section F.3.a.(2), no visible emissions shall result from an asbestos project.~~

## SECTION G - PROCEDURES FOR NONFRIABLE ASBESTOS-CONTAINING ROOFING MATERIAL

All the following asbestos removal methods shall be employed for *nonfriable asbestos-containing roofing material* as defined in Section B 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 under this Section.~~ **Non-friable asbestos-containing roofing materials subjected to sanding, grinding, cutting, or abrading shall be considered RACM and subject to Section D – Notification (Permit) Requirements and Section F – Procedures for Asbestos Projects.**
2. After being removed, *nonfriable asbestos-containing roofing material* shall be carefully lowered to the ground or the floor, not dropped, thrown, or otherwise damaged and transferred to a *disposal container* as soon as possible after removal. In no case shall the transfer occur later than the end of each work shift.
3. Each *disposal container* shall be transported to, and disposed of at, an approved waste disposal site in compliance with applicable local, state, and federal regulations.

4. No *visible emissions* shall result from an *asbestos project*.

## SECTION H - ALTERNATE MEANS OF COMPLIANCE

1. *Alternate Asbestos Project Work Practices for Removing ACM Prior to Renovation or Demolition.*

Unless otherwise approved by the Control Officer or their representative in writing, alternate means of compliance must be used where standard *asbestos project* work practices in Section F.2 cannot be utilized to remove *ACM* (financial considerations aside) prior to *renovation* or *demolition*; when *ACM* has been disturbed or is otherwise no longer intact (e.g., when *demolition* has already occurred or a similar situation exists, typically leaving a pile / area of debris, rubble, ash, or soil); or when mechanical methods are used for removal. Projects performed under this section must be performed under the alternate *asbestos project* work practice notification category and must comply with all the following:

- a. Qualifications of *Person(s)* Preparing an Alternate Work Plan (AWP).

An *AHERA Project Designer* must evaluate the work area, the type and quantity (known or estimated) of *ACM*, 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 F.2 of this Regulation.

- b. AWP Contents.

The AWP must contain all the following information:

- (1) Reason(s) why standard work practices cannot be utilized;
- (2) Date(s) the work area was evaluated by the *person(s)* that prepared the AWP;
- (3) Site address(es) / location(s) where the inspection was performed;
- (4) 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.);
- (5) If an *asbestos survey* was performed, include a copy, or incorporate it by reference;
- (6) All procedures that will be followed for controlling *asbestos* emissions during the *asbestos project*;
- (7) Procedures that will be followed for the final inspection of the property to ensure that *ACM* has been removed and disposed of in accordance with applicable regulations;
- (8) A statement that the AWP will be as effective as the work practices in Section F.2;
- (9) Signature(s) of the *person(s)* that prepared the AWP; and



- (10) ~~Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the person(s) that prepared the AWP.~~ **AHERA Project Designer, certification number, date certification expires, and name and address of entity providing AHERA Project Designer certification.**

c. *Asbestos Survey.*

If an *asbestos survey* is not performed pursuant to Section C of this Regulation, it must be presumed that the *asbestos project* involves friable and nonfriable ACM.

d. *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.). All procedures and requirements in the AWP must be followed. Unless alternate procedures are specified in the AWP by an *AHERA Project Designer*, the AWP shall include all the requirements in Section H.1.d.(1)-(6), below.

(1) *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*.

(2) *Wetting.*

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

- (a) 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.
- (b) 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 ensure they are wet when sealed in *leak-tight containers*. Any dry surfaces exposed during removal shall be wetted immediately.

(3) *Asbestos-containing waste materials.*

- (a) 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.
- (b) 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 federal Occupational Safety and Health Administration.

- (c) 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.
- (d) *Leak-tight containers* shall be kept leak-tight.
- (e) The *asbestos-containing waste material* shall be stored in a *controlled area* until transported to an approved waste disposal site.

(4) 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).

- (a) 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* 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.
- (b) The Control Office or their representative 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* has re-evaluated the engineering controls, revised the AWP as necessary, and the owner or *owner's agent* implements all revisions to the AWP.

(5) *Competent Person*.

- (a) A *competent person* shall be present for the duration of the *asbestos project* (includes *demolition*) and shall observe work activities at the site.
- (b) The *competent person* shall stop work at the site to ensure that friable ACM 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.
- (c) The *competent person* shall stop work if AWP procedures are not being followed and shall ensure that work does not resume until procedures in the AWP are followed.

(6) 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 ACMs, the material separation procedures shall be included in the AWP. In addition to these procedures, the following requirements apply:

- (a) The AWP shall identify what materials will be separated from the ACM 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 ACM.
- (b) A *competent person* shall ensure that materials being diverted from the *asbestos-containing waste material* stream are free of ACM.

e. *Visible Emissions.*

No *visible emissions* shall result from an *asbestos project*.

f. *Record Keeping.*

- (1) The AWP shall be kept at the work site for the duration of the project and made available to the Control Officer or their representative 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 Control Officer or their representative upon request.
- (2) 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 made available to the Control Officer or their representative 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 Control Officer or their representative upon request.

g. *Other Requirements.*

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

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

*Nonfriable asbestos-containing roofing material* as defined in Section B of this Regulation may be left in place during *demolition*, except for *demolition* by burning if it remains nonfriable during all *demolition* activities (including handling and disposal).

3. *Exception for Hazardous Conditions.*

When the exception for hazardous conditions is being utilized, all the following apply:

- a. *Friable and nonfriable ACM* 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.

- b. An authorized government official or a licensed structural engineer must determine in writing that a hazard exists, which makes removal of *ACM* dangerous to life or health. The determination must be retained for at least 24 months from the date it was prepared and made available to the Control Officer or their representative by the property owner or *owner's agent* upon request.
- c. An *AHERA Project Designer* must evaluate the work area, the type and quantity (known or estimated) of *ACM*, the projected work practices, and the engineering controls and develop an AWP that ensures the planned control methods will be protective of public health. The AWP must contain all the following information:
  - (1) Date(s) the work area was evaluated by the *person(s)* that prepared the AWP;
  - (2) Site address(es) / location(s) where the inspection was performed;
  - (3) A copy of the hazardous conditions determination from a government official or licensed structural engineer;
  - (4) If an *asbestos survey* was performed, include a copy, or incorporate it by reference;
  - (5) All procedures that will be followed for controlling *asbestos* emissions during the *asbestos project*;
  - (6) A statement that the AWP will be protective of public health;
  - (7) Signature(s) of the *person(s)* that prepared the AWP; and
  - (8) Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the *person(s)* that prepared the AWP.
- d. AWP Procedures.

The requirements of Section H.1.c-g of this Regulation and all other applicable requirements, including those specified in the AWP, shall be complied with.

## **SECTION I - DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL**

### **1. *Asbestos-Containing Waste Material* Disposal Requirements**

All *asbestos-containing waste material* shall be deposited as soon as is practical by the *waste generator* at a waste disposal site in compliance with applicable local, state, and federal regulations.

### **2. Waste Tracking Requirements.**

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

- (1) The name, address, and telephone number of the *waste generator*.
  - (2) The approximate quantity in cubic meters or cubic yards.
  - (3) The name and telephone number of the disposal site operator.
  - (4) The name and physical site location of the disposal site.
  - (5) The date transported.
  - (6) The name, address, and telephone number of the transporter.
  - (7) Accurate detailed description of the type of *asbestos-containing waste material* being disposed of.
  - (8) 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.
- b. 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. If requested by the disposal site operator, a copy of the AWP or written determination as specified pursuant to Sections H.1-3 of this Regulation 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, contact the transporter and/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 Control Officer or their representative. 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 at least 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 *asbestos project* notifications and corresponding waste shipment records shall be provided to the Control Office or their representative upon request.

### 3. Temporary Storage Site.

A *person* may establish a temporary storage site for the purpose of collecting and temporarily storing *asbestos-containing waste material* if it is approved by the Control Officer or their representative and all

the following conditions are met:

- a. A complete application for Temporary Storage of *asbestos* containing waste material is submitted to and approved by the Control Office or their representative.
- b. The application must be accompanied by a non-refundable fee as set in the fee schedule.
- c. Accumulated *asbestos-containing waste material* shall be kept in a controlled storage area posted with *asbestos* warning signs and accessible only to authorized *persons*, including the Control Office or their representative.
- d. All *asbestos-containing waste material* shall be stored in *leak-tight containers* which are maintained in leak-tight condition.
- e. The storage area must be locked except during transfer of *asbestos-containing waste material*.
- f. Storage, transportation, disposal, and return of the waste shipment record to the *waste generator* shall not exceed 90 calendar days.

~~g. *Asbestos-Containing Waste Material Temporary Storage Permits* approved by the Control Office or their representative are valid for one calendar year unless a different time frame is specified in the permit.~~

#### 4. Disposal of Asbestos Cement Pipe.

*Asbestos* cement pipe used on public rights-of-way, public easements, and places receiving the prior written approval of the Control Officer or their representative 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. Pipe bursting *asbestos* cement pipe or other *ACM* is prohibited.

### **SECTION J - COMPLIANCE WITH OTHER RULES**

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 Nevada Occupational Safety and Health Administration. Nothing in the DBOH's rules shall be construed as excusing any *person* from complying with any other applicable local, state, or federal requirement.

### **SECTION K - PROHIBITION ON USE OR SALE OF ASBESTOS-CONTAINING MATERIALS FOR SURFACING, LANDSCAPING OR PAVING**

The Control Officer or their representative may require testing for the *asbestos* content of any material represented as being suitable or used for surfacing, including landscaping or paving operations. For the purposes of this regulation, surfacing means the act of covering any surface used for pedestrian, vehicular, or non-vehicular travel; or decoration, including, but not limited to, roads, road shoulders, streets, access roads, alleys, lanes, driveways, parking lots, playgrounds, yard areas, trails, squares, plazas, and fairgrounds.

