

MassDEP Asbestos Regulation (310 CMR 7.15)

Overview of Regulatory Requirements

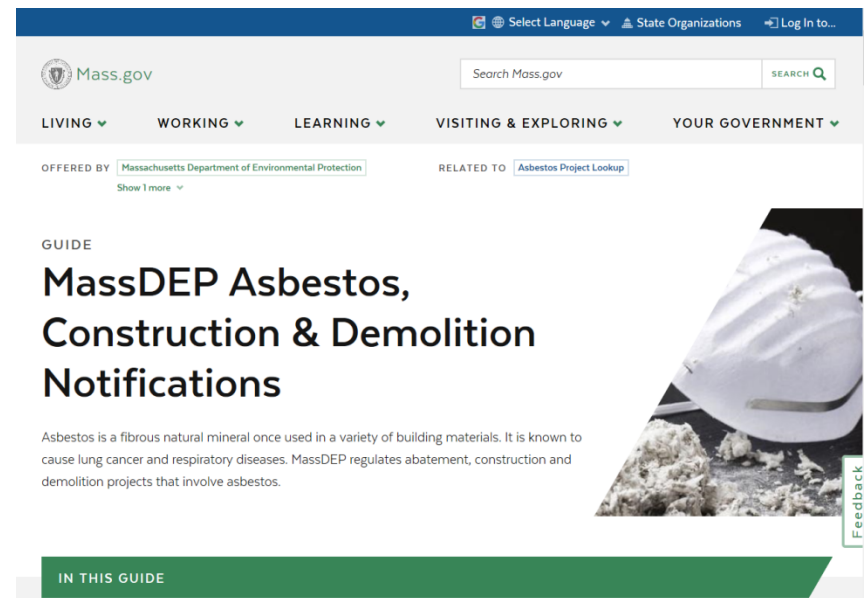
October 2018



MassDEP Asbestos Regulation (310 CMR 7.15)

- Initially regulated in 1975
- 310 CMR 7.15 codified per NESHAP Delegation Authority (1980 – 1986)
- Latest revision (2014)
 - Clarify definitions and requirements
 - Codify material-specific work practices
 - Better align with EPA Asbestos-NESHAP

MassDEP Asbestos Webpage



<http://mass.gov/dep/asbestos>

Fundamentals of Asbestos Program

- Performance standards:
 - Prevent air emissions
 - Protect public health, safety and environment
- Program structure:
 - **Notification** prior to work
 - **Asbestos abatement** work practice standards
 - **Asbestos-containing waste material** must be properly managed
- Must also comply with DLS requirements:
 - Worker qualifications/training
 - Work practices/worker safety
 - Final clearance monitoring



Essential Elements of Asbestos Abatement Project: Front-End through Removal Activities

- **Survey (310 CMR 7.15(4))**
- **Notification (310 CMR 7.15(6))**
 - Asbestos Notification Form (AQ04-ANF-001)
 - **Exemptions for certain small jobs; however must follow applicable work practices**
- **Work Practice Standards (310 CMR 7.15(7))**
- **Final Visual Inspection (310 CMR 7.15(8))**

Note: Added in June 2014 Revision

Commonwealth of Massachusetts
Asbestos Notification Form ANF-001

Asbestos Project Number _____
☐ Project Revision
☐ Project Cancellation

A. Asbestos Abatement Description

1. Facility Location:
 Name of Facility _____ Street Address _____
 City/Town _____ State _____ Zip Code _____ Telephone _____
 Facility Contact Person Name _____ Facility Contact Person Title _____
 Worksite Location: _____ Building Name, Wing, Floor, Room, etc. _____

2. Is the facility occupied? ☐ Yes ☐ No

3. Is this a fee-exempt notification (city, town, district, municipal housing authority, state facility or owner-occupied residential of four units or less?) ☐ Yes ☐ No

