

# MassDEP Asbestos Regulation (310 CMR 7.15)

MEHA Yankee Conference

Hotel 1620 Plymouth Harbor, Plymouth, MA

September 12, 2019

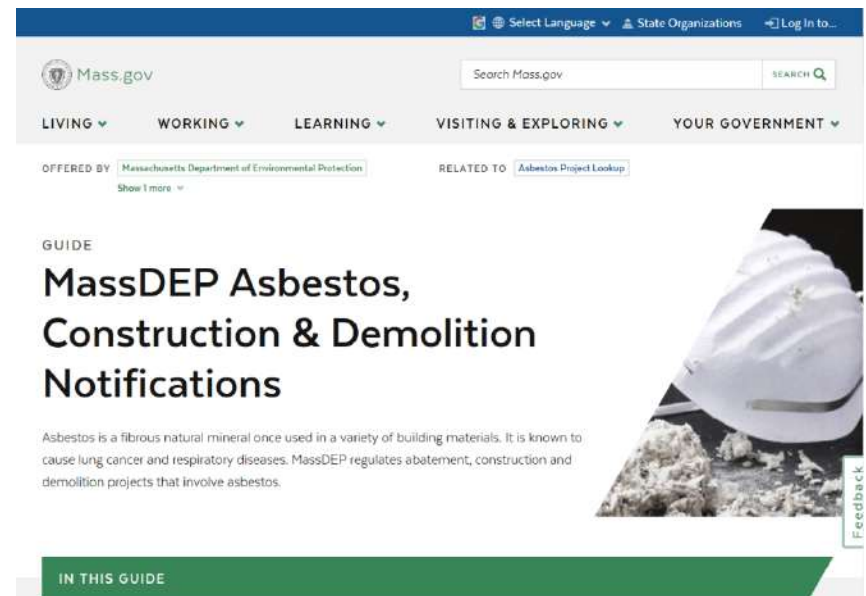


# Fundamentals of Asbestos Program

## focus on Demolition and Renovation Projects

- Performance standards:
  - Prevent air emissions
  - Protect public health, safety and environment
- Essential Elements of Program:
  - **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

### MassDEP Asbestos Webpage



MassDEP Asbestos, Construction & Demolition Notifications

Asbestos is a fibrous natural mineral once used in a variety of building materials. It is known to cause lung cancer and respiratory diseases. MassDEP regulates abatement, construction and demolition projects that involve asbestos.


IN THIS GUIDE

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

# Asbestos Abatement Project Requirements

## Front-End through Removal

- Survey Requirements
- Notification Requirements
  - Asbestos Notification Form (AQ04-ANF-001)
  - Exemptions for certain small jobs and homeowners; however must follow applicable work practices
- Work Practice Standards
  - Adequate Wetting
  - Containment/Ventilation
  - Decon, Removal and Cleanup
- Final Visual Inspection



**Commonwealth of Massachusetts**  
**Asbestos Notification Form ANF-001**

Asbestos Project Number \_\_\_\_\_

Project Revision

Project Cancellation

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**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: <input type="checkbox"/> Written <input type="checkbox"/> 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

# Asbestos Abatement Project Requirements

## Material Specific Work Practices

- **Asphaltic Roofing and Siding**
- **Window Glazing and Caulking Compounds**
- **Exterior Cement Shingles, Siding and Panels**
- **Underground Asbestos-Cement Pipe\***
- **Incidental Maintenance**
  - Floor tile
  - Gypsum Wallboard/Joint Compound systems