1. Effective October 1, 2000, no *person* shall import, use, sell, supply, or offer for sale or supply in Washoe County, any of the following materials for surfacing, including landscaping or paving operations:
  - a. Serpentine or serpentine rock material,
  - b. Any rock material that has been tested and found to have an asbestos content of 0.25 percent or more. The asbestos content of rock materials shall be determined using California Air Resources Board Test method 435, or an equivalent method approved by the Control Officer or their representative.
2. After October 1, 2000, any existing supplies of materials listed under Section K.1.a-b may only be sold for use in locations outside of Washoe County.

#### **SECTION L - FEE FOR ASBESTOS SAMPLING**

If the Control Officer or their representative deems an onsite sampling evaluation for asbestos is necessary for investigation or enforcement action on the improper removal, storage, demolition or disposal of *asbestos-containing materials*, the owner of the property shall pay a fee per sample set by the DBOH.

## CHAPTER 040 – PROHIBITED EMISSIONS

**NOTE:** The *italicized* words and phrases used in this regulation have specific meanings: see SECTION B - DEFINITIONS.

### Part 040.115 – ACKNOWLEDGMENT OF ASBESTOS ASSESSMENT (AAA)

#### SECTION A - GENERAL

##### 1. PURPOSE:

The District Board of Health (DBOH) 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 DBOH has adopted this local regulation to identify potential sources of asbestos and control the release of airborne asbestos fibers in order to protect public health.

#### SECTION B – DEFINITIONS

ASBESTOS means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.

ASBESTOS SURVEY means a written report resulting from a thorough inspection performed pursuant to Section C of PART 040.110.

DEMOLITION means wrecking, razing, leveling, dismantling, or burning of a *facility*, making the *facility* permanently uninhabitable or unusable in part or whole. It includes any related handling operations. It also includes moving a *facility* (except a mobile home which remains intact) and wrecking or taking out of any load-supporting structural member.

FACILITY means any institutional, commercial, public, industrial, or residential *structure*, installation, or building (including any *structure*, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, *structure*, or installation that contains a loft used as a dwelling is not considered a residential *structure*, installation, or building. Any *structure*, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

RENOVATION means altering a *structure* or *component* in any way, other than *demolition*.

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-tos, and foundations. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).

SUSPECT ASBESTOS-CONTAINING MATERIAL means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material (excluding asphalt shingles), 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).

## SECTION C – ADMINISTRATIVE REQUIREMENTS

### 1. Applicability

- a. An AAA is required *prior* to *obtaining* ~~be obtained~~ a building permit for a ~~prior to commencing demolition or renovation~~ at a regulated *facility* unless at least one of the exemptions in Section C.2 is satisfied. The requirement to complete an *asbestos survey* as specified in PART 040.110 applies to every project where disturbance of a *suspect asbestos-containing materials* may occur regardless of the length, area, or volume of disturbance.

### 2. Exemptions:

- a. The project will not disturb more than ~~400~~ **260** linear feet, ~~400~~ **160** square feet, or 35 cubic feet of *suspect asbestos-containing material*.
- b. The project will only disturb material that is known to not contain *asbestos* such as wood, metal, and glass.

### 3. AAA Application Requirements

- a. In order for an AAA application to be considered complete, the following must be included:
  - (1) ~~Completed~~ Application;
  - (2) Complete *asbestos survey* and report as defined in SECTION 040.110.C;
  - (3) Building plans identifying areas of *demolition* or *renovation*; and
  - ~~(4) Map illustrating location of asbestos samples taken; and~~
  - (5) Any required fees.

## SECTION D – COMPLIANCE AND RECORDS

1. Failure to follow the regulations set forth in this PART shall constitute a violation and may be subject to warnings, civil or criminal penalties, and/or stop work orders.
2. Any person who falsifies any information contained within SECTION 040.115.C.2 may be subject to warnings, civil or criminal penalties, and/or stop work orders.
3. Depending on the results of the asbestos survey and scope of work, applicants may be subject to PART 040.110 and 40 CFR PART 61 Subpart M.
4. AAA and *asbestos survey* must be maintained on site and made available to the Control Officer or their representative immediately on request.

Attachment 5

“As Proposed” Version of the Rule

## CHAPTER 040 – PROHIBITED EMISSIONS

**NOTE:** The *italicized* words and phrases used in this regulation have specific meanings: see SECTION B - DEFINITIONS.

### Part 040.110 - ASBESTOS CONTROL STANDARDS

#### SECTION A - GENERAL

##### 1. PURPOSE:

The District Board of Health (DBOH) 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 DBOH has adopted this regulation and been delegated by the United States Environmental Protection Agency the authority to enforce the rules found in 40 CFR 61 Subpart M - *Asbestos* to control *asbestos* emissions primarily resulting from *asbestos projects*, *renovation* projects, and *demolition* projects in order to protect the public health.

#### SECTION B - DEFINITIONS

*AHERA BUILDING INSPECTOR* means a *person* who has successfully completed the training requirements for a building inspector established by United States Environmental Protection Agency (EPA) *Asbestos* Model Accreditation Plan: Interim Final Rule (40 CFR 763, Appendix C to Subpart E) and whose certification is current.

*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 763, Appendix C to Subpart E) and whose certification is current.

*ASBESTOS* means the asbestiform varieties of actinolite, amosite (cumingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.

*ASBESTOS-CONTAINING MATERIAL (ACM)* means any material containing more than one percent (1%) *asbestos* 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 or a more effective method as approved or required by EPA. It includes any material presumed to be *asbestos*-containing.

*ASBESTOS-CONTAINING WASTE MATERIAL (ACWM)* means any waste that contains or is contaminated with *asbestos-containing material*. *Asbestos-containing waste material* includes *asbestos-containing material* that has been removed from a *structure*, 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.

*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.

ASBESTOS SURVEY means a written report resulting from a thorough inspection performed pursuant to Section C of this Regulation.

ASPHALT SHINGLES means asphalt roofing in shingle form, composed of glass felt or felts impregnated and coated on both sides with asphalt, and surfaced on the weather side with mineral granules. Some asphalt shingle styles are commonly referred to as three-tab shingles.

CATEGORY I NONFRIABLE ACM means *asbestos*-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent *asbestos* as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

CATEGORY II NONFRIABLE ACM means any material, excluding *Category I nonfriable ACM*, containing more than 1 percent *asbestos* as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

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 Nevada Occupational Safety and Health Administration (Nevada OSHA), the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction). A *person* will be deemed competent if they satisfy the requirements found in 40 CFR 61.145 (c) (8).

COMPONENT means any equipment, pipe, structural member, or other item or material.

CONTIGUOUS means touching or adjoining.

CONTROLLED AREA means an area to which only certified *asbestos* workers, the Control Officer or their representative, or other *persons* authorized by the Nevada OSHA, have access; referred to in the federal Occupational Safety & Health Administration regulation 29 CFR Part 1926.1101(b) Definitions as Regulated Area.

DEMOLITION means wrecking, razing, leveling, dismantling, or burning of a *facility*, making the *facility* permanently uninhabitable or unusable in part or whole. It includes any related handling operations. It also includes moving a *facility* (except a mobile home which remains intact) and wrecking or taking out of any load-supporting structural member.

DISPOSAL CONTAINER means a carton, bag, drum, box, or crate designed for the purpose of safely transporting and disposing of *asbestos-containing waste material*.

FACILITY means any institutional, commercial, public, industrial, or residential *structure*, installation, or

building (including any *structure*, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, *structure*, or installation that contains a loft used as a dwelling is not considered a residential *structure*, installation, or building. Any *structure*, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

FRIABLE ASBESTOS-CONTAINING MATERIAL means *asbestos-containing material* that, when dry, can be crumbled, 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 *asbestos-containing material* that, when dry, can be:

- a. Crumbled by hand pressure or by the forces expected to act upon the material in the course of *renovation*, *demolition*, or disposal.
- b. Pulverized by hand pressure or by the forces expected to act upon the material in the course of *renovation*, *demolition*, or disposal; or
- c. 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 similar *asbestos* papers.

HOMOGENEOUS AREA means an area of *surfacing material*, *thermal system insulation* material, or a miscellaneous material that is uniform in color or texture. Unless approved otherwise by the Control Officer or their representative, rubble piles, debris piles, ash, soil, and similar materials are not *homogeneous areas*.

LEAK-TIGHT CONTAINER means a dust-tight and liquid tight *disposal 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.

NONFRIABLE ASBESTOS-CONTAINING MATERIAL means *asbestos-containing material* that is not friable (e.g., when dry, cannot be crumbled, 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).

NONFRIABLE ASBESTOS-CONTAINING ROOFING means an *asbestos-containing roofing material* where all the following apply:

- a. The roofing is a nonfriable *asbestos-containing material*;
- b. The roofing is in good condition and is not peeling, cracking, or crumbling;
- c. The roofing binder is petroleum-based and *asbestos* fibers are suspended in that base with individual fibers still encapsulated; and
- d. The roofing binder exhibits enough plasticity to prevent the release of *asbestos* fibers in the process

of removing and disposing of it.

OWNER'S AGENT means any *person* who leases, operates, controls, or is responsible for an *asbestos project, renovation, demolition*, or property subject to 040.110 of this Regulation. It also includes the *person(s)* submitting a notification pursuant to Section D of this Regulation and/or performing the *asbestos survey*.

PERSON means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

REGULATED ASBESTOS-CONTAINING MATERIAL (RACM) means

- a. Friable *asbestos* material,
- b. *Category I nonfriable ACM* that has become friable,
- c. *Category I nonfriable ACM* that will be or has been subjected to sanding, grinding, cutting, or abrading, or
- d. *Category II nonfriable ACM* that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of *demolition* or *renovation* operations regulated by this rule.

RENOVATION means altering a *structure* or *component* in any way, other than *demolition*.

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 Control Office or their representative 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 multiple unit buildings (e.g., duplexes and condominiums with five 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 (Prohibited Emissions, 040.040 and 40 CFR 61, Subpart M), *structures* previously subject to the federal *asbestos* NESHAP (40 CFR 61, Subpart M), *structures* that are part of a larger installation (e.g., military base, company housing, apartment complex, housing complex, institution, industrial operation, etc.), or government ordered *demolitions*.

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-tos, and foundations. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).

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.

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).

THERMAL SYSTEM INSULATION (TSI) means material applied to pipes, fittings, boilers, tanks, ducts, or other structural *components* to prevent heat loss or gain.