4. Blanket Permit Project Approval, if applicable: _____ Approval ID # _____

5. Non-Traditional Asbestos Abatement Work Practice Approval, if applicable: _____ Approval ID # _____

6. Asbestos Contractor:
 Name _____ Address _____
 City/Town _____ State _____ Zip Code _____ Telephone _____
 DLS License # _____ Contract Type: ☐ Written ☐ Verbal

7. Name of Contractor's On-Site Supervisor/Foreman _____ DLS Certification # _____

8. Name of Project Monitor _____ DLS Certification # _____

9. Name of Asbestos Analytical Lab _____ DLS Certification # _____

10. Project Start Date (MM/DD/YYYY) _____ End Date (MM/DD/YYYY) _____
 Work Hours - Monday Through Friday _____ Work Hours - Saturday & Sunday _____

11. What type of project is this?
☐ Demolition ☐ Renovation ☐ Repair ☐ Other - Please Specify: _____

12. Abatement procedures (check all that apply):
☐ Glove Bag ☐ Encapsulation ☐ Enclosure ☐ Disposal Only ☐ Cleanup ☐ Full Containment
☐ Other - Please Specify: _____

13. Job is being conducted: ☐ Indoors ☐ Outdoors

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

Instructions:
 1. All sections of this form must be completed in order to comply with MassDEP notification requirements of 310 CMR 7.15 and Department of Labor and Standards (DLS) notification requirements of 453 CMR 6.12
 2. Submit Original Form to:
 Commonwealth of Massachusetts
 Asbestos Program
 P.O. Box 120087
 Boston MA 02112-0087

Essential Elements of Asbestos Abatement Project: Managing Asbestos Containing Waste Material (ACWM)

- Packaging
(310 CMR 7.15(15))
- Transportation
(310 CMR 7.15(16))
- Storage & Disposal
(310 CMR (7.15(17))
- **Waste Shipment Record**
(310 CMR 7.15(18))

<https://www.mass.gov/files/documents/2016/08/xv/asb-wshipr.pdf>

[illegible]

Image Source: ILC Dover

Clarification about Material Containing < 1% Asbestos

- Should be identified in the pre-demo/reno survey
- **ACWM includes material containing any amount of asbestos (even <1%)**
- If material with any asbestos gets mixed with non-asbestos C&D, all must be handled as ACWM
- Segregate, manage separately to reduce disposal costs
 - e.g. for wallboard/joint compound removal;
place poly on floor under work area;
adequately wet material prior to, and all during removal;
immediately package in sealed, leak-tight containers



Essential Elements of Asbestos Abatement Project:

Material Specific Work Practices

- **Asphaltic Roofing and Siding**
(310 CMR 7.15(10))
- **Window Glazing and Caulking Compounds**
(310 CMR 7.15(11))
- **Exterior Cement Shingles, Siding and Panels**
(310 CMR 7.15(12))
- **Incidental Maintenance**
(310 CMR 7.15(13))
 - Floor tile (<100 s.f.)
 - Gypsum Wallboard/Joint Compound systems (<32 s.f.)
- **Underground Asbestos-Cement Pipe (under consideration)**
 - Public comment period (May – July 2016)



Image Source: Mack Group, LLC



Image Source: Today's Homeowner

Note: Added in June 2014 Revision

Essential Elements of Asbestos Abatement Project: Non-Traditional Asbestos Abatement Work Practice Approvals (310 CMR 7.15 (14))

- Historically called Alternative Work Practices
- Required when you need to deviate from any standard requirements.
- Six specific scenarios allowed
 - Structurally unsound building
 - ACM discovered after demolition began
 - Emergency renovation operation
 - Clean-up/decontamination
 - Dry removal where wetting would unavoidably damage equipment or present safety risk
 - Bulk loading ACM or ACWM
- Permit approval contingent upon review of site-specific conditions