Image Source: Mack Group, LLC



Image Source: Today's Homeowner

\* Note: Added in July 2019 Amendments

# Asbestos Abatement Project Requirements

## Managing Asbestos Containing Waste Material (ACWM)

- Packaging
- Transportation
- Storage & Disposal
- Waste Shipment Record



Image Source: ILC Dover

Massachusetts Asbestos Waste Shipment Record		MA00027 ASBESTOS WASTE SHIPMENT RECORD
<b>Work Site</b>		
Name & Address of Facility or Work Site _____ Telephone Number _____		
Name of Facility (Concrete Name) _____ Telephone Number _____ <small>Indicate subdivision if project.</small>		
<b>Name &amp; Address of Asbestos Contractor</b>		
Department of Labor Standards (DLS) License Number _____ Contact Person Name (if Different From Above) _____ Telephone Number _____		
<small>Material(s) Containing Waste to be Shipped, Specify Type &amp; Amount Generated</small>		
<input type="checkbox"/> Fumes <input type="checkbox"/> Non-Fumes		
<small>Quantity of Containing Waste to be Shipped</small>		
<input type="checkbox"/> Containers Used for Shipment of ACWM - Specify Type & Number Used <small>Identify in Container Labels</small>		
<input type="checkbox"/> Drums/Tanks <input type="checkbox"/> 55 Gallon Plastic Drums <input type="checkbox"/> Other _____		
<small>Most Site Owner/Generator Certificate. I hereby certify that the contents of this shipment are fully and accurately described above and that they have been characterized, packaged, marked and labeled in accordance with the OSHA 29 CFR 1910.104.</small>		
Signature _____ Print Name _____ Title _____		
<b>Name &amp; Address of Company or Person Transporting ACWM</b>		
Contact Person Name (if Different From Above) _____ Telephone Number _____ Date ACWM Was Packed Up (MM/DD/YYYY)		
<small>Transportation Certification: I hereby certify that the contents of this shipment are in full compliance with the proper condition for transport according to applicable international, federal, state and local regulations.</small>		
Signature _____ Print Name _____ Title _____		
<b>Name &amp; Address of Company or Person Transporting ACWM</b>		
Contact Person Name (if Different From Above) _____ Telephone Number _____ Date ACWM Was Packed Up (MM/DD/YYYY)		
<small>Transportation Certification: I hereby certify that the contents of this shipment are in full compliance with the proper condition for transport according to applicable international, federal, state and local regulations.</small>		
Signature _____ Print Name _____ Title _____		
<b>Name &amp; Address of Company or Person Operating Disposal Site</b>		
EPA License _____ State _____ ZIP Code _____		
Contact Person Name (if Different From Above) _____ Telephone Number _____ Date (Shipment Was Received) (MM/DD/YYYY)		
<b>Verify Any Discrepancies</b>		
<small>Disposal Facility Certification: I hereby certify that (1) the quantity of ACWM listed on the colorado waste shipment record is the same as the quantity accepted for disposal and (2) this facility meets the appropriate permit and/or authorization to accept for disposal the ACWM described.</small>		
Signature _____ Print Name _____ Title _____		

# “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 approval of site-specific 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

# Survey Requirements

- Required prior to **ANY** demolition/renovation project
  - ANY structure of ANY age
  - 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 of all suspect ACM
  - Identify all material containing asbestos in any amount (including <1%) in area to be worked on
  - Destructive survey (inspect/sample behind wall cavities, through floor layers, above ceilings)
  - Must use of approved analytical methods
    - EPA *Method for the Determination of Asbestos in Bulk Building Materials* (EPA/600/R-93/116) - Polarized Light Microscopy (PLM)
  - Any suspect ACM not analyzed must be identified as ACM
- Keep the Survey Report for at least two years (preferably longer)



# “Suspect Asbestos-Containing Material”

- MassDEP Definition: 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

## CEILING

- 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

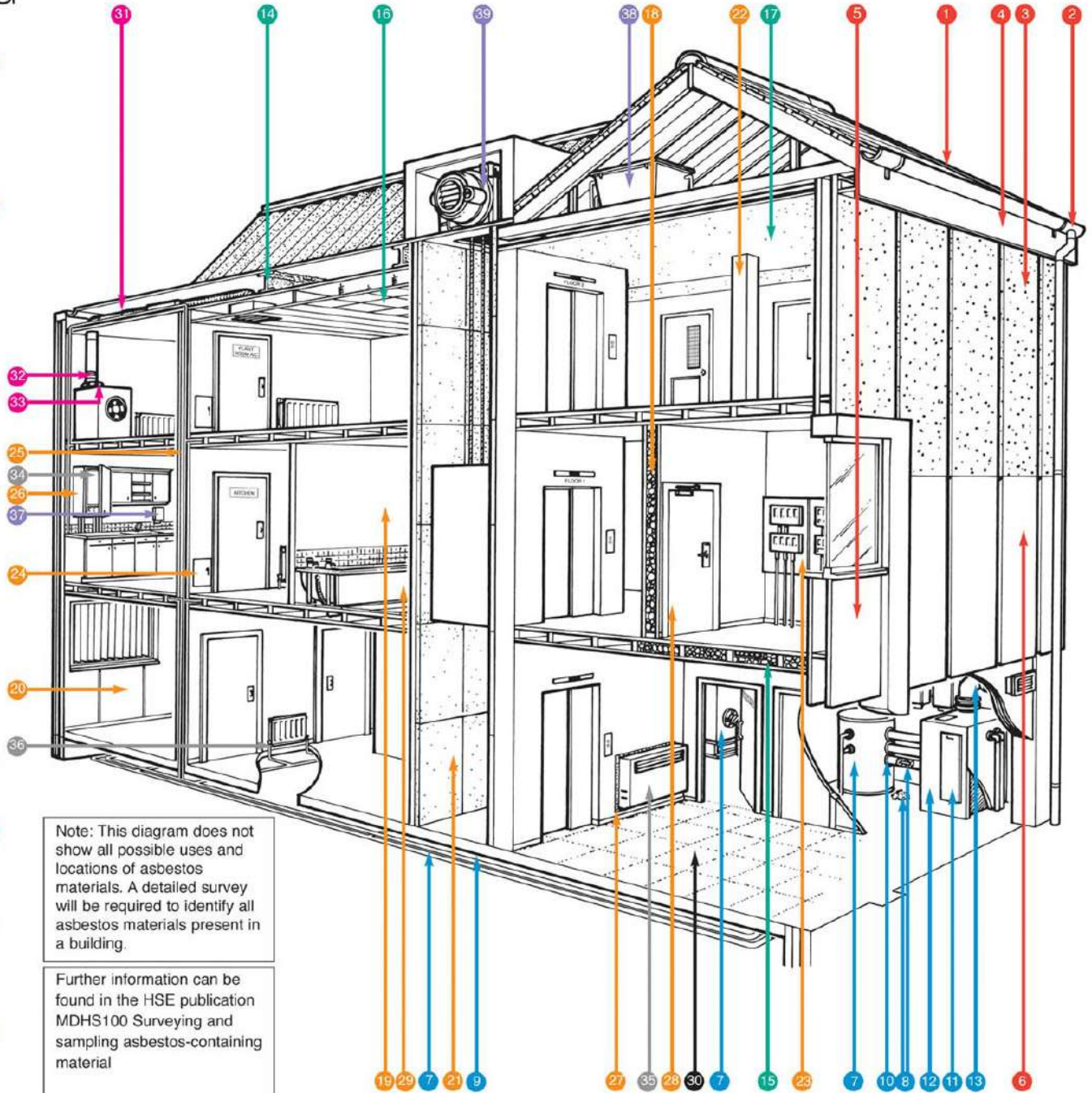
- 31 Lagging
- 32 Gaskets
- 33 Anti-vibration gaiter

