



## **PUGET SOUND CLEAN AIR AGENCY**

**1904 3<sup>rd</sup> Avenue, Suite 105  
Seattle, Washington 98101-3317  
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# **REGULATION III**

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**Regulation III of the  
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## Regulation III of the PUGET SOUND CLEAN AIR AGENCY

As originally adopted by Resolution No. 670 on August 9, 1990 by the Board of Directors of the Agency and as amended by subsequent resolutions as follows:

Resolution			
No.	Date Adopted	Sections Amended	
666	09/13/90	Adopted	- Article 4 <i>[effective 10/15/90]</i>
700	06/13/91	Revised	- 2.01 <i>[effective 07/15/91]</i>
715	01/09/92	Revised Adopted	- 1.07 and 2.01 <i>[effective 02/09/92]</i> - 3.07 <i>[effective 02/09/92]</i>
716	01/09/92	Revised Re#d/ Revised Adopted	- 3.01, 3.03, and Appendix A <i>[effective 02/09/92]</i> - 1.07 to 1.08 <i>[effective 02/09/92]</i> - 1.02 and 1.07 <i>[effective 02/09/92]</i>
745	02/11/93	Revised Deleted Adopted	- 1.01 and 1.08 <i>[effective 04/15/93]</i> - 4.01, 4.02, 4.03, 4.04, and 4.05 <i>[effective 04/15/93]</i> - 4.01, 4.02, and 4.03 <i>[effective 04/15/93]</i>
757	07/08/93	Revised	- 1.08, 4.01, and 4.02 <i>[effective 08/14/93]</i>
760	08/12/93	Adopted	- 2.02 <i>[effective 09/17/93]</i>
769	12/09/93	Revised	- 3.01 <i>[effective 01/13/94]</i>
777	02/10/94	Deleted	- 1.09 <i>[effective 03/17/94]</i>
784	04/14/94	Revised Deleted	- 2.01 and 2.05 <i>[effective 05/19/94]</i> - 2.03 <i>[effective 05/19/94]</i>
798	09/08/94	Revised	- 2.02 <i>[effective 10/14/94]</i>
799	09/08/94	Revised	- Appendix A <i>[effective 10/14/94]</i>
815	05/11/95	Adopted Revised	- 2.07 <i>[effective 06/12/95]</i> - Appendix A <i>[effective 06/12/95]</i>
818	06/08/95	Revised Deleted Adopted	- 1.08 <i>[effective 07/31/95]</i> - 4.01, 4.02, and 4.03 <i>[effective 07/31/95]</i> - 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, and 4.07 <i>[effective 07/31/95]</i>
821	09/14/95	Revised	- 1.01 and 2.02 <i>[effective 10/19/95]</i>
823	11/09/95	Revised	- 3.03 <i>[effective 12/14/95]</i>
832	06/13/96	Revised	- 3.01 <i>[effective 07/18/96]</i>
839	09/12/96	Revised	- 2.02 and 4.03 <i>[effective 11/01/96]</i>