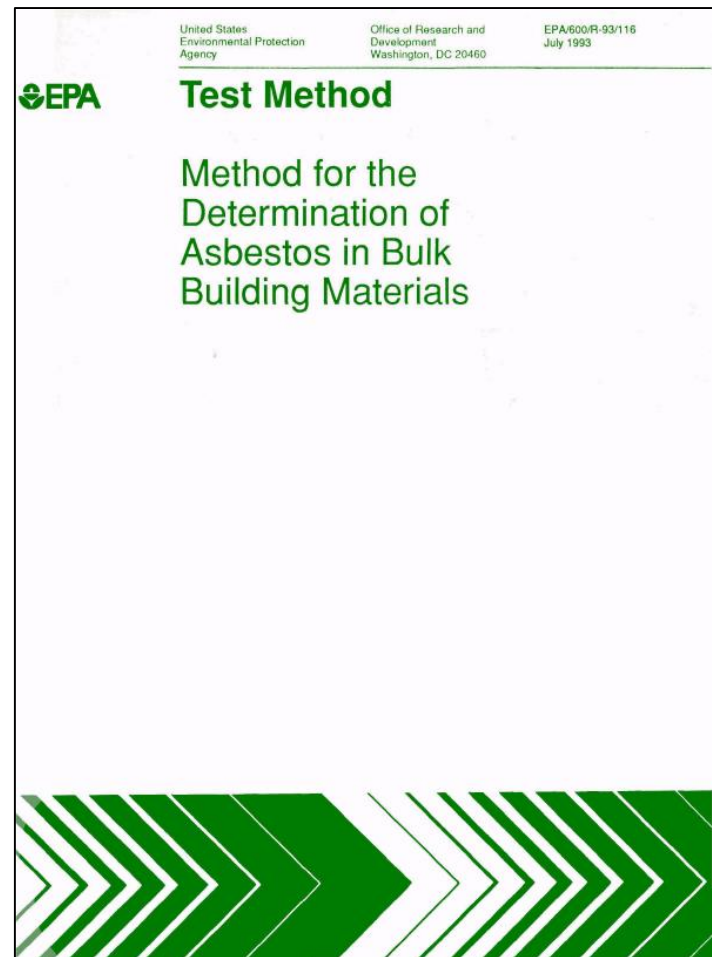
Image Source: Oregon OSHA

“Thorough” Survey required prior to ANY Demo/Reno Project

- Identify and properly manage materials that contain asbestos
- Required before **ANY** demolition/renovation project
 - Exception: Owner of a single- family house conducting work on non-friable asbestos themselves in the home they live in
- **DLS-certified Asbestos Inspector** must conduct **“thorough”** inspection
 - Identify all material containing asbestos in any amount (including <1%) in area to be worked on
 - Destructive survey (wall cavities, floor layers, above ceilings)
 - Use of approved analytical methods
- Keep the Survey Report for at least two years

Approved Analytical Method

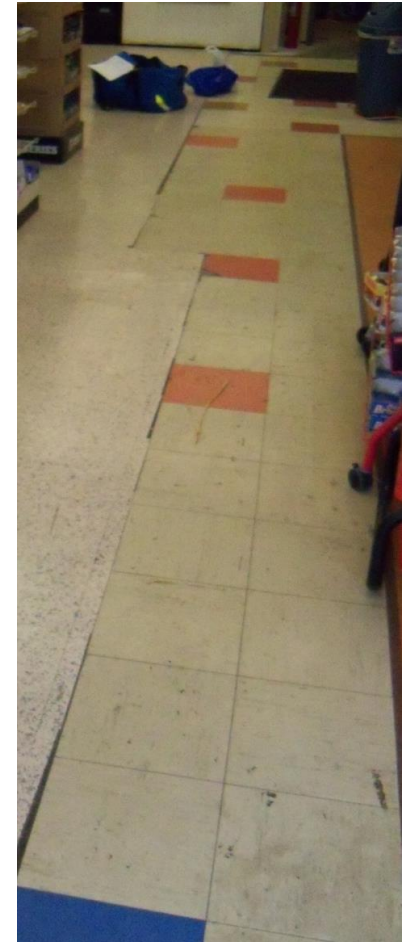
- EPA *Method for the Determination of Asbestos in Bulk Building Materials* (EPA/600/R-93/116) specified by MassDEP to determine ACM (1% or more)
- Appendix D “Special-Case Building Materials” (e.g. cementitious products, viscous matrix products, vinyl materials, asphaltic roofing, miscellaneous [paints, coating, friction plates, gaskets, etc.])
 - May require additional sample treatment(s) and analysis beyond routine PLM
- AHERA survey allows older method – negative result may be suspect