VISIBLE EMISSIONS means any emissions that are visually detectable without the aid of instruments. The term does not include condensed uncombined water vapor.

WALLBOARD SYSTEM means wallboard where joint compound and tape is specifically applied to cover nail holes, joints, and wall corners. It does not mean “add on materials” such as sprayed on materials, paints, textured ceilings, or wall coverings. A *wallboard system* where joint compound and tape have become an integral system (40 CFR 61 FRL4821-7) may be analyzed as a composite sample for determining if it is an *asbestos-containing material*.

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*.

WORKDAY means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

## **SECTION C - ASBESTOS SURVEY REQUIREMENTS**

1. Except as provided for in Section C.6 of this Regulation, it shall be unlawful for any *person* to cause or allow any *renovation*, *demolition*, or *asbestos project* at a regulated *facility* unless the property owner or the *owner’s agent* first obtains an *asbestos survey*, performed by an *AHERA building inspector*.
2. *Asbestos Survey Procedures*.
  - a. 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 C.6.b 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*.
  - b. Except as provided for in Section C.6 of this Regulation, only an *AHERA building inspector* may determine, by performing an *asbestos survey*, that a material is not a *suspect asbestos-containing material* (ACM) and that a suspect ACM does not contain *asbestos*.
  - c. The required number of bulk *asbestos* samples must be collected per the sampling procedures detailed in EPA regulations 40 CFR 763.86 and analyzed pursuant to this Article to determine that *suspect ACM* does not contain *asbestos*.

- (1) *Surfacing Material* - An *AHERA 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 assumed to be *ACM*, and shall collect the samples as follows:
  - (a) At least three (3) bulk samples shall be collected from each *homogeneous area* that is 1,000 square feet or less.
  - (b) 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.
  - (c) At least seven (7) bulk samples shall be collected from each *homogeneous area* that is greater than 5,000 square feet.
- (2) *Thermal System Insulation (TSI)*
  - (a) Except as provided in paragraphs (2).(b)-(d) of this section and 40 CFR 763.87(c), an accredited inspector shall collect, in a randomly distributed manner, at least three bulk samples from each *homogeneous area* of *TSI* that is not assumed to be *ACM*.
  - (b) Collect at least one bulk sample from each *homogeneous area* of patched *TSI* that is not assumed to be *ACM* if the patched section is less than 6 linear or square feet.
  - (c) In a manner sufficient to determine whether the material is *ACM* or not *ACM*, collect bulk samples from each insulated mechanical system that is not assumed to be *ACM* where cement or plaster is used on fittings such as tees, elbows, or valves, except as provided under 40 CFR 763.87(c)(2).
  - (d) Bulk samples are not required to be collected from any *homogeneous area* where the accredited inspector has determined that the *TSI* is fiberglass, foam glass, rubber, or other non-suspect asbestos-containing material.
- (3) *Miscellaneous material* - An *AHERA building inspector* shall collect, in a manner sufficient to determine whether material is *ACM* or not *ACM*, at least two (2) bulk samples from each *homogeneous area* of any miscellaneous material that is not assumed to be *ACM*.
- (4) Bulk samples must be analyzed by laboratories accredited by the National Institute of Standards and Technology's (formerly the National Bureau of Standards) National Voluntary Laboratory Accreditation Program (NVLAP), or an equivalent standard approved by the Control Officer or their representative. Except for *wallboard systems* as defined in Section B, bulk samples shall not be composited for analysis.
- (5) Bulk samples shall be analyzed for *asbestos* content by polarized light microscopy (PLM) using the method specified in 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 or required by EPA.

### 3. *Asbestos Survey Report*.



These requirements apply to *asbestos surveys*, regardless of when they were performed. Except where additional information is required pursuant to EPA Regulation 40 CFR 763.85, *asbestos surveys* shall contain, at a minimum, all the following information:

a. General Information.

- (1) Date that the inspection was performed;
- (2) *AHERA Building Inspector* signature, certification number, date certification expires, and name and address of entity providing *AHERA Building Inspector* certification;
- (3) Site address(es) / location(s) where the inspection was performed;
- (4) Description of the *structure(s)* / *area(s)* inspected (e.g., use, approximate age, and approximate outside dimensions);
- (5) The purpose of the inspection (e.g., *pre-demolition asbestos survey*, *renovation* of second floor, removal of acoustical ceiling texturing due to water damage, etc.), if known;
- (6) Detailed description of any limitations of the *asbestos survey* (e.g., inaccessible areas not inspected, survey limited to *renovation* area, etc.);
- (7) Identify and describe all *homogeneous areas* of *suspect asbestos-containing materials*, except where limitations of the *asbestos survey* identified in Section C.3.a.(6) (paragraph above) prevented such identification and include whether each homogeneous material is *surfacing material*, *thermal system insulation*, or miscellaneous material;
- (8) Identify materials presumed to be *ACM*;
- (9) Exact location where each bulk *asbestos* sample was taken (e.g., schematic and/or other detailed description sufficient for any *person* to match the material(s) sampled and tested to the material(s) on site);
- (10) Complete copy of the laboratory report for bulk *asbestos* samples analyzed, which includes all the following:
  - (a) Laboratory name, address and NVLAP certification number;
  - (b) Bulk sample numbers;
  - (c) Bulk sample descriptions;
  - (d) Bulk sample results showing *asbestos* content;
  - (e) Name of the *person* at the laboratory that performed the analysis; and

- (f) Chain of Custody.
- b. Information Regarding *ACMs* (including those presumed to contain *asbestos*).
  - (1) Describe the color of each *ACM*;
  - (2) Identify the location of each *ACM* within a *structure*, on a *structure*, from a *structure*, or otherwise associated with the project (e.g., schematic and/or other detailed description);
  - (3) Provide the approximate quantity of each *ACM* (generally in square feet or linear feet); and
  - (4) Describe the condition of each *ACM* (e.g., good, damaged). If the *ACM* is damaged, describe the general extent and type of damage (e.g., flaking, blistering, crumbling, water damage, fire damage).

#### 4. *Asbestos Survey Posting.*

Except as provided for in Section C.6 of this Regulation, a complete copy of an *asbestos survey* 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 the Control Officer or their representative and all *persons* at the work site. This applies even when the *asbestos survey* performed by an *AHERA Building Inspector* states there are no *asbestos-containing materials* in the work area. During *demolition*, if it is not practical to post the *asbestos survey*, it must be readily accessible and made readily available for inspection by the Control Officer or their representative and all *persons* at the *demolition* site.

#### 5. *Asbestos Survey Retention.*

The property owner, *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 provide a copy to the Control Officer or their representative upon request.

#### 6. Exceptions.

##### a. Presuming Suspect *ACMs* are *ACMs*.

It is not required that an *AHERA building inspector* evaluate (e.g., sample and test) any material presumed to be *ACM*. If material is presumed to be *ACM*, 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 *ACM* 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 *ACM*, 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 Control Officer or their representative upon request. Except for Section C.1-6, all other requirements of this Regulation remain in effect.

b. *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 cannot be exclusively performed (all other *asbestos survey* requirements in Section C 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 Control Officer or their representative. If conventional sampling methods cannot exclusively be used and material is not presumed to be *ACM*, *alternate asbestos survey* methodology must 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 is applied can be found in the EPA publication, *Preparation of Soil Sampling Protocols: Sampling Techniques & Strategies*, EPA/600/R-92/128, July 1992.

c. *Demolition, Renovation, or Fires Set for Public Safety Training Purposes.*

*Asbestos surveys* need to be performed by an *AHERA Building Inspector* for *demolition, renovation, or fires set for public safety training purposes*.

d. *Underground Storage Tanks.*

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

## SECTION D - NOTIFICATION (PERMIT) REQUIREMENTS

### 1. General Requirements.

Except as provided for in Section D.1.e, 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, has been submitted to the Control Officer or their representative, in accordance with the notification waiting period requirements in Section D.1.a of this Regulation. Unless otherwise approved or required by the Control Officer or their representative, the notification must be submitted by the property owner or *owner's agent*. Notifications will not be accepted if the earliest project start date is greater than 365 days from the date of submittal.

a. *When the Notification Waiting Period Begins.*

The notification waiting period shall begin on the *workday* a complete notification is postmarked or received by the Control Officer or their representative and shall end after the notification waiting period defined in this section has passed (e.g., The notification waiting period for a notification submitted at the Air Quality Management Division (AQMD) place of business after the last pickup time on a Friday shall not begin until the following Monday. A 10-day notification period means work

on an *asbestos project* or *demolition* can begin on day 11.). A notification is considered complete when all information requested on the notification, including the required fee and any additional information requested by the Control Officer or their representative, is received. The notification waiting period shall not begin for incomplete notifications (e.g., unpaid fees, notifications where the *asbestos project* start date and/or completion date and/or *demolition* start date is listed as "To Be Determined", when types and quantities of *asbestos* to be removed are unknown, etc.).

b. Project Duration.

The duration of an *asbestos project* shall be commensurate with the amount of work involved. The duration of the project may take into account applicable scheduling limitations (e.g., *asbestos* removal that needs to be done in phases, based on scheduling limitations determined by the property owner). The daily *asbestos project* work schedule must be provided by the owner or *owner's agent* to the Control Officer or their representative upon request.

c. Projects Involving Asbestos Abatement in Multiple *Structures* or Multiple Areas of a *Facility*

Notification is required if the total combined quantity of *RACM* to be removed meets or exceeds any of the *asbestos project* thresholds at the *facility*. This includes *contiguous* properties having the same owner or *contiguous* properties with the same owner separated only by a public right-of-way (e.g., alley or roadway). A single notification must be submitted listing the total quantity of *RACM* to be removed, including an addendum of the quantity to be removed from each *structure*.

d. Projects Involving the *Demolition* of Multiple *Structures*.

A separate *Demolition* Notification must be submitted for each parcel where a *structure* or *structures* will be demolished.

e. Notification Expiration.