Resolution		Sections Amended	
No.	Date Adopted		
842	12/12/96	Revised	- 1.11, 2.01, and 2.05 [effective 01/16/97]
856	09/11/97	Revised	- 2.02 [effective 11/01/97]
863	02/12/98	Revised	- 4.01, 4.05, and 4.06 [effective 04/01/98]
870	09/10/98	Revised	- 2.02 [effective 11/01/98]
872	10/08/98	Revised	- Appendix A [effective 11/14/98]
895	09/09/99	Revised	- 1.02, 2.02, and Appendix A [effective 11/01/99]
905	12/09/99	Revised	- 1.08 and 3.01 [effective 01/10/00]
914	03/09/00	Revised	- 2.01 [effective 04/13/00] Appendix A [effective 04/13/00]
918	07/13/00	Revised Deleted Adopted	- 4.01, 4.03, 4.04, and 4.05 [effective 09/01/00] - 4.06 [effective 09/01/00] - 4.09 [effective 09/01/00]
925	07/13/00	Revised	- 2.02 [effective 08/18/00]
954	09/13/01	Revised	- 2.01 and 2.02 [effective 10/20/01]
971	05/23/02	Revised	- 4.03 [effective 09/01/02]
978	09/26/02	Revised	- 2.02 and 4.01 [effective 11/03/02]
987	02/27/03	Revised	- 4.01 and 4.05 [effective 04/03/03]
996	05/22/03	Revised	- 4.03 [effective 09/01/03]
1003	07/24/03	Revised Deleted	- 2.01 [effective 09/01/03] - 3.01 [effective 09/01/03]
1024	03/25/04	Revised	- 2.07 [effective 05/01/04]
1037	12/16/04	Revised	- 4.03 [effective 02/01/05]
1040	02/24/05	Revised Deleted	- 1.08 [effective 04/01/05] - 3.05 [effective 04/01/05]
1068	06/22/06	Revised	- 4.03 [effective 08/01/06]
1090	03/22/07	Revised	- 4.03 [effective 05/01/07]
1120	05/22/08	Revised	- 4.03 [effective 07/01/08]
1132	09/25/08	Revised	- 2.02 [effective 11/01/08]
1148	03/26/09	Revised	- 4.01 and 4.03 [effective 05/01/09]

## Resolution

No.	Date Adopted	Sections Amended	
1171	09/24/09	Revised	- 2.02 <i>[effective 11/01/09]</i>
1172	09/24/09	Revised	- 1.08, 1.11, 2.05, and 2.07 <i>[effective 11/01/09]</i>
		Deleted	- Appendix A <i>[effective 11/01/09]</i>
1184	03/25/10	Revised	- 2.01 <i>[effective 05/01/10]</i>
		Deleted	- 3.03 <i>[effective 05/01/10]</i>
1211	05/26/11	Revised	- 4.03 <i>[effective 07/01/11]</i>

# **ARTICLE 1: GENERAL REQUIREMENTS**

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## **SECTION 1.01 POLICY** Adopted 08/09/90 (670)\*

Revised 02/11/93 (745), 09/14/95 (821)

The Board has found that the use, production, and emission of toxic air contaminants into the atmosphere in the Puget Sound region poses a threat to the public health, safety, and welfare of the citizens of the region and causes degradation of the environment. Therefore the Board, in order to control the emission of toxic air contaminants and to provide for uniform enforcement of air pollution control in its jurisdiction and to carry out the mandates and purposes of the Washington Clean Air Act, the Federal Clean Air Act, and the National Emission Standards for Hazardous Air Pollutants (40 CFR Parts 61 and 63), declares the necessity of the adoption of this Regulation III pertaining to toxic air contaminants.

It is the policy of the Agency to continuously acquire and study available scientific information on toxic air contaminants, their sources, and their effect on the public health and welfare, and to develop and adopt strategies for effectively reducing or eliminating impacts from toxic air contaminants.

## **SECTION 1.02 SHORT TITLE** Adopted 01/09/92 (716)

Revised 09/09/99 (895)

This Regulation may be known and cited as "Regulation III of the Puget Sound Clean Air Agency".

## **SECTION 1.03 AREA SOURCES OF TOXIC AIR CONTAMINANTS**

Adopted 08/09/90 (670)

It is the policy of the Agency to seek and acquire information on the impact on the public health of area sources of toxics such as motor vehicles and solid fuel burning devices. The Agency will assess current strategies for reducing toxic impacts from these sources and adopt further emission reduction strategies as necessary to protect and promote the public health, safety, and welfare, and the quality of the environment.

## **SECTION 1.05 PURPOSE AND APPROACH** Adopted 08/09/90 (670)

The purpose of this Regulation III is to reduce the ambient concentrations of toxic air contaminants in the Puget Sound region and thereby prevent air pollution. The Agency does adopt the following framework:

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\*Numbers in parentheses are Resolution #s.

- (a) The Agency will continue to acquire and study scientific information on the effects of toxic air contaminants on the public health and control measures to mitigate such impacts.
- (b) The ambient impact of emissions of toxic air contaminants from new and existing sources will be evaluated by comparing modeled or measured concentrations with the Acceptable Source Impact Levels (ASILs) adopted by the Board.
- (c) The Best Available Control Technology (BACT) will be required for sources of toxic air contaminants to minimize the emissions and protect the health and welfare of the people of the Puget Sound region.
- (d) Specific regulations will be adopted by the Board for source categories which have been identified as a hazard to human health.