“Suspect Asbestos-Containing Material”

- MassDEP Definition (310 CMR 7.15(1)) Products reasonably likely to contain asbestos based on appearance, composition, and use
- Includes (but is not limited to):

Non-fiberglass insulation (e.g., pipe, boiler, duct work)	Mastic (flooring or cove base adhesive or damp-proofing)
Spray-on fire proofing	Vinyl floor and wall tiles
Asphalt roofing and siding (shingles, roofing felts, tars, etc.)	Vinyl sheet flooring
Cement/transite shingles	Wallboard Joint Compound
Cement/transite pipes	Plaster
Cement sheets (corrugated and decorative)	Ceiling tiles
Cloth vibration dampers or duct work	



ASBESTOS BUILDING

TYPICAL LOCATIONS FOR THE MOST COMMON
ASBESTOS-CONTAINING MATERIALS

KEY

ROOF AND EXTERIOR WALLS

- 1 Roof sheets and tiles
- 2 Guttering and drainpipe
- 3 Wall cladding
- 4 Soffit/facia boards
- 5 Panel beneath window
- 6 Roofing felt and coating to metal wall cladding

BOILER, VESSELS AND PIPEWORK

- 7 Lagging on boiler, pipework, calorifier etc.
- 8 Damaged lagging and associated debris
- 9 Paper lining under non-asbestos pipe lagging
- 10 Gasket in pipe and vessel joints
- 11 Rope seal on boiler access hatch and between cast iron boiler sections
- 12 Paper lining inside steel boiler casing
- 13 Boiler flue

CEILINGS

- 14 Spray coating to ceiling, walls, beams/columns
- 15 Loose asbestos in ceiling/floor cavity
- 16 Tiles, slats, canopies and firebreaks above ceilings
- 17 Textured coatings and paints

INTERIOR WALLS/PANELS

- 18 Loose asbestos inside partition walls
- 19 Partition walls
- 20 Panel beneath window
- 21 Panel lining to lift shaft
- 22 Panelling to vertical and horizontal beams
- 23 Panel behind electrical equipment
- 24 Panel on access hatch to service riser
- 25 Panel lining service riser and floor
- 26 Heater cupboard around domestic boiler
- 27 Panel behind/under heater
- 28 Panel on or inside, fire door
- 29 Bath panel

