

## 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 (Adopted 3/27/25, Effective 3/27/25)

#### 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 (cummingtonite-grunerite), tremolite, chrysotile (serpentine), 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.h, 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.