**SECTION 1.07 GENERAL DEFINITIONS** Adopted 01/09/92 (716)

All definitions in Regulation I Section 1.07, Definitions, are fully applicable to Regulation III.

**SECTION 1.08 SPECIAL DEFINITIONS** Adopted 08/09/90 (670)

Revised 01/09/92 (715), Revised/Renumbered 01/09/92 (716), Revised 02/11/93 (745), 07/08/93 (757), 06/08/95 (818), 12/09/99 (905), 02/24/05 (1040), 09/24/09 (1172)

- (a) **ETHYLENE OXIDE AERATOR** means any equipment, space, or room in which air is used to remove residual ethylene oxide from sterilized materials.
- (b) **ETHYLENE OXIDE STERILIZER** means any chamber or related piece of equipment that uses ethylene oxide or an ethylene oxide mixture in any sterilization or fumigation process.
- (c) **TOXIC AIR CONTAMINANT (TAC)** means any air contaminant listed in WAC 173-460-150.

**SECTION 1.11 REPORTING REQUIREMENTS** Adopted 08/09/90 (670)

Revised 12/12/96 (842), 09/24/09 (1172)

- (a) This section applies to all sources of toxic air contaminants that are subject to Article 5 or Article 7 of Regulation I.
- (b) In addition to the reporting requirements of Article 5 or Article 7 of Regulation I, the owner or operator of an air contaminant source shall make

reports to the Agency concerning the types and amounts of toxic air contaminants emitted and other relevant information needed to calculate such emissions.

- (c) The owner or operator of an air contaminant source shall, upon request of the Agency, provide such existing or reasonably available information as necessary to assist the Agency to determine if the emissions of toxic air contaminants from the source may result in the exceedance of an ASIL contained in WAC 173-460-150.

## **ARTICLE 2: REVIEW OF TOXIC AIR CONTAMINANT SOURCES**

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### **SECTION 2.01 APPLICABILITY TO TOXIC AIR CONTAMINANT SOURCES**

Adopted 08/09/90 (670)

Revised 06/13/91 (700), 01/09/92 (715), 04/14/94 (784), 12/12/96 (842), 03/09/00 (914), 09/13/01 (954), 07/24/03 (1003), 03/25/10 (1184)

- (a) Article 2 of this Regulation III shall apply to all sources of toxic air contaminants except that Section 2.05 shall not apply to the following:
- (1) Asbestos Removal Operations subject to Article 4 of Regulation III
  - (2) Hard and Decorative Chromium Electroplating and Chromium Anodizing subject to 40 CFR Part 63, Subpart N
  - (3) Perchloroethylene Dry Cleaners
  - (4) Gasoline Storage and Dispensing Operations subject to Article 2 of Regulation II
  - (5) Graphic Arts Systems subject to Section 3.05 of Regulation II
  - (6) Can and Paper Coating Operations subject to Section 3.03 of Regulation II
  - (7) Motor Vehicle and Mobile Equipment Coating Operations subject to Section 3.04 of Regulation II
  - (8) Polyester/Vinylester/Gelcoat/Resin Operations subject to Section 3.08 of Regulation II
  - (9) Ethylene Oxide Sterilizers and Aerators subject to Section 3.07 of Regulation III
  - (10) Shipyard Coating Operations where all the coatings employed comply with the requirements in Table 2 in Subpart II 40 CFR Part 63 of NESHAP Shipbuilding and Ship Repair (Surface Coating) Operations
- (b) Any demonstration required by this Article shall be conducted in accordance with Section 2.07 of this Regulation.