FLOORING MATERIALS

- 30 Floor tiles, linoleum and paper backing, lining to suspended floor

AIR HANDLING SYSTEMS

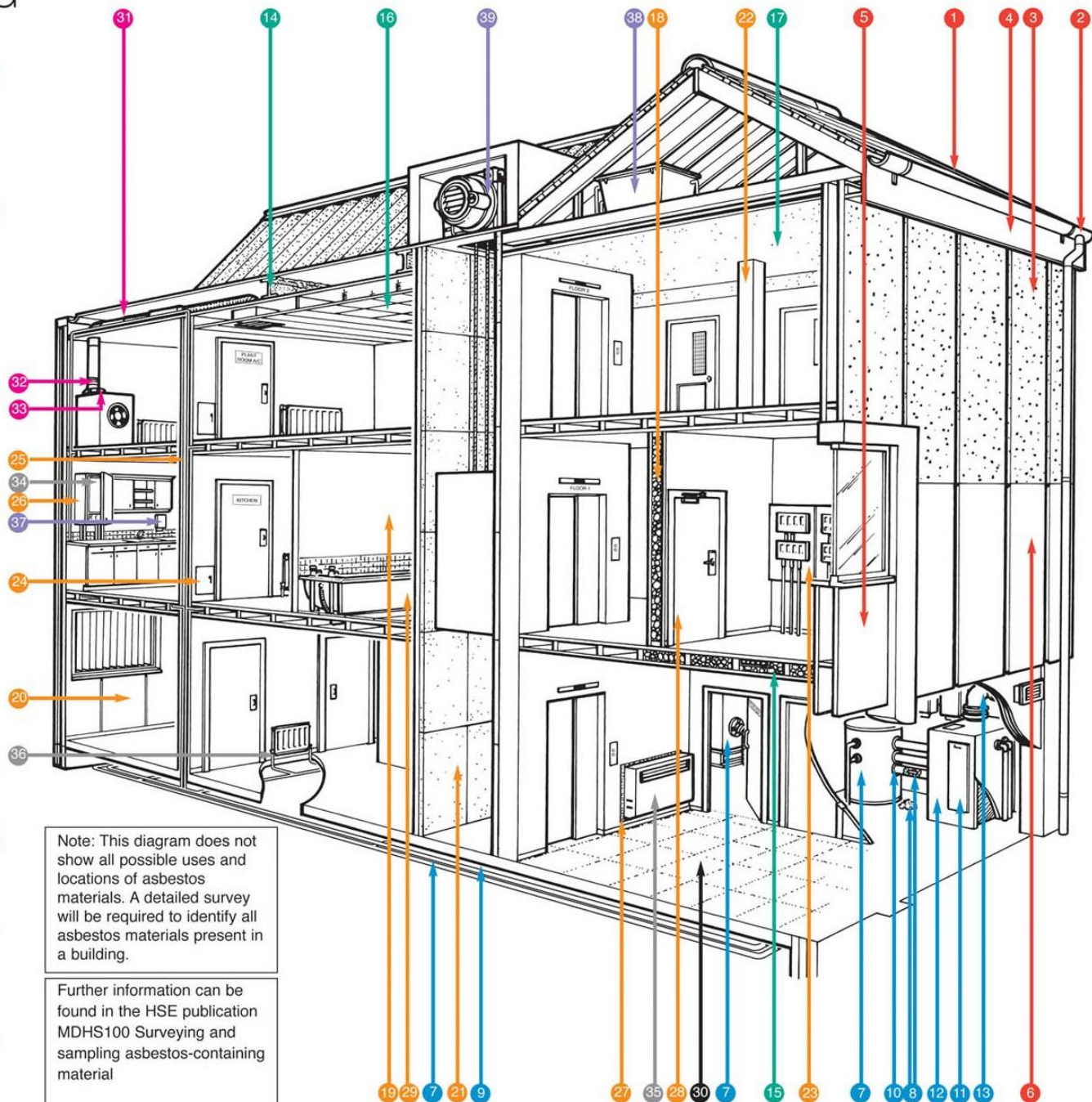
- 31 Lagging
- 32 Gaskets
- 33 Anti-vibration gaiter

DOMESTIC APPLIANCES

- 34 Gaskets, rope seals and panels in domestic boilers
- 35 'Caposil' insulating blocks, panels, paper, string etc in domestic heater
- 36 String seals on radiators

OTHER

- 37 Fire blanket
- 38 Water tank
- 39 Brake/clutch lining



Note: This diagram does not show all possible uses and locations of asbestos materials. A detailed survey will be required to identify all asbestos materials present in a building.