Notifications are valid for no more than 365 days from the earliest original notification start date. A new notification shall be submitted to the Control Officer or their representative for work to be performed beginning or continuing more than 365 days from the earliest original notification start date and shall be accompanied by the appropriate fee established by the DBOH as specified in the fee schedule. The Control Officer or their representative may revoke a notification for cause (e.g., providing any false material statement, representation, or certification). Reason(s) for revocation shall be provided to the owner or *owner's agent*. If a notification is revoked, a new notification shall be submitted with the appropriate fee established by the DBOH as specified in the fee schedule.

f. Notification Posting.

A copy or printout of the notification and all amendments to the notification 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 the Control Officer or their representative and all *persons* at the *asbestos project* or *demolition* site. During *demolition*, if it is not practical to post the *asbestos survey*, it must be readily accessible and made readily available for inspection by the Control Officer or their representative and all *persons* at the *demolition* site.

g. Notification Retention.

The property owner and *owner's agent* (including the *person* that filed the notification), shall retain a complete copy of all notification records for at least 24 months from the date the notification was filed with the AQMD and provide a copy to the Control Officer or their representative upon request.

h. Notification Exceptions.

(1) *Asbestos Project Thresholds.*

Notification is not required for *asbestos projects* involving less than 260 linear feet, 160 square feet or 35 cubic feet (per *structure*, per calendar year) of any *RACM*. Owners and/or *owner's agents* must file notification once the 260 linear feet, 160 square feet or 35 cubic feet has been reached on any *asbestos project* or multiple *asbestos projects* (per *structure*, per calendar year).

(2) *Nonfriable ACMs: Caulking, Window-Glazing, Roofing.*

Except for nonfriable roofing removed in accordance with Section H.2 (Leaving *Nonfriable Asbestos-Containing Roofing Material* in Place During *Demolition*) or Section H.3 (Exception for Hazardous Conditions), notification is not required for removal and disposal of the following *nonfriable ACMs* where the *nonfriable ACMs* will remain nonfriable: caulking, window-glazing, or roofing (roofing used on roofs versus other applications). All other *asbestos projects* and *demolition* requirements remain in effect except as provided by this rule.

(3) *Single-Family Residences.*

For an *asbestos project* involving a *single-family residence* a notification is not required. A *demolition* of a *single-family residence* does require notification which must be submitted by the *owner's agent* on approved forms. All other *asbestos project* and *demolition* requirements remain in effect except as provided by this rule.

(4) *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 this rule.

(5) *Demolition of Structures with a Projected Roof Area less than or equal to 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 *ACM* is present. If *ACM* is present, *asbestos project* notification requirements apply. All other requirements remain in effect except as provided by this rule.

(6) *Abandoned ACM.*

The Control Officer or their representative 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) *ACMs* and for *demolition* of abandoned *structures*. All other requirements remain in effect.

(7) Emergencies.

The advance notification period does not apply if 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) *ACMs* were encountered that were not identified during the *asbestos survey*; or
- (d) The project must proceed to avoid imposing an unreasonable financial burden.

(8) 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 Control Officer or their representative may temporarily waive part or all the project fee(s) 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.

(9) Annual Notification.

A property owner or owner's agent may file one or more annual notifications if all the following conditions are met:

- (a) If more than one annual notification is filed for the same real property, there must not be duplication of *structures* listed on the annual notifications.
- (b) The total amount of *ACM* for all *asbestos projects* performed under an annual notification is less than or equal to 259 linear feet and less than or equal to 159 square feet per *structure*, per calendar year.
- (c) The annual notification is valid for one calendar year.
- (d) The annual notification is exempt from the requirements in Sections D.1.b and D.1.e. All other requirements apply.
- (e) Quarterly reporting forms approved by the Control Officer or their representative shall be completed and received by the Control Officer or their representative for the first calendar quarter by April 15, for the second calendar quarter by July 15, for the third calendar quarter by October 15, and for the fourth calendar quarter by January 15. Quarterly reports shall be

filed with the Control Officer or their representative even when no *asbestos-containing material* is removed for the respective reporting period.

## 2. Revisions.

### Mandatory Revisions

Revisions must be submitted by the *person* or party that originally submitted the notification unless that *person* or party explicitly names another *person* or party that is authorized to file a revision. A revision shall be submitted to the Control Officer or their representative for any of the following changes in notification, must be submitted in accordance with Section D.1 and if applicable, shall be accompanied by the appropriate non-refundable fee as set forth in the fee schedule:

#### a. Project Cancellation.

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. When there is an increase in the job size category which increases the fee, the additional quantities of *ACM* must be itemized on the notification form.

#### c. Type of Asbestos.

Changes in the type or new types of *ACM* that will be removed. All types and quantities of *ACM* must be itemized on the notification form.

#### d. Start / End Dates.

Changes in the project date (i.e., *asbestos* removal start date, *asbestos* removal end date or earliest *demolition* start date). This includes placing a project “on hold” (e.g., an *asbestos project* is temporarily delayed, and a new project date has not been determined). Placing a project “on hold” is limited to *asbestos projects* where the remaining types and quantities of *ACM* to be removed are known. When placing a project “on hold”, the remaining types and quantities of *ACM* to be removed from each *structure* shall be itemized on the notification form. If an *asbestos project* date is placed “on hold”, a notification taking it “off hold” must be filed prior to work on the *asbestos project* resuming.

#### e. Completion Date.

Except as provided below, in the case of additional work to be performed after the last completion date on record, a new notification shall be submitted to the Control Office or their representative and shall be accompanied by the appropriate non-refundable fee as set forth in the fee schedule. Where the notification project type indicates *asbestos* removal, the last completion date on record refers to

the last *asbestos* removal completion date on record.

(1) Completion Date Extension.

Where the notification project type indicates *asbestos* removal only or *asbestos* removal and *demolition*, the last *asbestos* removal completion date on record has already passed, when an *asbestos survey* was performed that was designed to address the full scope of the *renovation* or *demolition* being performed, and when *ACMs* are discovered unexpectedly prior to or during *renovation* or *demolition* and those materials were not identified in an *asbestos survey*, the owner or *owner's agent* may request that the Control Officer or their representative accept an amendment under this section for removal of additional *ACM*. In making the request, the owner or *owner's agent* shall submit a copy of the *asbestos survey* to the Control Officer or their representative. If the Control Officer or their representative does not approve an amendment under this section, a new notification must be submitted pursuant to Section D.1 of this rule for removal of additional *ACM*.

f. Adding Structures.

Adding one or more *structures* to a previously submitted notification.

(1) Revisions cannot be used to add *structures* to a previously submitted notification unless one or more of the following applies:

(a) The *structure(s)* meet(s) the definition of a *single-family residence* and the last completion date on record has not passed; or

(b) The *structure(s)* is/are added prior to the earliest start date listed on the original notification.

(2) The multiple *asbestos project* and *demolition* requirements in Section D.1.c and other applicable requirements apply.

## SECTION E - ASBESTOS DISTURBANCE

### 1. Removal to Prevent Disturbance.

Except as provided in Section H of this Regulation, it shall be unlawful for any *person* to cause or allow any *renovation*, *demolition*, or other action or inaction that may:

a. Disturb *ACM* without first removing all *asbestos-containing material* in accordance with the requirements of this Regulation; or

b. Damage a *structure* so as to preclude access to *ACM* for future removal, without first removing all *ACM* in accordance with the requirements of this Regulation.

### 2. Conditions that will Likely Result in Disturbance.

Except as provided in Section H of this Regulation, it shall be unlawful for any *person* to create or allow a condition, involving an existing *structure* or *component*, that will likely result in the disturbance of



*asbestos-containing material* (e.g., not removing all ACM in a *structure* scheduled for *demolition*; not completely removing ACM identified for removal by the last *asbestos* removal completion date on record; leaving ACM in a state that makes it more susceptible to being disturbed; ACM that is peeling, delaminating, crumbling, blistering, or other similar condition; etc.).

3. Reuse.

ACM (as determined in Section C.3.b.(4) when an *asbestos survey* is performed) may not be removed for reuse, stored for reuse, or transported for reuse. ACM will not be reused, and it must be handled and disposed of in accordance with this Regulation.

4. If Disturbance Occurs.

Suspect ACM 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 C of this Regulation, demonstrates that suspect ACMs are not ACMs.

## SECTION F - PROCEDURES FOR ASBESTOS PROJECTS

1. Training Requirements.

It shall be unlawful for any *person* to cause or allow any work on an *asbestos project* at a regulated *facility* defined by these regulations, unless it is performed by *persons* trained and certified in accordance with the standards established by the State of Nevada Department of Business and Industry Industrial Relations, 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.

2. Standard Asbestos Project Work Practices.

Standard *asbestos project* work practices require manual removal methods unless otherwise approved by the Control Officer or their representative. Examples of mechanical work practices which may be approved include, but are not limited to, the use of a stationary fixed blade attached to a motorized vehicle for removal of *asbestos-containing* floor tile and self-contained shot blasting equipment fitted and operated with HEPA filtration. The use of mechanical work practices to remove ACMs will result in those materials being classified as *RACM* regardless of the category or initial condition of the ACM determinations found in an *asbestos survey*, performed in accordance with Section C of this Regulation. Standard *asbestos* work practices require removal of ACM using all procedures described in Section F.2.a-f. Except as provided in Sections H.1-3 of this Regulation, it shall be unlawful for any *person* to cause or allow the removal or disturbance of ACM unless all the following requirements are met:

a. *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 off-site).

b. 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.

c. Wetting ACM Prior to and During Removal.

- (1) Absorbent ACMs, 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 ACM exposed during removal shall be immediately saturated with a liquid wetting agent and kept wet until sealed in *leak-tight containers*.
- (2) Nonabsorbent ACMs, 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. Any dry surfaces of nonabsorbent *asbestos-containing material* exposed during removal shall be immediately coated with a liquid wetting agent and kept wet until sealed in leak-tight containers.
- (3) Metal *components* (such as valves, fire doors, and reactor vessels) that have internal ACM do not require wetting of the ACM if all access points to the ACM are welded shut or the *component* has mechanical seals, which cannot be removed by hand, that separate the ACM from the environment.

d. Handling.

Except for *surfacing material* being removed inside a negative pressure enclosure, ACM 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.

e. *Asbestos-Containing Waste Material*.