### **SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS**

Adopted 08/12/93 (760)

Revised 09/08/94 (798), 09/14/95 (821), 09/12/96 (839), 09/11/97 (856), 09/10/98 (870), 09/09/99 (895), 07/13/00 (925), 09/13/01 (954), 09/26/02 (978), 09/25/08 (1132), 09/24/09 (1171)

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61 or Part 63, Title 40, of the Code of Federal Regulations (excluding Part 61, Subparts B, H, I, K, Q, R, T, and W; and Part 63, Subpart LL, the provisions of Subpart M pertaining to area source perchloroethylene dry cleaners, the provisions of Subparts S and MM pertaining to kraft and sulfite pulp mills, and Subparts WWWW, CCCCC, HHHHH, WWWW, XXXXX, YYYYY, and ZZZZZ) in effect as of the federal regulation reference date listed in Section 3.25 of Regulation I herein incorporated by reference.

## **SECTION 2.05 SOURCES OF TOXIC AIR CONTAMINANTS**

Adopted 08/09/90 (670)

Revised 04/14/94 (784), 12/12/96 (842), 09/24/09 (1172)

- (a) This section applies to all sources of toxic air contaminants that are subject to Article 5 or Article 7 of Regulation I, unless covered by specific rules referenced in Section 2.01 above.
- (b) The Control Officer shall have the authority to conduct a screening evaluation of any source in accordance with Section 2.07 of this Regulation to determine if the toxic air contaminant emissions from the source would result in the exceedance of an ASIL contained in WAC 173-460-150. The owner or operator of the source shall be informed of the results of any such screening evaluation.
- (c) If, as a result of the screening evaluation conducted under (b) above, the Control Officer determines that the toxic air contaminant emissions from a source may result in the exceedance of an ASIL contained in WAC 173-460-150, the Control Officer may issue an order requiring the owner or operator of the source to perform an analysis in accordance with Section 2.07 of this Regulation and may establish a schedule for submission of the analysis.
- (d) It shall be unlawful for any person required to perform an analysis under (c) above, to cause or allow the continued operation of the source after the submission date established by the Control Officer, unless one of the following conditions is met:
  - (1) A dispersion modeling analysis demonstrates to the Control Officer that the toxic air contaminant emissions from the source will not result in the exceedance of any ASIL contained in WAC 173-460-150; or
  - (2) A dispersion modeling analysis demonstrates to the Control Officer that the toxic air contaminant emissions from the source will not result in the exceedance of any ASIL contained in WAC 173-460-150 after the installation of the Best Available Control Technology (BACT) and a compliance schedule for employing BACT is approved by the Control Officer; or
  - (3) BACT is employed on the source or a compliance schedule for employing BACT is approved by the Control Officer, and a risk analysis demonstrates to the Control Officer that the toxic air contaminant emissions from the source will not cause air pollution as defined in Section 1.07 of Regulation I.

## **SECTION 2.07 EVALUATING THE IMPACTS OF TOXIC AIR CONTAMINANTS**

Adopted 05/11/95 (815)  
Revised 03/25/04 (1024), 09/24/09 (1172)

- (a) **Applicability.** This section describes the procedures that shall be used for quantifying emissions and analyzing impacts of toxic air contaminants in order to meet the requirements for new or modified toxic air contaminant sources (see Article 6 of Regulation I) and for existing toxic air contaminant sources (see Section 2.05 of this regulation). In addition, definitions and procedures contained in chapter 173-460 WAC and adopted by reference in Regulation I, Section 6.01(a) apply to this section.
- (b) **Quantifying Emissions of Toxic Air Contaminants.**
  - (1) The owner or operator of a new or modified toxic air contaminant source subject to Article 6 of Regulation I shall quantify toxic air contaminant emissions that may be discharged to the atmosphere after applying the required control technology, and shall submit this information as part of a Notice of Construction and Application for Approval.
  - (2) The owner or operator of an existing toxic air contaminant source subject to Section 2.05 of this regulation shall, upon request by the Agency, quantify toxic air contaminant emissions emitted by the facility and submit that information within 30 days.
  - (3) When quantifying toxic air contaminant emissions, the owner or operator shall assume that each toxic air contaminant is introduced into the atmosphere in an unaltered form continuously, at the maximum concentration known to exist at the source unless there is reliable data to the contrary or there is a physical or legal restriction.
- (c) **Analyzing Impacts of Toxic Air Contaminants.** The air quality impact analysis for toxic air contaminant sources shall be performed using one of the following procedures:
  - (1) **First Tier Review.**
    - (A) Emissions of each toxic air contaminant discharged to the atmosphere shall be shown to be below the corresponding SQER listed in WAC 173-460-150; or
    - (B) The EPA guideline dispersion model, TSCREEN, shall be used to demonstrate that the predicted concentration of each contaminant is below the corresponding ASIL listed in WAC 173-460-150. Stack parameters shall be submitted with the notice of construction application, or, for existing sources, within 30 days after the Agency requests the information. The maximum 1-hour concentration calculated by the model shall be converted with a persistence factor of 0.4 to a 24-hour average concentration or 0.08 to an annual average concentration; or