Further information can be found in the HSE publication MDHS100 Surveying and sampling asbestos-containing material

Asbestos Product Bans

- 1970's EPA banned certain uses:
 - Spray-on fireproofing/insulation
 - Spray-on surfacing materials
 - Asbestos pipe insulation and asbestos block insulation on facility components, e.g. boilers and hot water tanks
- 1989: TSCA banned manufacture, importation, processing and distribution in commerce of most asbestos products
- 1991: 5th Circuit Court of Appeals vacated TSCA Rule; overturned original ban on most products



Image Source: Pinterest

Asbestos products not banned

The manufacture, importation, processing and distribution in commerce of these products are **not banned** (partial list):

- Cement corrugated sheet
- Cement flat sheet
- Clothing
- Pipeline wrap
- Roofing felt
- Vinyl floor tile
- Cement shingle
- Millboard
- Cement pipe
- Automatic transmission components
- Clutch facings
- Friction materials
- Disk brake pads
- Drum brake linings
- Brake blocks
- Gaskets
- Non-roofing coatings
- Roof coatings
- Adhesives/mastics

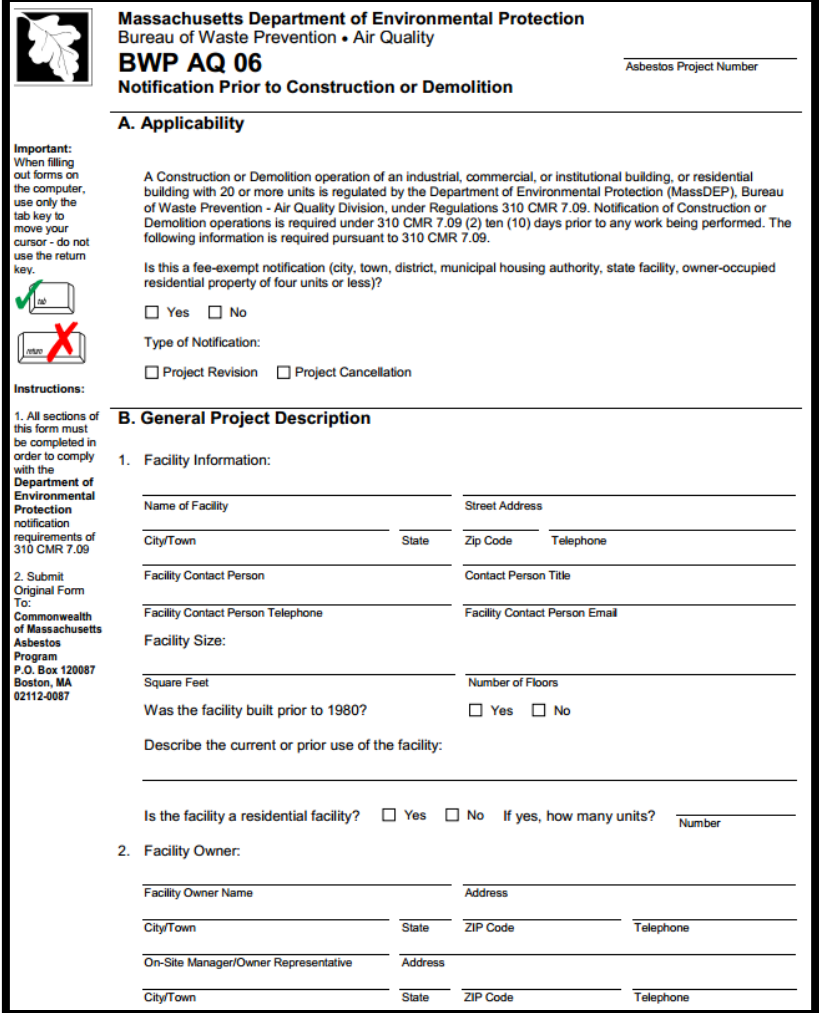
Reference: <https://www.epa.gov/asbestos/us-federal-bans-asbestos>

“Spiral” of Non-compliance

- Failure to perform thorough asbestos survey is often first step down a path of non-compliance
- Cleanup of non-compliant activities requires NT Work Plan
 - project delays and increased project costs
- All affected C&D debris must be disposed as ACWM
- Occupants often must be relocated during decon
- Civil administrative penalties may be imposed
- AG may seek civil or criminal charges
- Liability extends to any and all parties who control activities involving asbestos