- (1) 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*.
- (2) All *asbestos-containing waste material* resulting from an *asbestos project* shall be sealed in *leak-tight containers* as soon as possible after removal, but no later than the end of each work shift.
- (3) 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 federal Occupational Safety and Health Administration.
- (4) 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 made at the site where the waste was

generated and must be readable without opening the container.

(5) *Leak-tight containers* shall not be dropped, thrown, slid, or otherwise damaged.

(6) *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*.

f. *Visible Emissions*

No *visible emissions* shall result from an *asbestos project*.

## **SECTION G - PROCEDURES FOR NONFRIABLE ASBESTOS-CONTAINING ROOFING MATERIAL**

All the following *asbestos* removal methods shall be employed for *nonfriable asbestos-containing roofing material* as defined in Section B 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. *Non-friable asbestos-containing roofing materials* subjected to sanding, grinding, cutting, or abrading shall be considered *RACM* and subject to Section D – Notification (Permit) Requirements and Section F – Procedures for Asbestos Projects.
2. After being removed, *nonfriable asbestos-containing roofing material* shall be carefully lowered to the ground or the floor, not dropped, thrown, or otherwise damaged and transferred to a *disposal container* as soon as possible after removal. In no case shall the transfer occur later than the end of each work shift.
3. Each *disposal container* shall be transported to, and disposed of at, an approved waste disposal site in compliance with applicable local, state, and federal regulations.
4. No *visible emissions* shall result from an *asbestos project*.

## **SECTION H - ALTERNATE MEANS OF COMPLIANCE**

1. *Alternate Asbestos Project Work Practices for Removing ACM Prior to Renovation or Demolition*.

Unless otherwise approved by the Control Officer or their representative in writing, alternate means of compliance must be used where standard *asbestos project* work practices in Section F.2 cannot be utilized to remove *ACM* (financial considerations aside) prior to *renovation* or *demolition*; when *ACM* has been disturbed or is otherwise no longer intact (e.g., when *demolition* has already occurred or a similar situation exists, typically leaving a pile / area of debris, rubble, ash, or soil); or when mechanical methods are used for removal. Projects performed under this section must be performed under the alternate *asbestos project* work practice notification category and must comply with all the following:

- a. Qualifications of *Person(s) Preparing an Alternate Work Plan (AWP)*.

An *AHERA Project Designer* must evaluate the work area, the type and quantity (known or estimated) of *ACM*, 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 F.2 of this Regulation.

b. AWP Contents.

The AWP must contain all the following information:

- (1) Reason(s) why standard work practices cannot be utilized;
- (2) Date(s) the work area was evaluated by the *person(s)* that prepared the AWP;
- (3) Site address(es) / location(s) where the inspection was performed;
- (4) 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.);
- (5) If an *asbestos survey* was performed, include a copy, or incorporate it by reference;
- (6) All procedures that will be followed for controlling *asbestos* emissions during the *asbestos project*;
- (7) Procedures that will be followed for the final inspection of the property to ensure that *ACM* has been removed and disposed of in accordance with applicable regulations;
- (8) A statement that the AWP will be as effective as the work practices in Section F.2;
- (9) Signature(s) of the *person(s)* that prepared the AWP; and
- (10) *AHERA Project Designer*, certification number, date certification expires, and name and address of entity providing *AHERA Project Designer* certification.

c. *Asbestos Survey*.

If an *asbestos survey* is not performed pursuant to Section C of this Regulation, it must be presumed that the *asbestos project* involves *friable* and *nonfriable ACM*.

d. 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.). All procedures and requirements in the AWP must be followed. Unless alternate procedures are specified in the AWP by an *AHERA Project Designer*, the AWP shall include all the requirements in Section H.1.d.(1)-(6), below.

(1) *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*.

(2) Wetting.

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

- (a) 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.
- (b) 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 ensure they are wet when sealed in *leak-tight containers*. Any dry surfaces exposed during removal shall be wetted immediately.

(3) *Asbestos-containing waste materials*.

- (a) 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.
- (b) 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 federal Occupational Safety and Health Administration.
- (c) 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.
- (d) *Leak-tight containers* shall be kept leak-tight.
- (e) The *asbestos-containing waste material* shall be stored in a *controlled area* until transported to an approved waste disposal site.

(4) 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).

- (a) 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* 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.

- (b) The Control Office or their representative 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* has re-evaluated the engineering controls, revised the AWP as necessary, and the owner or *owner's agent* implements all revisions to the AWP.

(5) *Competent Person.*

- (a) A *competent person* shall be present for the duration of the *asbestos project* (includes *demolition*) and shall observe work activities at the site.
- (b) The *competent person* shall stop work at the site to ensure that friable *ACM* 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.
- (c) The *competent person* shall stop work if AWP procedures are not being followed and shall ensure that work does not resume until procedures in the AWP are followed.

(6) *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 *ACMs*, the material separation procedures shall be included in the AWP. In addition to these procedures, the following requirements apply:

- (a) The AWP shall identify what materials will be separated from the *ACM* 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 *ACM*.
- (b) A *competent person* shall ensure that materials being diverted from the *asbestos-containing waste material* stream are free of *ACM*.

e. *Visible Emissions.*

No *visible emissions* shall result from an *asbestos project*.

f. *Record Keeping.*

- (1) The AWP shall be kept at the work site for the duration of the project and made available to the Control Officer or their representative 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 Control Officer or their representative upon request.
- (2) 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 made available to the Control Officer or their representative 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 Control Officer or their representative upon request.

g. Other Requirements.

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

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

*Nonfriable asbestos-containing roofing material* as defined in Section B of this Regulation may be left in place during *demolition*, except for *demolition* by burning if it remains nonfriable during all *demolition* activities (including handling and disposal).

3. Exception for Hazardous Conditions.

When the exception for hazardous conditions is being utilized, all the following apply:

- a. *Friable and nonfriable ACM* 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.
- b. An authorized government official or a licensed structural engineer must determine in writing that a hazard exists, which makes removal of *ACM* dangerous to life or health. The determination must be retained for at least 24 months from the date it was prepared and made available to the Control Officer or their representative by the property owner or *owner's agent* upon request.
- c. An *AHERA Project Designer* must evaluate the work area, the type and quantity (known or estimated) of *ACM*, the projected work practices, and the engineering controls and develop an *AWP* that ensures the planned control methods will be protective of public health. The *AWP* must contain all the following information:
  - (1) Date(s) the work area was evaluated by the *person(s)* that prepared the *AWP*;
  - (2) Site address(es) / location(s) where the inspection was performed;
  - (3) A copy of the hazardous conditions determination from a government official or licensed structural engineer;
  - (4) If an *asbestos survey* was performed, include a copy, or incorporate it by reference;
  - (5) All procedures that will be followed for controlling *asbestos* emissions during the *asbestos project*;

- (6) A statement that the AWP will be protective of public health;
- (7) Signature(s) of the *person(s)* that prepared the AWP; and
- (8) Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the *person(s)* that prepared the AWP.

d. AWP Procedures.

The requirements of Section H.1.c-g of this Regulation and all other applicable requirements, including those specified in the AWP, shall be complied with.

## **SECTION I - DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL**

### 1. *Asbestos-Containing Waste Material* Disposal Requirements

All *asbestos-containing waste material* shall be deposited as soon as is practical by the *waste generator* at a waste disposal site in compliance with applicable local, state, and federal regulations.

### 2. Waste Tracking Requirements.

It shall be unlawful for any *person* to cause or allow the disposal of *asbestos-containing waste material* unless all 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 the following information:
  - (1) The name, address, and telephone number of the *waste generator*.
  - (2) The approximate quantity in cubic meters or cubic yards.
  - (3) The name and telephone number of the disposal site operator.
  - (4) The name and physical site location of the disposal site.
  - (5) The date transported.
  - (6) The name, address, and telephone number of the transporter.
  - (7) Accurate detailed description of the type of *asbestos-containing waste material* being disposed of.
  - (8) 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.
- b. 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. If requested by the disposal site operator, a copy of the AWP or written determination as specified pursuant to Sections H.1-3 of this Regulation 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, contact the transporter and/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 Control Officer or their representative. 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 at least 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 *asbestos project* notifications and corresponding waste shipment records shall be provided to the Control Office or their representative upon request.

### 3. Temporary Storage Site.

A *person* may establish a temporary storage site for the purpose of collecting and temporarily storing *asbestos-containing waste material* if it is approved by the Control Officer or their representative and all the following conditions are met:

- a. A complete application for Temporary Storage of *asbestos* containing waste material is submitted to and approved by the Control Office or their representative.
- b. The application must be accompanied by a non-refundable fee as set in the fee schedule.
- c. Accumulated *asbestos-containing waste material* shall be kept in a controlled storage area posted with *asbestos* warning signs and accessible only to authorized *persons*, including the Control Office or their representative.
- d. All *asbestos-containing waste material* shall be stored in *leak-tight containers* which are maintained in leak-tight condition.
- e. The storage area must be locked except during transfer of *asbestos-containing waste material*.
- f. Storage, transportation, disposal, and return of the waste shipment record to the *waste generator* shall not exceed 90 calendar days.

### 4. Disposal of Asbestos Cement Pipe.

*Asbestos* cement pipe used on public rights-of-way, public easements, and places receiving the prior

written approval of the Control Officer or their representative 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. Pipe bursting *asbestos* cement pipe or other *ACM* is prohibited.

#### **SECTION J - COMPLIANCE WITH OTHER RULES**

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 Nevada Occupational Safety and Health Administration. Nothing in the DBOH's rules shall be construed as excusing any *person* from complying with any other applicable local, state, or federal requirement.

#### **SECTION K - PROHIBITION ON USE OR SALE OF ASBESTOS-CONTAINING MATERIALS FOR SURFACING, LANDSCAPING OR PAVING**

The Control Officer or their representative may require testing for the *asbestos* content of any material represented as being suitable or used for surfacing, including landscaping or paving operations. For the purposes of this regulation, surfacing means the act of covering any surface used for pedestrian, vehicular, or non-vehicular travel; or decoration, including, but not limited to, roads, road shoulders, streets, access roads, alleys, lanes, driveways, parking lots, playgrounds, yard areas, trails, squares, plazas, and fairgrounds.