- (C) The owner or operator shall submit a more comprehensive evaluation including the use of other EPA guideline models and more accurate emission estimation techniques to demonstrate that the predicted concentration of each contaminant is below the corresponding ASIL listed in WAC 173-460-150 in all areas where the general public has access; or
- (2) Second and Third Tier Reviews. If predicted ambient concentrations from the first tier review are not below the ASILs listed in WAC 173-460-150, the owner or operator shall submit a petition to the Department of Ecology requesting a second tier or third tier review, and must receive Ecology's recommendation of approval for either the second or third tier petition. Second tier petitions shall follow the procedures in WAC 173-460-090. Third tier petitions shall follow the procedures in WAC 173-460-100.

# ARTICLE 3: SOURCE-SPECIFIC EMISSION STANDARDS

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## SECTION 3.07 ETHYLENE OXIDE STERILIZERS AND AERATORS

Adopted 01/09/92 (715)

- (a) The provisions of this rule do not apply if the facility-wide usage of ethylene oxide is less than 11 kilograms (25 pounds per year).
- (b) It shall be unlawful for any person to cause or allow the emission of ethylene oxide from the operation of any sterilizer or aerator unless ethylene oxide emissions from each device meet the following control efficiencies:

Facility-Wide Usage of Ethylene Oxide kg/yr ( <i>lbs/yr</i> )	Exhaust Streams to be Controlled	Control Efficiency (%)
$\geq 11$ and $\leq 272$ ( $\geq 25$ and $\leq 600$ )	Sterilizer Aerator	99.0 90.0
$> 272$ and $\leq 2,270$ ( $> 600$ and $\leq 5,000$ )	Sterilizer Aerator	99.9 95.0
$> 2,270$ ( $> 5,000$ )	Sterilizer Aerator	99.9 99.0

- (c) It shall be unlawful for any person to cause or allow the operation of an ethylene oxide sterilizer or aerator unless the maximum concentration of ethylene oxide is less than 10 ppm as measured 1 centimeter away from any portion of the equipment other than the exhaust.
- (d) It shall be unlawful for any person to cause or allow the discharge of ethylene oxide in the sterilizer exhaust vacuum pump working fluid to the wastewater stream.
- (e) Annual source tests shall be conducted in accordance with Section 3.07 of Regulation I to verify compliance with the requirements in this section.
- (f) The provisions of this section shall be met on the following schedule:
  - (1) Submit Notice of Construction by July 1, 1992; and
  - (2) Submit Progress Report by July 1, 1993; and
  - (3) Achieve Final Compliance by July 1, 1994.

# ARTICLE 4: ASBESTOS CONTROL STANDARDS

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## SECTION 4.01 ASBESTOS DEFINITIONS Adopted 06/08/95 (818)

Revised 02/12/98 (863), 07/13/00 (918), 09/26/02 (978), 02/27/03 (987), 03/26/09 (1148)

- (a) **AHERA BUILDING INSPECTOR** means a person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR Part 763, Appendix C) and whose certification is current.
- (b) **ASBESTOS** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.
- (c) **ASBESTOS-CONTAINING MATERIAL** means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy.
- (d) **ASBESTOS-CONTAINING WASTE MATERIAL** means any waste that contains or is contaminated with friable asbestos-containing material. Asbestos-containing waste material includes 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 HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.
- (e) **ASBESTOS PROJECT** means any activity involving the abatement, renovation, demolition, removal, salvage, clean up, or disposal of friable, asbestos-containing material. It includes the removal and disposal of stored, friable, 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.
- (f) **ASBESTOS SURVEY** means a written report describing an inspection using the procedures contained in EPA regulations (40 CFR 763.86), or an alternate method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos.
- (g) **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.
- (h) **COMPONENT** means any equipment, pipe, structural member, or other item covered or coated with, or manufactured from, asbestos-containing material.

