

MassDEP Asbestos Regulation (310 CMR 7.15)

MEHA Conference

Taunton Holiday Inn

November 17, 2021



MassDEP Asbestos Program Overview

focus on Demolition and Renovation Projects

- Performance standards:
 - Prevent air emissions
 - Protect public health, safety and environment
- Program Framework Key Elements:
 - **Notification** prior to work
 - **Asbestos abatement** work practice standards
 - **Asbestos-containing waste material** must be properly managed
- Must also comply with DLS requirements:
 - Professional licensing/training
 - Worker health
 - Asbestos in schools

MassDEP Asbestos Webpage

GUIDE

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>

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 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)

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

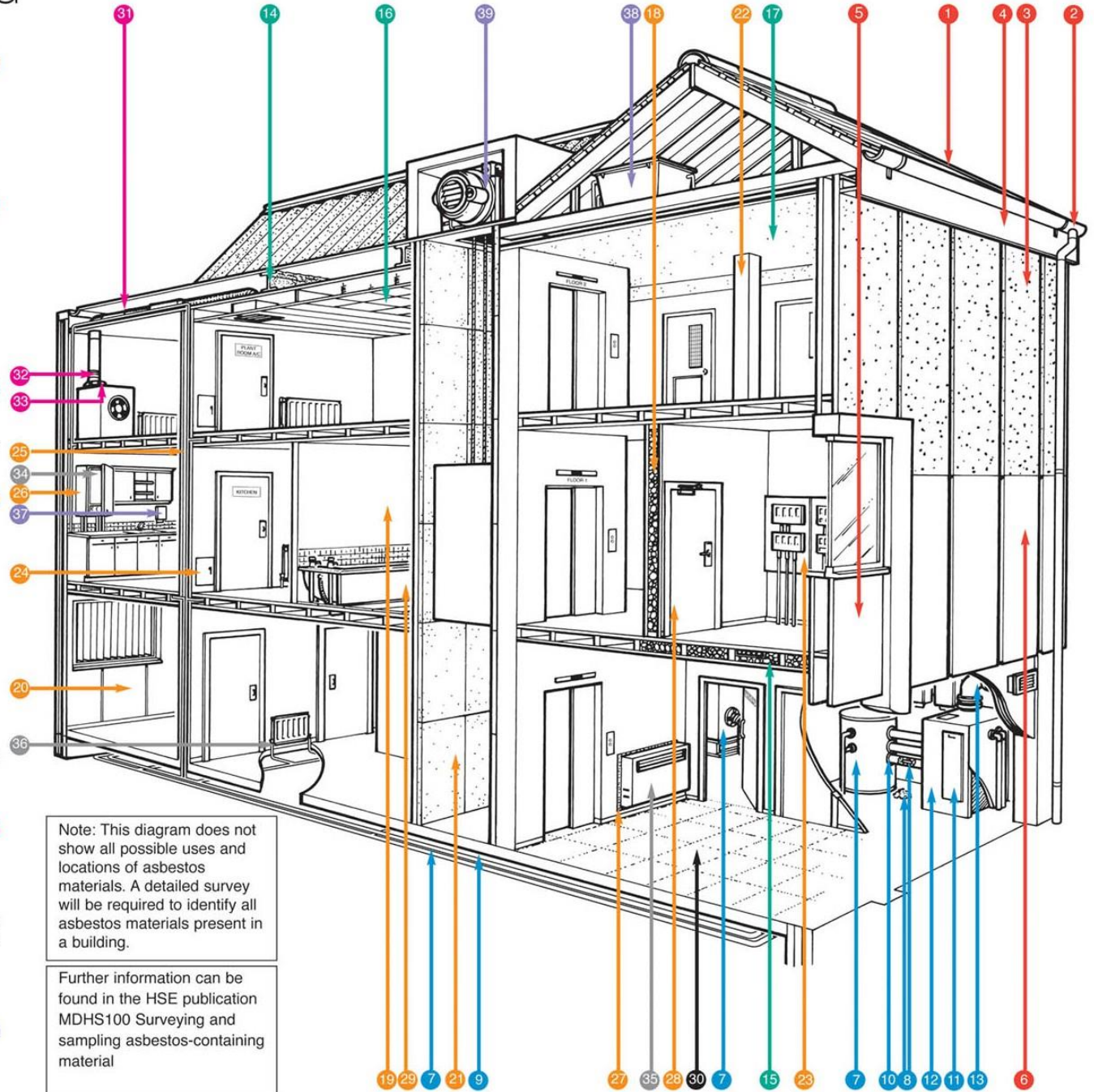
- 31 Lagging
- 32 Gaskets
- 33 Anti-vibration gaiter

