

MEMORANDUM

Date: July 29, 2008

To: Asbestos Regulated Community

From: Robin S. Mack, Asbestos Section

Re: Questions regarding revised South Carolina Department of Health and Environmental Control (SCDHEC) 61-86.1, Standards of Performance for Asbestos Removal Projects

The purpose of this memorandum is to summarize recent questions regarding the revised Regulation 61-86.1, Standards of Performance for Asbestos Projects.

Q1. Is air monitoring required for Small and Minor Projects?

R1. The current regulations do not require background, daily, or clearance air monitoring for Small and Minor Projects. The only exception is Small Glovebag Projects which require PCM non-aggressive clearance monitoring. This particular requirement is a carry-over from the previous regulation and not a new requirement.

Q2. Is air monitoring required during the preparatory phase of a NESHAP Project?

R2. Yes. Per Section VII.D.1, Standards for Air Samplers, "Once abatement activities begin at a NESHAP abatement project, the air sampler shall conduct representative daily area sampling..."

Abatement is defined as "procedures to control fiber release from regulated asbestos-containing materials. This includes removal, enclosure, encapsulation, repair, and any associated preparation, clean up and disposal activities having the potential to disturb regulated asbestos-containing material."

Since "abatement" is defined as including "preparation", air monitoring is required during this phase.

Q3. Can NESHAP-size Non-Friable Projects still be notified quarterly?

R3. Though Section XV.B.1.b., Non-Friable Projects, of the new regulation requires a four working day notification for all NESHAP-size Non-Friable Projects, Section XV.B.1.d. stipulates that any Facilities and those possessing a Temporary Asbestos Storage Containment Area License can continue to notify all non-friable removals on a quarterly basis. This includes municipal, public, military, and educational facilities, as

well as, asbestos abatement contractors in possession of a Temporary Asbestos Storage Containment Area License.

Q4. Section V.B.5.e., Asbestos Projects/General Information, requires calibration of manometers prior to the start of each work shift. If a particular manometer instructs you to “zero calibrate” which means to reset the zero point, does this satisfy the requirement?

R4. Yes. Please calibrate the equipment in accordance with the manufacturer’s guidance.

Q5. Regulation 61-86.1 references the Standard Industrial Classification Code (SICC) when defining “Industrial Manufacturing Facility” and “Electrical Generating Facility”. The SICC is being replaced with the North American Industrial Classification System (NAICS). How does this affect the references in the regulations?

R5. Since the regulations only utilize the SICC as a reference to define “Industrial Manufacturing Facility” and “Electrical Generating Facility”, as long as those classifications don't change within the context of the SICC itself, the Department does not view this as an issue that requires immediate resolution. The Department of Labor has not completely converted to the NAICS. We will update the references to the NAICS at some point in the future.

Q6. Is air sampling required during demolition projects?

R6. No. Air monitoring is not required during demolition unless the Department determines that extenuating circumstances exist that dictate the need for air monitoring. Applicable air monitoring is required during any NESHAP, Small, or Minor Project performed prior to demolition per the requirements of their respective sections.

Q7. Per Section VIII.B.2.g., Disposal Requirements, waste manifests are required to be submitted to the Department within 45 working days of completion of removal. Does this not create a conflict with NESHAP’s 45 calendar day requirement for waste shipment records?

R7. No. The NESHAP requirement calls for submittal of a waste shipment record to the waste generator within 45 calendar days. The Department’s requirement deals specifically with submittal of records to the Department itself and therefore should pose no conflict.

Q8. Section VI.C.2.c.4, Asbestos Building Inspection Requirements, requires “a description of non-suspect materials excluding: glass, metals, kiln brick, cement fiberglass, concrete, pressed wood, cinder block, and rubber. Did the Department mean to say “including” instead?

R8. No. The Department meant to exclude those particular materials since they are commonly accepted as non-suspect materials.

Q9. What is the purpose of referencing AHERA requirements for schools?

R9. In cases where the standard DHEC requirement would be less stringent than what is required for schools under AHERA, the Department wanted to remind the regulated community of those requirements (i.e., TEM clearance for projects exceeding 160 linear feet and/or 260 square feet at a school).

Q10. Under Section XVI.C.2., Standards for Demolition, it states that “all ACM, with the exception of those materials referenced in Paragraph E of this Section, shall be removed in accordance with work practice requirements for applicable NESHAP, small, or minor projects prior to demolition.” Does this requirement include all ACM requirements such as project design and air monitoring, as well as, gross removal work practices?

R10. Yes. All requirements of the applicable section shall be complied with.

Q11. Why is “goose neck” defined in the new regulations when the term does not appear anywhere else in the regulation?

R11. The intent was to include the term in Section VIII, Disposal Requirements, but was inadvertently excluded. This will be corrected in the future.

Q12. When licensing for different disciplines at different points in time, is a photograph required to be submitted with each application?

R12. No. As long as the applicant submits one photo a year, the image can be used to create other licenses.

Q13. When performing an analysis on the follow-up TEM sample for Non-Friable Organically Bound suspect materials, is the Chatfield Method an acceptable method of analysis?

R13. Yes.

Q14. What materials are considered Non-Friable Organically Bound (NOB)?

R14. There is no definitive all inclusive list of NOBs, but in general it includes roofing materials, flooring materials, adhesives (mastics) and caulks.

Q15. Do all regulated abatement projects have to be designed in accordance with 40 CFR 763?

R15. Yes. Though, technically, only those projects exceeding 3000 square feet, 1500 linear feet, or 656 cubic feet of regulated asbestos-containing materials will require a written project design.

Q16. Does the TEM clearance requirement for abatement projects involving greater than 3000 square feet, 1500 linear feet, or 656 cubic feet of regulated asbestos-containing materials apply to projects performed prior to demolition where the building will not be reoccupied by unprotected personnel?

R16. Yes. The new regulations no longer contain exceptions for abatement projects performed prior to demolition.

Q17. When updating an asbestos inspection report that is older than 3 years are we required to comply with the new sampling protocol for bulk samples?

R17. Yes. An update will be considered a new report; therefore, it must comply with the current regulations. For example, if in the old report only 2 samples of a miscellaneous material were taken, then the new report must include an additional sample to meet the 3 bulk sample requirement. In addition, TEM analysis would be required to confirm negative results for any miscellaneous material that is a Non-Friable Organically Bound material.