- (i) **DEMOLITION** means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable.
- (j) **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. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.
- (k) **LEAK-TIGHT CONTAINER** means a dust-tight and liquid-tight 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.
- (l) **NONFRIABLE, ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, 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.
- (m) **RENOVATION** means altering a facility or a component in any way, except demolition.
- (n) **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. This term includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.
- (o) **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 materials on structural members, or other materials on surfaces for decorative purposes.
- (p) **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.
- (q) **THERMAL SYSTEM INSULATION** means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

## **SECTION 4.02 ASBESTOS SURVEY REQUIREMENTS**

Adopted 06/08/95 (818)

### **(a) Requirements for Renovations**

It shall be unlawful for any person to cause or allow a renovation unless the property owner or the owner's agent determines whether there are suspect

asbestos-containing materials in the work area and obtains an asbestos survey of any suspect asbestos-containing materials by an AHERA building inspector. An AHERA building inspector is not required for asbestos surveys associated with the renovation of an owner-occupied, single-family residence.

- (1) If there are no suspect materials in the work area, this determination shall either be posted at the work site or communicated in writing to all contractors involved in the renovation.
- (2) It is not required that an AHERA building inspector evaluate any material presumed to be asbestos-containing material.
- (3) Except for renovations of an owner-occupied, single-family residence, only an AHERA building inspector may determine that a suspect material does not contain asbestos.
- (4) A summary of the results of the asbestos survey shall either be posted by the property owner or the owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

**(b) Requirements for Demolitions**

It shall be unlawful for any person to cause or allow any demolition unless the property owner or the owner's agent obtains an asbestos survey by an AHERA building inspector of the structure to be demolished.

- (1) It is not required that an AHERA building inspector evaluate any material presumed to be asbestos-containing material.
- (2) Only an AHERA building inspector may determine that a suspect material does not contain asbestos.
- (3) A summary of the results of the asbestos survey shall either be posted by the property owner or the owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

**SECTION 4.03 ASBESTOS NOTIFICATION REQUIREMENTS**

Adopted 06/08/95 (818)

Revised 09/12/96 (839), 07/13/00 (918), 05/23/02 (971), 05/22/03 (996), 12/16/04 (1037), 06/22/06 (1068), 03/22/07 (1090), 05/22/08 (1120), 03/26/09 (1148), 05/26/11 (1211)

**(a) General Requirements**

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 appropriate nonrefundable fee and any additional information requested by the Control Officer, has been submitted to the Agency in accordance with the waiting period and fee requirements in Section 4.03(d) of this regulation. Except for the annual notification requirements in Section 4.03(a)(7) of this regulation, the notification must be submitted on approved forms through the Agency website.

- (1) The duration of an asbestos project shall be commensurate with the amount of work involved.

- (2) Notification is not required for asbestos projects involving less than 10 linear feet of friable, asbestos-containing material on pipes and/or 48 square feet of friable, asbestos-containing material on other components (per structure, building, or vessel, per calendar year).
- (3) Notification is not required for removal and disposal of nonfriable, asbestos-containing material.
- (4) Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present.
- (5) All demolitions require a 10-day waiting period unless waived under Section 4.03(c)(1) of this regulation.
- (6) A printout of the notification, all amendments to the notification, and the asbestos survey shall be available for inspection at all times at the asbestos project or demolition site.
- (7) Annual Notification  
A property owner may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings during each calendar year if all of the following conditions are met:
  - (A) The annual notification shall be filed with the Agency before commencing work on any asbestos project included in an annual notification;
  - (B) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section is less than 260 linear feet on pipes and/or less than 160 square feet on other components; and
  - (C) The property owner submits quarterly written reports to the Control Officer on Agency-approved forms within 15 days after the end of each calendar quarter.