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

Suggested Checklist for Municipal 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).*

MassDEP Asbestos Program Available Resources

- Check Asbestos Project Look-up Tool on MassDEP webpage:
<https://eeaonline.eea.state.ma.us/portal#!/search/asbestos>
 - Asbestos Notification Form (AQ04/ANF-001)
 - Construction/Demolition Notification Form (AQ06)
- Call MassDEP Regional Office
 - Contact information on last slide

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"/>	

Asbestos Notification Requirements

- Asbestos Notification Form (AQ04/ANF-001)
- Work Practice Standards
 - Work Area Prep, Isolation, Containment
 - Ventilation, Filtration
 - Adequate Wetting
 - Decon, Removal and Cleanup
- Final Visual Inspection



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: <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

Demolition/Renovation Notification Requirements

- **Notification Prior to Construction or Demolition (AQ06)**
 - Industrial/Commercial/Institutional Structures
 - Residential buildings ≥ 20 units (EPA requires notification for demo of any residence >4 units)
- Purpose to prevent releases
 - Nuisance dust
 - Other hazardous air pollutants (e.g., asbestos)
- AQ 06 Form information
 - Type of structure
 - Asbestos survey
 - Survey results
 - Asbestos abatement activities





Massachusetts Department of Environmental Protection
Bureau of Waste Prevention • Air Quality

BWP AQ 06 Asbestos Project Number _____

Notification Prior to Construction or Demolition

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

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 _____
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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 _____

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

BOH Coordination with MassDEP

- Initial Complaint Response
 - Verify complaint
 - Gather owner/tenant contact info
 - Pull local permits
 - Request asbestos survey
 - Inspect property
 - Debris visible outside?
 - Dumpster on-site?
 - Take photos
 - Document site conditions
- Stop Work, Issue Corrective Action Order

Joint Enforcement Authority

- State Sanitation Code 105 CMR 410.353 “Asbestos Material”
 - *“Every owner shall maintain all asbestos material in good repair, and free from any defects including, but not limited to, holes, cracks, tears or any looseness which may allow the release of asbestos dust, or any powdered, crumbled or pulverized asbestos material. Every owner shall correct any violation of 105 CMR 410.353 in accordance with the regulations of the Department of Environmental Protection appearing at 310 CMR 7.00 and in accordance with the regulations of the Department of Labor and Workforce Development appearing at 453 CMR 6.00.”*
- MassDEP Air Quality Reg 310 CMR 7.52 “Enforcement Provisions”
 - authorizes BOHs to enforce certain MassDEP requirements (e.g., asbestos, nuisance dust, odor, noise)
 - *“Any police department, fire department, or board of health official, acting within his or her jurisdictional area is hereby authorized by the Department to enforce, as provided for in M.G.L. c. 111, § 142B, any regulation in which specific reference to 310 CMR 7.52 is cited.”*

For More Information

- MassDEP Asbestos Regulation:

<https://www.mass.gov/doc/310-cmr-715-massdep-asbestos-regulation-july-2019/download>

- Questions about Asbestos Regulations and Policy: Mike Elliott, email: michael.elliott@mass.gov, telephone: 617-292-5575

- Regional MassDEP Asbestos Contacts:

- Central: Gregg Levins (gregory.levins@mass.gov, 508-767-2768)
- Northeast: John MacAuley (john.macauley@mass.gov, 978-694-3262)
- Southeast: Cynthia Baran (cynthia.baran@mass.gov, 508-946-2887)
- Western: Dave Slowick (david.slowick@mass.gov, 413-755-2246)

- 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>

Please note: MassDEP staff are currently working hybrid remote and in-office schedules; for fastest response, please use email contact information above.