## 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 Products still Available in Commerce

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

- Asphaltic roofing shingles, felts, flashing
- Cement shingles/panels
- Cement pipe
- Vinyl floor tile
- Millboard
- Gaskets
- Adhesives/mastics
- Friction materials (auto, truck, rail, industrial)



Image Source: Rosenfeld Injury Lawyers

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


# Suggested Checklist for Building Officials Asbestos Survey/Removal Requirements

1. Was the structure, or the portion of structure where work will be performed, thoroughly surveyed by a DLS-certified asbestos inspector prior to **ANY** demolition or renovation activity?
  - *Ask for copy of asbestos survey report.*
2. Did survey identify any Asbestos-Containing Material (ACM)?
  - *Note: Any suspect ACM not analyzed must be managed as ACM*
3. If ACM was identified, has it been removed?
  - *Ask for copy of Asbestos Notification Form (ANF)*
  - *Ask for evidence of project completion*
    - *Final clearance monitoring report, or*
    - *Waste Shipment Record (WSR).*



# Reminder of Construction/Demolition Notification Requirement

- Submit 10 working-days before start of construction or demolition of a building:
  - Industrial/Commercial/Institutional
  - Residential buildings  $\geq 20$  units (EPA requires notification 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

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

 Lab  
 Enter

**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

**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

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**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?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Describe the current or prior use of the facility:			
Is the facility a residential facility? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, how many units? <span style="border-bottom: 1px solid black; width: 50px;"></span>			
Facility Owner Name		Address	
City/Town	State	ZIP Code	Telephone
On-Site Manager/Owner Representative		Address	
City/Town	State	ZIP Code	Telephone

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


# Suggested Checklist for Building Officials

## Notification Prior to Construction/Demolition

1. Does the project involve an institutional, commercial or industrial structure, or any portion of such a structure?
2. Does the project involve of a residential structure, or any portion of such a structure, with 20 or more dwelling units?
3. Does the project involve the demolition of a residential structure with more than 4 dwelling units?
4. If yes to any of above, then the owner/operator is required to submit an AQ06 Notification Prior to Construction or Demolition.
  - 10 working-days (ca. two weeks) prior to start of any activity
  - MassDEP can grant emergency waiver upon request

# 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 ⓘ <input type="text"/>	City/Town ⓘ <input type="text" value="Select"/>
Form Type ⓘ <input type="text" value="Select"/>	Location Name ⓘ <input type="text"/>
Location Address ⓘ <input type="text"/>	Project Start Date ⓘ <input type="text"/> to <input type="text"/>
Project End Date ⓘ <input type="text"/> to <input type="text"/>	

## For More Information:

- MassDEP Asbestos Regulation – July 2019:  
<https://www.mass.gov/files/documents/2019/07/12/asbestosreg19.pdf>
  - Questions about Asbestos Regulations and Policy: Mike Elliott, email: [michael.elliott@mass.gov](mailto:michael.elliott@mass.gov), telephone: 617/292-5575
- Regional MassDEP Asbestos Contacts:
  - Central: Gregg Levins ([gregory.levins@mass.gov](mailto:gregory.levins@mass.gov), 508/767-2768)
  - Northeast: John MacAuley ([john.macauley@mass.gov](mailto:john.macauley@mass.gov), 978/694-3262)
  - Southeast: Cynthia Baran ([cynthia.baran@mass.gov](mailto:cynthia.baran@mass.gov), 508/946-2887)
  - Western: Marc Simpson ([marc.simpson@mass.gov](mailto:marc.simpson@mass.gov), 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>