**(b) Amendments**

- (1) An amendment shall be submitted to the Control Officer in a notification through the Agency website for the following changes and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this regulation:
  - (A) Changes between asbestos and demolition project types;
  - (B) Increases in the job size category that increase the fee;
  - (C) Changes in the start date; or
  - (D) Changes in the completion date.
- (2) Amendments may not be used to add or change project site addresses listed on a previously submitted notification.

**(c) Emergencies**

- (1) The waiting period may be waived 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) Asbestos-containing materials were encountered that were not identified during the asbestos survey; or
  - (D) The project must proceed to avoid imposing an unreasonable burden.
- (2) The waiting period and fees may be waived for disposal of abandoned, (without the knowledge or consent of the property owner) friable, asbestos-containing material by written approval of the Control Officer.

**(d) Waiting Period and Fees**

<b>Project</b>	<b>Waiting Period</b>	<b>Asbestos Fee</b>	<b>Demolition Fee</b>
<b>Single-Family Residence:</b>			
• Asbestos Project	prior written notification	\$25	
• Demolition (with or without asbestos project)	10 days	\$0	\$65
<b>Other than Single-Family Residence:</b>			
• less than 10 linear ft and/or • less than 48 square ft	10 days for demolition	\$0	\$65
• 10 - 259 linear ft and/or 48 - 159 square ft	prior written notification for asbestos	\$65	
	10 days for demolition		\$65
• 260 - 999 linear ft and/or 160 - 4,999 square ft	10 days	\$210	\$65
• 1,000+ linear ft and/or 5,000+ square ft	10 days	\$640	\$85
Emergency – 4.03(c)*	prior written notification	applicable fees + \$40	
Amendment – 4.03(b)	prior written notification	applicable fees + \$20	
Annual Notice of Intent – 4.03(a)(7)	prior written notification	\$1,000	

\*Single-family residences are exempt from the emergency fee.

## **SECTION 4.04 ASBESTOS REMOVAL REQUIREMENTS PRIOR TO RENOVATION OR DEMOLITION**

Adopted 06/08/95 (818), Revised 07/13/00 (918)

### **(a) Removal of Friable Asbestos Prior to Renovation or Demolition**

Except as provided in Section 4.04(c) of this regulation, it shall be unlawful for any person to cause or allow any demolition or renovation that may disturb friable, asbestos-containing material or damage a structure so as to preclude access to friable, asbestos-containing material for future removal, without first removing all friable, asbestos-containing material in accordance with the requirements of this regulation.

Friable, asbestos-containing material need not be removed from a component if the component can be removed, stored, or transported for reuse without disturbing or damaging the asbestos.

### **(b) Demolition by Burning**

It shall be unlawful for any person to cause or allow the burning of any facility for fire training without removing all asbestos-containing material prior to burning. This includes both friable, and nonfriable, asbestos-containing material.

### **(c) Exception For Hazardous Conditions**

Friable, asbestos-containing material need not be removed prior to a demolition or renovation, if the property owner demonstrates to the Control Officer that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. The property owner must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition or renovation and disposal of the asbestos-containing waste material.

## **SECTION 4.05 PROCEDURES FOR ASBESTOS PROJECTS**

Revised 02/12/98 (863), 07/13/00 (918), 02/27/03 (987)

Adopted 06/08/95 (818)

### **(a) Training Requirements**

It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, 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 as part of a renovation in a single-family residence performed by the owner of the dwelling.

**(b) Friable Asbestos Removal Work Practices**

It shall be unlawful for any person to cause or allow the removal of friable, asbestos-containing material unless all the following requirements are met:

