

CHAPTER 040 – PROHIBITED EMISSIONS

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

Part 040.115 – ACKNOWLEDGMENT OF ASBESTOS ASSESSMENT (AAA) (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 local regulation to identify potential sources of asbestos and control the release of airborne asbestos fibers in order to protect public health.

SECTION B – DEFINITIONS

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

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

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

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

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

STRUCTURE means something built or constructed, in part or in whole. Examples include, but are not limited to, the following in part or in whole: houses, garages, commercial buildings, mobile homes, bridges, “smoke” stacks, pole-buildings, canopies, lean-tos, and foundations. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).

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

shingles), fire barriers, gaskets, flooring material, and cement siding. Suspect asbestos-containing material must be presumed to be asbestos-containing material unless demonstrated otherwise (e.g., as determined using the method specified in the EPA publication, Method for the Determination of Asbestos in Building Materials, EPA/600/R-93/116, July 1993).

SECTION C – ADMINISTRATIVE REQUIREMENTS

1. Applicability

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

2. Exemptions:

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

3. AAA Application Requirements

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

SECTION D – COMPLIANCE AND RECORDS

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