1. Effective October 1, 2000, no *person* shall import, use, sell, supply, or offer for sale or supply in Washoe County, any of the following materials for surfacing, including landscaping or paving operations:
  - a. Serpentine or serpentine rock material,
  - b. Any rock material that has been tested and found to have an *asbestos* content of 0.25 percent or more. The *asbestos* content of rock materials shall be determined using California Air Resources Board Test method 435, or an equivalent method approved by the Control Officer or their representative.
2. After October 1, 2000, any existing supplies of materials listed under Section K.1.a-b may only be sold for use in locations outside of Washoe County.

#### **SECTION L - FEE FOR ASBESTOS SAMPLING**

If the Control Officer or their representative deems an onsite sampling evaluation for *asbestos* is necessary for investigation or enforcement action on the improper removal, storage, demolition or disposal of *asbestos-containing materials*, the owner of the property shall pay a fee per sample set by the DBOH.

## CHAPTER 040 – PROHIBITED EMISSIONS

**NOTE:** The *italicized* words and phrases used in this regulation have specific meanings: see SECTION B - DEFINITIONS.

### Part 040.115 – ACKNOWLEDGMENT OF ASBESTOS ASSESSMENT (AAA)

#### SECTION A - GENERAL

##### 1. PURPOSE:

The District Board of Health (DBOH) 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 DBOH has adopted this local regulation to identify potential sources of asbestos and control the release of airborne asbestos fibers in order to protect public health.

#### SECTION B – DEFINITIONS

ASBESTOS means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.

ASBESTOS SURVEY means a written report resulting from a thorough inspection performed pursuant to Section C of PART 040.110.

DEMOLITION means wrecking, razing, leveling, dismantling, or burning of a *facility*, making the *facility* permanently uninhabitable or unusable in part or whole. It includes any related handling operations. It also includes moving a *facility* (except a mobile home which remains intact) and wrecking or taking out of any load-supporting structural member.

FACILITY means any institutional, commercial, public, industrial, or residential *structure*, installation, or building (including any *structure*, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, *structure*, or installation that contains a loft used as a dwelling is not considered a residential *structure*, installation, or building. Any *structure*, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

RENOVATION means altering a *structure* or *component* in any way, other than *demolition*.

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-tos, and foundations. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).

SUSPECT ASBESTOS-CONTAINING MATERIAL means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material (excluding asphalt shingles), 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).

## **SECTION C – ADMINISTRATIVE REQUIREMENTS**

1. Applicability
  - a. An AAA is required prior to obtaining a building permit for a *demolition* or *renovation* at a regulated *facility* unless at least one of the exemptions in Section C.2 is satisfied. The requirement to complete an *asbestos survey* as specified in PART 040.110 applies to every project where disturbance of a *suspect asbestos-containing materials* may occur regardless of the length, area, or volume of disturbance.
2. Exemptions:
  - a. The project will not disturb more than 260 linear feet, 160 square feet, or 35 cubic feet of *suspect asbestos-containing material*.
  - b. The project will only disturb material that is known to not contain *asbestos* such as wood, metal, and glass.
3. AAA Application Requirements
  - a. In order for an AAA application to be considered complete, the following must be included:
    - (1) Complete application;
    - (2) Complete *asbestos survey* and report as defined in SECTION 040.110.C;
    - (3) Building plans identifying areas of *demolition* or *renovation*; and
    - (4) Any required fees.

## **SECTION D – COMPLIANCE AND RECORDS**

1. Failure to follow the regulations set forth in this PART shall constitute a violation and may be subject to warnings, civil or criminal penalties, and/or stop work orders.
2. Any person who falsifies any information contained within SECTION 040.115.C.2 may be subject to warnings, civil or criminal penalties, and/or stop work orders.
3. Depending on the results of the asbestos survey and scope of work, applicants may be subject to PART 040.110 and 40 CFR PART 61 Subpart M.
4. AAA and *asbestos survey* must be maintained on site and made available to the Control Officer or their representative immediately on request.

Attachment 6

Public Comments/AQMD Responses

NNPH,

I will be glad to participate with you regarding any questions, concerns, or comments you have about my review. My comments are specifically provided to assist you in achieving *a clear, and understandable regulation in Washoe County*. Our interest is to help, as we at Wise Consulting and Training are daily conducting surveys and managing abatement projects for owners; and providing training for all comers with our Training Center that has been providing asbestos training in this area for the last 25+ years.

For context, this area's abatement consultants and contractors work in multiple Air Quality Districts that includes Great Basin (Mammoth area), Placer County (Tahoe), Nevada County (Truckee area), Northern Sierra (Quincy Area), Lassen County, Carson City, and Eldorado County in addition to Washoe County. Then there are the many non-delegate areas, including some already listed without EPA delegated enforcement authority, so the EPA NESHAP and OSHA Asbestos regulations are all that apply.

Because of that, I am saying clear and understandable standards to help prevent confusion. The following are my general and some specific comments about the Draft Control Standard. I will preface comments with C for comment, and RR for Revision Requested as they apply. I have not reviewed the AAA Draft.

- C - We heard about this regulation overhaul over a year ago and have been waiting for a chance to participate in it. We only heard about it is through our AGC Membership? In past protocol/regulation changes the asbestos industry was informed. More advance notice would have helped gain more and possibly better involvement of the industry guided by the regulation.

The AQMD issued a press release on October 14, 2024, to the public and to AQMD's subscriber email list with a link to the revised regulation and an opportunity to comment until November 22, 2024, equating to a 40-day public comment period. In addition, AQMD will be notifying all local AHERA-certified building inspectors and all local, licensed asbestos removal contractors of another 14-day public comment period beginning mid-January 2025.

- C - I personally endorse your efforts to provide more aggressive enforcement framework regarding asbestos in this growing area. I liken it to traffic enforcement; the rules are for everyone's benefit but be sure to be careful in School Zones. The NNPH's Control Standard may be equated to an area that enforcement is of a higher priority.

Thank you for your comment.

- **RR - SECTION B – DEFINITIONS:** *Some parts of this are necessary, but some conflict with each other and others are confusing.* In some/many they are set up for interpretation that depends on the experience and attitude of the Control Officer. Suggest we leave NESHAP Definitions as they are written and enforceable by EPA throughout

this region. I will try to give some examples of things conflicting or confusing, but this list is only on first glance.

- AHERA INSPECTOR – The training for Inspectors fits, However, trained and current does not make an Asbestos Inspector for any abatement work in NV. Being that plus having a NV Inspector License issued by NV OSHA does. We see out of state consultant conducting asbestos surveys here routinely. Maybe add to definition licensure?

The intent of this definition is to specify the current language in 030.107 with the exact requirements for an AHERA Building Inspector. Section J in the proposed rule addresses other government agency’s adopted rules.

- AHERA PROJECT DESIGNER - Same as Inspector, there is a NV Asbestos Design License.

The intent of this definition is to add a legal definition to AHERA Project Designer as used throughout the rule. Section J in the proposed rule addresses other government agency’s adopted rules.

- ASBESTOS – Same six as already in the regulations, but elsewhere in the document you add Trace Vermiculite as an ACM. Our experience is that Vermiculite has very rarely had quantifiable asbestos (Section E.5.) and tract amounts will never be detectable in the demolition of a building when monitoring the air, based on monitoring building demolition for 25 years on hundreds of residential and public buildings. If the blown in insulation has >1% asbestos, it is an ACM. If bound in asbestos fibers are present in the Vermiculite, they are less likely to be an air quality threat so additional gravimetric analysis is possible, but not required in another jurisdiction I am aware of.

The purpose of this definition is to define varieties of asbestos. Vermiculite is not an asbestiform variety, therefore it is not listed or addressed in this definition.

- ASBESTOS-CONTAINING BUILDING MATERIALS (ACBM) - This definition has listed both Friable and Non-Friable CM, but then finishes with Non-Friable to the definition by saying “cannot be crumbled”?

This definition has been reviewed and removed from the revised rule. The reference to this definition in paragraph 040.110.C.2.c.(2).(d) has been revised to reference *suspect asbestos-containing materials*.

- ASBESTOS-CONTAINING MATERIAL (ACM) - It includes all loose vermiculite? This is unique in the world, and I do not suggest that. As suggested above if insulation or block teste as ACM then it is characterized as Friable or Non-Friable by NESHAP definition, and the work follows that.

This definition has been reviewed, "...all loose vermiculite..." has been removed.

- ASBESTOS-CONTAINING WASTE MATERIAL (ACWM) - 2/3 way through this definition you include "materials used to enclose the work area during as asbestos project". Many containment include two layers, both an inner layer removed as part of the work and an outer layer that remains during aggressive air clearance. Making this 6-mil poly an ACM waste does not fit the work definition of ACWM, as it is proved to not be contaminated by visual inspection and air sampling by the licensed Asbestos Monitor.

The first sentence in the definition states "...any waste that contains or is contaminated with *asbestos-containing material*." If the outer layer that remains during aggressive air sampling is determined to not be contaminated, it would not be considered ACWM.

- ASPHALT SHINGLES – I believe elsewhere they are clarified to not be Suspect ACM. If so then this definition helps.

Thank you for the comment.

- FRIBLE ASBESTOS-CONTAINING MATERIAL – Confuses me, I think it is well defined in NESHAP, then NNPH has included "but are not limited to cement asbestos products" here under Friable, and then not listed Non-Friable?

This definition has been reviewed, "...cement *asbestos* products" has been removed.

- REGULATED ASBESTOS-CONTAINING MATERIAL, d. - Category II Nonfriable is not RACM if properly removed first. It is like Transite siding removed carefully, packaged, and delivered to the permitted landfill as NF ACM, as allowed.

This definition is from the federal NESHAP and the interpretation of the definition by NNPH will not change. If a Category II Nonfriable ACM is in good condition and is removed carefully, packaged, and delivered to a permitted landfill, it would not be considered a Regulated Asbestos Containing Material.

By removing "...cement asbestos products" from FRIABLE ASBESTOS-CONTAINING MATERIAL, this removes the ambiguity between these two definitions. In addition, we added clarification by adding "Category I Nonfriable ACM" and "Category II Nonfriable ACM" definitions.

