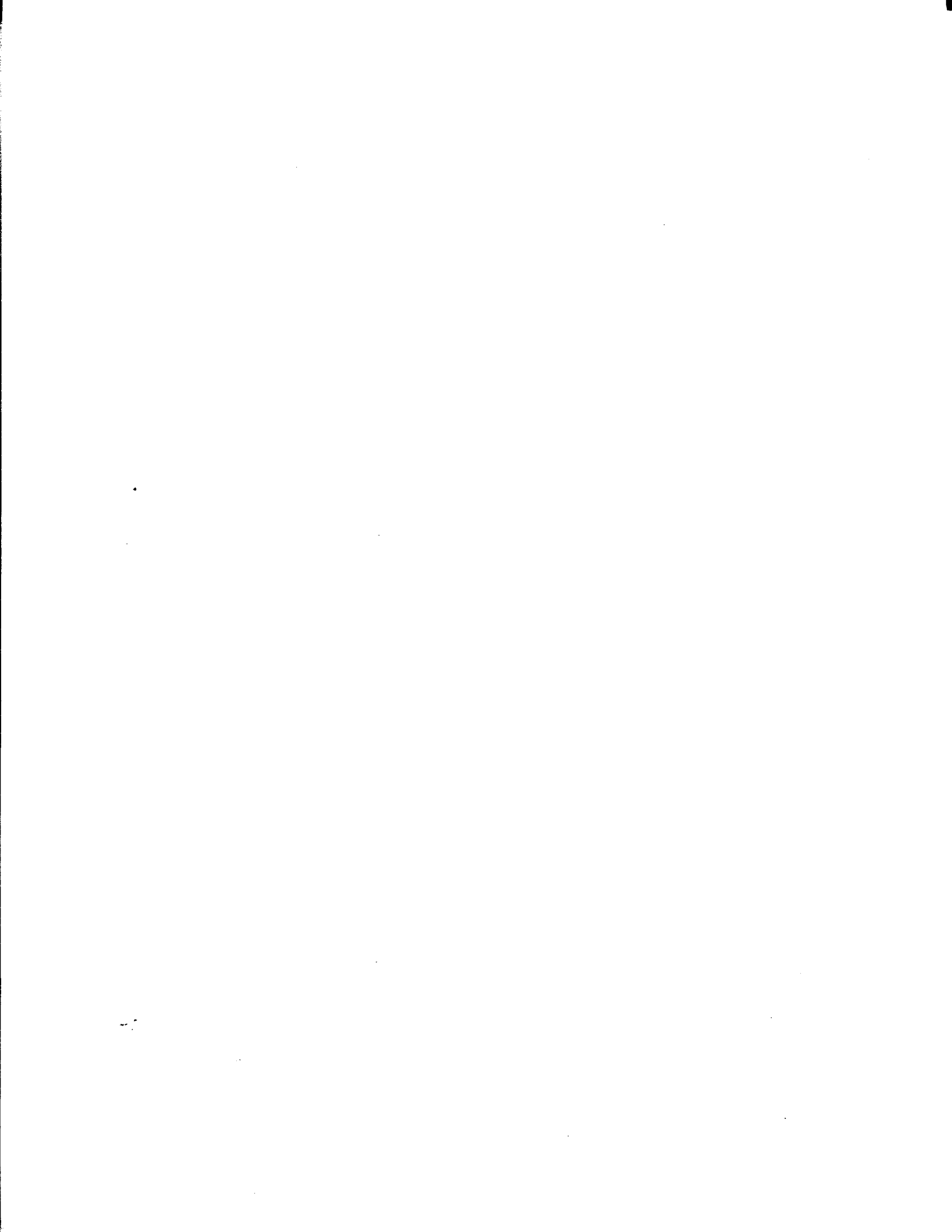


**NORTH CAROLINA ASBESTOS
RULES, REGULATIONS, AND
PROCEDURES**

**NC DEPARTMENT OF HEALTH AND
HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
HEALTH HAZARDS CONTROL UNIT
1912 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1912
(919)733-0820**