Reminder of Construction/Demolition Notification Requirement

- Submit 10 working-days before start of construction or demolition of a building:
 - Industrial/Commercial/Institutional
 - Residential buildings with fewer than 20 units are exempt (EPA requires for demo of any residence >4 units)
- Use MassDEP form BWP AQ 06 *Notification Prior to Construction or Demolition*
- Prevent release of dust or other hazardous pollutants (e.g. asbestos)
- Notification form asks about:
 - Asbestos survey
 - Survey results
 - Any asbestos abatement activities



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention • Air Quality
BWP AQ 06
Notification Prior to Construction or Demolition

Asbestos Project Number _____

A. Applicability

A Construction or Demolition operation of an industrial, commercial, or institutional building, or residential building with 20 or more units is regulated by the Department of Environmental Protection (MassDEP), Bureau of Waste Prevention - Air Quality Division, under Regulations 310 CMR 7.09. Notification of Construction or Demolition operations is required under 310 CMR 7.09 (2) ten (10) days prior to any work being performed. The following information is required pursuant to 310 CMR 7.09.

Is this a fee-exempt notification (city, town, district, municipal housing authority, state facility, owner-occupied residential property of four units or less)?

☐ Yes ☐ No

Type of Notification:

☐ Project Revision ☐ Project Cancellation

B. General Project Description

1. Facility Information:

Name of Facility _____ Street Address _____

City/Town _____ State _____ Zip Code _____ Telephone _____

Facility Contact Person _____ Contact Person Title _____

Facility Contact Person Telephone _____ Facility Contact Person Email _____

Facility Size:

Square Feet _____ Number of Floors _____

Was the facility built prior to 1980? ☐ Yes ☐ No

Describe the current or prior use of the facility: _____

Is the facility a residential facility? ☐ Yes ☐ No If yes, how many units? _____ Number _____

2. Facility Owner:

Facility Owner Name _____ Address _____

City/Town _____ State _____ Zip Code _____ Telephone _____

On-Site Manager/Owner Representative _____ Address _____

City/Town _____ State _____ Zip Code _____ Telephone _____


Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

Instructions: 1. All sections of this form must be completed in order to comply with the Department of Environmental Protection notification requirements of 310 CMR 7.09. 2. Submit Original Form To: Commonwealth of Massachusetts Asbestos Program P.O. Box 120087 Boston, MA 02112-0087

<https://www.mass.gov/how-to/aq-06-constructiondemolition-notification>

Asbestos Project Look-up Tool

[Mass.gov](#) | Executive Office of Energy & Environmental Affairs (EEA)An official application of the Commonwealth of Massachusetts

**Energy & Environmental Affairs**
Data Portal

HOME DASHBOARDS SEARCH DATA ▼ HELP ▼

Search for Asbestos Projects

Project ID ?

City/Town ?

Form Type ?

Location Name ?

Location Address ?

Project Start Date ?
 to

Project End Date ?
 to

[< PREVIOUS](#) [X CLEAR](#) [Q SEARCH](#)

For More Information:

- MassDEP Asbestos Regulation – June 2014:
<http://www.mass.gov/eea/docs/dep/air/laws/asbestosreg14.pdf>
 - Questions about Asbestos Regulations and Policy: Mike Elliott, email: michael.elliott@state.ma.us, telephone: 617/292-5575
- Regional MassDEP Asbestos Contacts:
 - Central: Gregg Levins (gregory.levins@state.ma.us, 508/767-2768)
 - Northeast: John Macauley (john.macauley@state.ma.us, 978/694-3262)
 - Southeast: Cynthia Baran (cynthia.baran@state.ma.us, 508/946-2887)
 - Western: Marc Simpson (marc.simpson@state.ma.us, 413/755-2115)
- Find your region:
<https://www.mass.gov/service-details/massdep-regional-offices-by-community>
- Asbestos Project Lookup Tool (via EEA Data Portal):
<https://eeaonline.eea.state.ma.us/portal#!/search/asbestos>
- MassDEP Asbestos Website:
<http://mass.gov/dep/asbestos>