Other Definitions seem helpful, with more detailed definitions of Facilities, Single-Family Residence, Structure, Wallboard System, Workdays, etc.



- **C/RR – SECTION C – ASBESTOS SURVEY REQUIREMENTS:** *I like this section*, except that it does not allow discretion for surfacing materials in buildings newer than the referenced AHERA Schools rule (40 FCR 763.86), where new schools since 1989 have had the prerogative to be **certified asbestos free**. An example is conducting 7 bulk samples of the walls of the recent and very nice AGC Building for a 5,000 s.f. wall area renovation. The building was constructed at one time by United Construction I believe, and the walls are homogeneous throughout. I would make it a requirement of the Licensed Asbestos Inspector to justify sampling quantities lower than the AHERA on facilities of known recent construction. We have found wall patch compound of buildings constructed in 2001, but not in typical wall material to be an ACM in the last 25 years. We always sample, just the quantity of samples is a suggestion. I will understand it not changed, as not everyone has our approach.

We appreciate the comment, however, we are going to remain consistent with the AHERA sampling protocols for surfacing materials and EPA’s “Pink Book”, *Asbestos in Buildings: Simplified Sampling Scheme for Friable Surfacing Materials*.

- **RR – SECTION D – NOTIFICATION, h. Notification Exceptions (1) Asbestos Project Thresholds.** Recommend changing “of any ACM” to of any RACM, thus bringing in the notifiable materials.

We have updated this section to specify “Regulated Asbestos Containing Materials” (RACM), as suggested, which is consistent with the federal regulation.

- **RR – SECTION E – ASBESTOS DISTURBANCE, 5.** – Vermiculite take out.

Reviewed Section E.5 and removed.

- **RR – SECTION F – PROCEDURES**

- 2. Standard Asbestos Project Work Practices, a. - Controlled Area is typically referred to as a Regulated Area per our OSHA approach thus requiring the placement of signage. Could be amended to say controlled area, “commonly referred to as a Regulated Area, with” clearly . . . .

Revised Controlled Area definition to include a reference to the federal OSHA definition for Regulated Area.

- 3. Procedures for Loose Vermiculite Containing One Percent of Less Asbestos - these trace materials are regulated in OSHA Asbestos Regulation as are all trace (<1% materials) and that is all that is required.

Reviewed Section F.3 and removed.

I look forward to seeing any responses or in dialoguing on the new Control Standard.

Comments received via email on 11/26/2024.

Page 5 of 5

Tom

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Joshua,

I appreciate the opportunity to review the regulations and comment again for myself and on behalf of AGC of NV. Just the other day I realized I have been a member of the AGC for 50 years except for my 2-year stint in S. CA. With a huge schedule currently and a client's site shut down due to industrial hygiene issues, I had to make myself take time out today to review the revised standard. I like it but also have a few items I request you revisit as detailed below.

I am preparing to teach the new standard to staff and any Inspector Training clients, so I made some highlights as I reviewed the document today. I have included the whole document with my brief notes FYI. Key items with comments and requested revision are listed here:

- **C** – Page 5 Definition of Wallboard System you mention the JC / Taping but not the wallboard the JC/Taping are part of. I know what you mean, just a comment.

Added the term “wallboard” to the wallboard system definition.

- **C/Q** – Page 6 talking about Surfacing Material sample quantities reminded me to ask what you consider JC/ Taping to be? JC/Taping is best described as Miscellaneous material since it is not quantified by square footage, and it is not TSI. OSHA Federal Asbestos standard preamble describes JC/Taping as a Class 2 material that generally fits the EPA Non-Friable category. When sampling walls for renovation work, we typically sample JC according to the miscellaneous category. I am asking for your direction for NNPH projects.

Wallboard tape and fiberglass mesh, exclusively, are considered Miscellaneous materials as they are premanufactured products. Joint compound is considered a Miscellaneous material when it is “specifically applied to cover nail holes, joints, and wall corners” of a wallboard system. If joint compound is used as an aesthetic wall surfacing material during the course of construction, the joint compound would be considered a Surfacing Material and would need to be sampled in a manner compliant with the rule.

- **RR** – Page 7 Survey Report you request the *Inspector’s training certification number, date certification expires, and name and address of the entity providing the AHERA Building Inspector certification* on the report. Please consider adding “or license number and dates license expires” like you have done further down for the Designer preparing the AWP document at H b. (10). NV OSHA requires the certs for Inspector licensure just like for Designer, so by you adding this similar provision as the Designer, the reports are similar and resemble other professional environmental reports with licensure and expiration provided at the signature block location like NV CEM certifications for environmental testing projects.

While the AQMD recognizes OSHA licensing, the Asbestos Control Standards Rule defines and requires AHERA training requirements for Building Inspectors and Project Designers for Asbestos Surveys and Alternate Work Plans, respectively. As these are the

requirements for these activities, the AQMD will require documentation of certification to complete each of these activities.

- **RR** – Page 18 G 1. Not being able to cut roofing is contrary to EPA direction allowing use of a roof cutting saw with mister directing water on the cutting blade. This protocol works great to keep down dust, as the thin cut lines conducted with constant misting allow making the roof into manageable square pieces that are lifted cleanly without tearing the roofing. We have monitored this kind of roof removal more than any other kind and it works great. It is for large, organized projects like ones at the Airport, Convention Center, and numerous warehouses.

This section of the rule has been reworded to define those activities which will render a nonfriable asbestos-containing roofing material to a regulated asbestos containing material consistent with the federal NESHAP for Asbestos. If more than 160 square feet of roofing material is subject to sanding, grinding, cutting, or abrading, those materials would be subject to the NESHAP and 040.110 Asbestos Control Standards Section D and F. Pursuant to Appendix A to Subpart M of Part 61.I.A. Threshold Amounts of Asbestos-Containing Roofing Material, when an rotating blade roof cutter, as defined in this Appendix is used to remove 5580 square feet of asbestos containing roofing, 160 square feet of regulated asbestos containing material will be created, subjecting the project to the NESHAP.

- **RR** – Page 21 Air Monitoring (b) Stopping work on overloaded samples or samples over 0.01 is not something I would like to do. I believe this air monitoring is for an Alternate Work Plans, so it may be at a burned site or other unique site where access is dangerous, and the public is kept back. Monitoring is good, but PCM analysis that only counts fibers and not asbestos, and with cellulose plant fibers in the air from lawn mowing and plant blooms, or dust kicked up by winds, I would not want to shut a project down for a potentially non-asbestos result. I would investigate the conditions and consider reanalysis of the same sample by NIOSH 7402 with TEM analysis that is specific for asbestos. Most of the time we do that the additional TEM analysis confirms there was no or very little asbestos in the air. NV OSHA allows appealing PCM samples to TEM for Clearance testing FYI. We just used that approach last week at a site with other work going on in the same vicinity as the Asbestos Containment. The 0.03 f/cc PCM result that was not passing was reanalyzed by TEM and determined to have no asbestos fibers with the quantification reported at < 0.0008 structures of asbestos. Also, the OSHA PEL for worker exposure is 0.1 f/cc, so the use of 0.01f/cc to shut down a project is problematic.

Section H.1.d. – AWP Procedures provides for proposing “alternate procedures” in the Alternative Work Plan by an AHERA Project Designer. This would allow for alternative procedures or modifications to be proposed to the Control Officer for approval. In your example above, including an alternative asbestos monitoring analysis procedure may be approved on a case-by-case basis.

Thank you again for the opportunity to give input on the new standard. Except for the three RRs above I am very comfortable with it and appreciate the hard work to provide a new standard that will be followed for a long time to come. Please let me know any questions or comments

Sincerely,

Tom

J. Tom Wise

*President /Professional Industrial Hygienist*

**Wise Consulting & Training, Inc.**

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To Whom It May Concern:

I am submitting this comment for consideration related to the proposed asbestos regulation revisions.

Language formerly found in 030.107, stated that “A complete, signed copy of an asbestos survey report must be filed at the Washoe County District Health Department and an "Asbestos Assessment Acknowledgment Form" obtained *before any permit for demolition or Renovation...is issued.*” The proposed replacement language in 040.115 states more succinctly that, “An [Acknowledgement of Asbestos Assessment] is required to be obtained prior to commencing demolition or renovation at a regulated facility...” The University of Nevada, Reno and its properties are owned by the State of Nevada. As such, building permits are issued by the Nevada State Public Works Division. Other State and federally-owned properties, similarly, are not issued building permits by Northern Nevada Public Health.

I request that the language of 040.115 be modified to explicitly tie the requirement to submit an Acknowledgement of Asbestos Assessment to the demolition/renovation permit issuance process. Without that language, it implies that a State entity located in Washoe County must submit an AAA to NNPH, while working on a parallel process to obtain building permits from the State of Nevada. If that is indeed the expectation, it would be a burdensome process for entities that are not issued construction permits by the county.

The University of Nevada, Reno is, of course, already compelled to comply with the asbestos survey requirements set forth by the National Emission Standard for Hazardous Air Pollutants regulations and Northern Nevada Public Health is notified for all covered asbestos removal projects.

Thank you in advance for your consideration.

Brock A. Young  
Occupational Health & Safety Manager  
Environmental Health and Safety  
(775) 327-5058 or (775) 342-9226 (cell)  
[www.unr.edu/ehs](http://www.unr.edu/ehs)



University of Nevada, Reno  
Research & Innovation

Thank you for your comment. The intent on the revision of 030.107 was to separate the Acknowledgement of Asbestos Assessment requirements from the Asbestos NESHAP Asbestos Control Standards requirements. In doing so, 040.115 was written with the intention of applying the AAA rule to all regulated facilities within the regulatory jurisdiction of Northern Nevada Public Health Air Quality Management Division, including State and Federal facilities.