- (1) 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.
- (2) 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.
- (3) Absorbent, friable, asbestos-containing material, such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. Any unsaturated, absorbent, friable, asbestos-containing material exposed during removal shall be immediately saturated with a liquid wetting agent.
- (4) Nonabsorbent, friable, asbestos-containing material, such as cement asbestos board, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. Any dry surfaces of nonabsorbent, friable, asbestos-containing material exposed during removal shall be immediately coated with a liquid wetting agent.
- (5) Metal components (such as valves, fire doors, and reactor vessels) that have internal friable, asbestos-containing material are exempt from the requirements of Sections 4.05(b)(3) and 4.05(b)(4) if all access to the friable, asbestos-containing material is welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the friable, asbestos-containing material from the environment.
- (6) Except for surfacing materials being removed inside a negative pressure enclosure, friable, asbestos-containing materials that are being removed, have been removed, or may have fallen off components during an asbestos project shall be carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise damaged.
- (7) All asbestos-containing waste material shall be sealed in leak-tight containers as soon as possible after removal but no later than the end of each work shift.
- (8) All absorbent, asbestos-containing waste material shall be kept saturated with a liquid wetting agent until sealed in leak-tight containers while saturated with a liquid wetting agent. All nonabsorbent, asbestos-containing waste material shall be kept coated with a liquid wetting agent until sealed in leak-tight containers while coated with a liquid wetting agent.

- (9) 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 Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.
- (10) 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.
- (11) Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.
- (12) The asbestos-containing waste material shall be stored in a controlled area until transported to an approved waste disposal site.

(c) **Method of Removal for Nonfriable, Asbestos-Containing Material**

It shall be unlawful for any person to cause or allow the removal of nonfriable, asbestos-containing material unless all the following requirements are met:

- (1) Sanding, grinding, abrading, or sawing of nonfriable, asbestos-containing material shall be prohibited unless the material that is disturbed is handled as friable, asbestos-containing material in accordance with the requirements in Section 4.05(b) of this regulation;
- (2) Appropriate dust control methods as provided in Section 9.15 of Regulation I shall be used, as necessary, to control fugitive dust emissions from the removal of nonfriable, asbestos-containing material;
- (3) After being removed, the nonfriable, asbestos-containing material shall be promptly transferred to a disposal container; and
- (4) Each disposal container shall have a sign identifying the material as nonfriable asbestos waste.

**SECTION 4.07 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL** Adopted 06/08/95 (818)

- (a) Except as provided in Section 4.07(c) of this regulation, it shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless it is deposited within 10 days of removal at a waste disposal site authorized to accept such waste.

(b) **Waste Tracking Requirements**

It shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless the following requirements are met:

- (1) Maintain waste shipment records, beginning prior to transport, using a form that includes the following information:
  - (A) The name, address, and telephone number of the waste generator;
  - (B) The approximate quantity in cubic meters or cubic yards;

- (C) The name and telephone number of the disposal site operator;
  - (D) The name and physical site location of the disposal site;
  - (E) The date transported;
  - (F) The name, address, and telephone number of the transporter; and
  - (G) 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 international and government regulations.
- (2) Provide a copy of the waste shipment record to the disposal site at the same time the asbestos-containing waste material is delivered.
  - (3) 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.
  - (4) 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 days of the date the waste was accepted by the initial transporter, report in writing to the Control Officer. Include in the report, a copy of the waste shipment record and a cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.
  - (5) Retain a copy of all waste shipment records, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site, for at least 2 years.

(c) **Temporary Storage Site**

A person may establish a facility for the purpose of collecting and temporarily storing asbestos-containing waste material if the facility is approved by the Control Officer and all the following conditions are met:

- (1) Accumulated asbestos-containing waste material shall be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons;
- (2) All asbestos-containing waste material shall be stored in leak-tight containers and the leak-tight containers shall be maintained in good condition;
- (3) The storage area must be locked except during transfer of asbestos-containing waste material; and
- (4) Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed 90 days.

(d) **Disposal of Asbestos Cement Pipe**

Asbestos cement pipe used on public right-of-ways, public easements, or other places receiving the prior written approval of the Control Officer may be buried in place if the pipe is 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.

**SECTION 4.09 COMPLIANCE WITH OTHER RULES**

Adopted 07/13/00 (918)

Other government agencies have adopted rules that may apply to asbestos projects regulated under these rules including, but not limited to, the U.S. Environmental Protection Agency, the Occupational Safety and Health Administration, and the Department of Labor and Industries. Nothing in the Agency's rules shall be construed as excusing any person from complying with any other applicable local, state, or federal requirement.