Attachment 7

Business Impact Statement Survey/Response Report

# Business Impact Statement Survey

Feb 3, 2025

for District Board of Health Regulations Governing Air Quality Management Chapter 040 (Prohibited Emissions), Part 040.110 (Asbestos Control Standards) and Part 040.115 (Acknowledgement of Asbestos Assessment)

\* Required

1. Name \*

2. Email \*

3. How many people does your business employ (full time and part time)? \*

- 0 - 150 people
- 151 - 500 people
- Over 500 people



4. Would the proposed regulation revision impose a direct and significant economic burden upon your business? \*

- Yes
- No
- Not Sure

5. If you answered yes to Question #4, please explain how? \*

6. Would the proposed regulation revision directly restrict the formation, operation or expansion of your business? \*

- Yes
- No
- Not sure

7. If your answered yes to Question #6, please explain how? \*

8. Please estimate the total annual impact the proposed regulation revision will have on your business. \*

- No Impact
- \$100 - \$1,000
- \$1,001 - \$5,000
- \$5,001 to \$10,000
- Over \$10,000

9. If you reported a fiscal impact on Question 8, please detail how you arrived at the range selected. \*

This content is neither created nor endorsed by Microsoft. The data you submit will be sent to the form owner.




# Responses Overview

Closed


Responses

**0**




Average Time

**00:00**



Duration

**14** Days



Attachment 8

Public Workshop Materials

- a. Presentation
- b. Attendance Sheets

# Proposed Revisions to the District Board of Health Regulations Governing Air Quality Management - Asbestos

Joshua Restori – November 12, 2024  
Supervisor, Permitting and Compliance  
Air Quality Management Division

## **Air Quality Management Division**

### **Mission**

The Air Quality Management Division (AQMD) implements clean air solutions that protect the quality of life for the citizens of Reno, Sparks, and Washoe County through community partnerships along with programs and services such as air monitoring, permitting, compliance, planning, and public education.

# District Board of Health

## Strategic Priority

2. Healthy Environment: Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

2.1 Protect people from negative environmental impacts.

## Asbestos Regulation Revisions (Chapter 040)

### Background

- Chapter 040 revisions were initiated in response to revisions to the DBOH Regulations Governing Air Quality Management Chapter 030 – General Source Permitting
- The relocation will include extensive rule update and revision
- Sections pertaining to asbestos have not been reviewed or revised since 1995
- Clarifying local and federal asbestos requirements



# Asbestos Regulation Revisions (Chapter 040)

## Major Changes

- **Separating the rules into their own Parts**
  - 040.110 Asbestos Control Standards
  - 040.115 Acknowledgement of Asbestos Assessment (AAA)
- **Definitions**
  - Definitions have been added to each Part to increase clarity
- **Recordkeeping**
  - Specific recordkeeping requirements added
- **Exceptions and Exemptions**
  - Clear and transparent list of exemptions and exceptions
- **Structure**
  - Rules reflect more organized structure of information



# Asbestos Regulation Revisions (Chapter 040)

## Structure

### Part 040.110 – Asbestos Control Standards

Provides additional clarity to the federal requirements for Asbestos and defines implementation of the rule

### Part 040.115 – Acknowledgement of Asbestos Assessment (AAA)

Provides additional clarity to the local requirements for AAA's associated with renovation and demolition projects

# Part 040.110 (Proposed Revision)

## Asbestos Control Standards

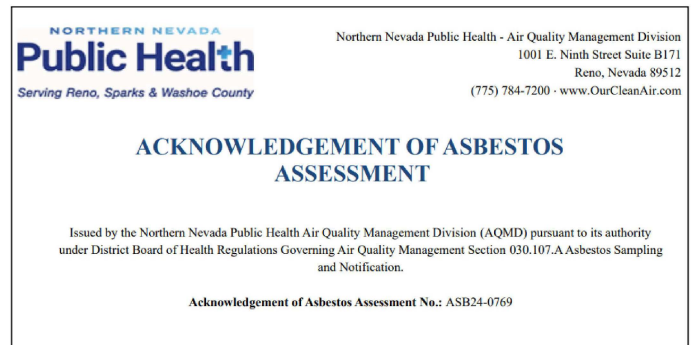
- **Survey Requirements:**
  - Asbestos sampling requirements
  - Survey report requirements
  - Posting of survey report
- **Notification Requirements**
  - Clarifies Notification timelines, Expiration, Posting and Retention
- **Defines best practices for control**
  - Establishes Standard Work Practices
  - Clarifies requirements for Alternative Work Plans
  - Includes disposal requirements



# Part 040.115 (Proposed Revision)

## Acknowledgement of Asbestos Assessment

- **Acknowledgement of Asbestos Assessment (AAA)**
  - Identifies when an AAA is required
  - Defines quantity of disturbance limits
- **Application Requirements**
  - Defines documents required for a complete application
- **Recordkeeping Requirements**
  - Requires the AAA be kept onsite during a project's duration





# Asbestos Regulation Revisions (Chapter 040)

## Timeline

October 14, 2024

November 22, 2024

December 19, 2024

January 23, 2025

Start of the 30-Day Public  
Comment Period and Public  
Workshop.

Close of 30-Day Public  
Comment Period and Public  
Workshop

Business Impact Statement  
presented to District Board of  
Health

Public Hearing and Rule  
Adoption presented to District  
Board of Health

**\* Implementation date for the proposed revisions will be January 23, 2025**



## Asbestos Regulation Revisions (Chapter 040)

### Public Engagement

- Public comment will be accepted through November 22<sup>nd</sup>.
  - May be submitted via email at [HealthAirQuality-Planning@nnph.org](mailto:HealthAirQuality-Planning@nnph.org)
  - May be submitted via mail at 1001 E. Ninth St., Bldg. B-171, Reno, NV, 89512
  - May be dropped off in person in the air quality drop box located at the address above
- All correspondence must include first and last name, mailing address, and contact information.

To view the proposed changes to Chapter 040, recording of this public workshop, and slides from this presentation, please visit the Public Outreach page of our website.

[OurCleanAir.com](http://OurCleanAir.com)



NORTHERN NEVADA  
**Public Health**

# Sign-In Sheet

Northern Nevada Public Health, AQMD  
**Part 040.110 (Asbestos Control Standards) and Part 040.115**  
**(Acknowledgement of Asbestos Assessment) Rule Revision Public Workshop**  
 Thursday, November 14, 2024, 4:00 – 5:00 pm,  
 Northern Nevada Public Health, Conference Rooms A and B

Name	Organization	E-mail
Joshua Restori	NNPH	jrestori@nnph.org
CRAIG PETERSEN	NNPH	CPETERSEN@NNPH.ORG
Jeff Jeppson	NNPH	jjeppson@nnph.org
Gracie Damele	G+D Construction	gdamele@gdconstruction.com

### 1. Summary

Meeting title Asbestos Rule Revision Public Workshop  
Attended participants 8  
Start time 11/14/24, 3:20:04 PM  
End time 11/14/24, 4:26:30 PM  
Meeting duration 1h 6m 25s  
Average attendance time 22m 16s

### 2. Participants

Name	First Join	Last Leave	In-Meeting Duration	Email	Participant ID (UPN)	Role
Petersen, Craig	11/14/24, 3:20:07 PM	11/14/24, 4:26:26 PM	1h 6m 18s	CPetersen@nnph.org	CPetersen@washoeconomy.gov	Organizer
Alvarez, Gloriana	11/14/24, 3:22:29 PM	11/14/24, 3:22:40 PM	11s	GAlvarez@nnph.org	GAlvarez@washoeconomy.gov	Presenter
Rosa, Genine	11/14/24, 3:58:31 PM	11/14/24, 4:25:33 PM	25m 39s	GRosa@nnph.org	GRosa@washoeconomy.gov	Presenter
Cabrera, Jessica	11/14/24, 4:00:23 PM	11/14/24, 4:25:15 PM	24m 51s	JCabrera@nnph.org	JCabrera@washoeconomy.gov	Presenter
Valdespin, Susy	11/14/24, 4:00:44 PM	11/14/24, 4:26:30 PM	25m 46s	SValdespin@nnph.org	SValdespin@washoeconomy.gov	Presenter
Health - ConferenceRoom B - Teams Room	11/14/24, 4:01:20 PM	11/14/24, 4:01:41 PM	21s	Health-ConferenceRoomB@nnph.org	Health-ConferenceRoomB@WashoeNV.onmicrosoft.com	Presenter
Tom Wise (External)	11/14/24, 4:06:36 PM	11/14/24, 4:25:10 PM	18m 34s	tom@wisecandt.com	tom@wisecandt.com	Presenter
Jennifer Lipkin	11/14/24, 4:08:50 PM	11/14/24, 4:25:18 PM	16m 28s	LIPKIN@ClarkCountyNV.gov	LIPKIN@ClarkCountyNV.gov	Presenter

### 3. In-Meeting Activities

Name	Join Time	Leave Time	Duration	Email	Role
Petersen, Craig	11/14/24, 3:20:07 PM	11/14/24, 4:26:26 PM	1h 6m 18s	CPetersen@nnph.org	Organizer
Alvarez, Gloriana	11/14/24, 3:22:29 PM	11/14/24, 3:22:40 PM	11s	GAlvarez@nnph.org	Presenter
Rosa, Genine	11/14/24, 3:58:31 PM	11/14/24, 4:11:02 PM	12m 31s	GRosa@nnph.org	Presenter
Rosa, Genine	11/14/24, 4:12:25 PM	11/14/24, 4:25:33 PM	13m 8s	GRosa@nnph.org	Presenter
Cabrera, Jessica	11/14/24, 4:00:23 PM	11/14/24, 4:25:15 PM	24m 51s	JCabrera@nnph.org	Presenter
Valdespin, Susy	11/14/24, 4:00:44 PM	11/14/24, 4:26:30 PM	25m 46s	SValdespin@nnph.org	Presenter
Health - ConferenceRoom B - Teams Room	11/14/24, 4:01:20 PM	11/14/24, 4:01:41 PM	21s	Health-ConferenceRoomB@nnph.org	Presenter
Tom Wise (External)	11/14/24, 4:06:36 PM	11/14/24, 4:25:10 PM	18m 34s	tom@wisecandt.com	Presenter
Jennifer Lipkin	11/14/24, 4:08:50 PM	11/14/24, 4:25:18 PM	16m 28s	LIPKIN@ClarkCountyNV.gov	Presenter