JULY 1, 1996



**ASBESTOS PERMIT APPLICATION AND NOTIFICATION
 FOR DEMOLITION/RENOVATION**

		Permit Number	NESHAP ID Number
1. TYPE: <input type="checkbox"/> Asbestos Removal ; <input type="checkbox"/> Emergency Asbestos Removal ; <input type="checkbox"/> Nonscheduled Asbestos Removal ; <input type="checkbox"/> Demo ; <input type="checkbox"/> Ordered Demo			
2. IS ASBESTOS PRESENT? <input type="checkbox"/> Yes; <input type="checkbox"/> No			
3. FACILITY INFORMATION (Identify Owner, asbestos removal contractor, demo contractor, air monitor, designer)			
OWNER NAME:			
Address:			
City:	State:	Zip:	
Contact:		Contact Phone:	
OPERATOR NAME (IF OTHER THAN OWNER):			
Address:			
City:	State:	Zip:	
Contact:		Contact Phone:	
ASBESTOS REMOVAL CONTRACTOR:			
Address:			
City:	State:	Zip:	
Contact:		Contact Phone:	
DEMOLITION CONTRACTOR:			
Address:			
City:	State:	Zip:	
Contact:		Contact Phone:	
SUPERVISING AIR MONITOR (If Required):		NC Accreditation Number:	
ABATEMENT DESIGNER (If Required):		NC Accreditation Number:	
4. FACILITY DESCRIPTION (Including building name, number and floor or room number)			
Bldg. Name:		Facility Contact:	
Street Address:			
City:	State:	Zip:	
Asbestos Removal Site Location:			County:
Building Size:	# of Floors:	Age in Years:	
Present Use:	Prior Use:	Future Use:	
5. SCHEDULED DATES: NONSCHEDULED ASBESTOS REMOVAL (MM/DD/YY) Start: _____ Complete: _____			
6. SCHEDULED DATES: ASBESTOS REMOVAL (MM/DD/YY) Start: _____ Complete: _____			
7. SCHEDULED DATES: DEMOLITION (MM/DD/YY) Start: _____ Complete: _____			
8. WORK SCHEDULE (Circle days applicable): Mon Tue Wed Thu Fri Sat Sun			WORK HOURS:
FOR GOVERNMENTAL AGENCY USE ONLY			
POSTMARK DATE: _____ REGION/COUNTY/CONTRACTOR/LANDFILL: _____			
APPROVING SIGNATURE: _____ DATE: _____			

**ASBESTOS PERMIT APPLICATION AND NOTIFICATION
 FOR DEMOLITION/RENOVATION**

9. INSPECTION INFORMATION (Include five digit NC HHCU assigned accreditation number)																					
Inspector Name:		NC Accreditation Number:																			
Date of Inspection:	Samples Collected: <input type="checkbox"/> Yes ; <input type="checkbox"/> No	Samples Analyzed: <input type="checkbox"/> PLM <input type="checkbox"/> TEM																			
Materials May Be Assumed ACM for Renovation/Removal Purposes: Assumed ACM: <input type="checkbox"/> Yes ; <input type="checkbox"/> No																					
10. SCOPE OF WORK FOR ASBESTOS REMOVAL AND/OR DEMOLITION:																					
11. ASBESTOS REMOVAL/DEMOLITION WORK PRACTICES: (Check all that apply)																					
<table style="width:100%; border: none;"> <tr> <td colspan="2" style="text-align: center;"><u>ASBESTOS REMOVAL</u></td> <td style="text-align: center;"><u>DEMOLITION</u></td> </tr> <tr> <td><input type="checkbox"/> Containment</td> <td><input type="checkbox"/> Remove Intact</td> <td><input type="checkbox"/> Bulldozer/Loader</td> </tr> <tr> <td><input type="checkbox"/> Wet Methods</td> <td><input type="checkbox"/> Rotating Blade Roof Cutter</td> <td><input type="checkbox"/> Wrecking Ball</td> </tr> <tr> <td><input type="checkbox"/> Strip & Removal</td> <td><input type="checkbox"/> Mechanical Chipping</td> <td><input type="checkbox"/> Implose</td> </tr> <tr> <td><input type="checkbox"/> Glove Bag</td> <td><input type="checkbox"/> Component Removal</td> <td><input type="checkbox"/> Live Burn Training</td> </tr> <tr> <td colspan="2"> <input type="checkbox"/> Other - Explain Below _____ _____ </td> <td> <input type="checkbox"/> Negative Pressure <input type="checkbox"/> Dry Removal <input type="checkbox"/> Requires Prior Written approval from HHCU; Attach copy of approval letter </td> </tr> </table>				<u>ASBESTOS REMOVAL</u>		<u>DEMOLITION</u>	<input type="checkbox"/> Containment	<input type="checkbox"/> Remove Intact	<input type="checkbox"/> Bulldozer/Loader	<input type="checkbox"/> Wet Methods	<input type="checkbox"/> Rotating Blade Roof Cutter	<input type="checkbox"/> Wrecking Ball	<input type="checkbox"/> Strip & Removal	<input type="checkbox"/> Mechanical Chipping	<input type="checkbox"/> Implose	<input type="checkbox"/> Glove Bag	<input type="checkbox"/> Component Removal	<input type="checkbox"/> Live Burn Training	<input type="checkbox"/> Other - Explain Below _____ _____		<input type="checkbox"/> Negative Pressure <input type="checkbox"/> Dry Removal <input type="checkbox"/> Requires Prior Written approval from HHCU; Attach copy of approval letter
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<input type="checkbox"/> Other - Explain Below _____ _____		<input type="checkbox"/> Negative Pressure <input type="checkbox"/> Dry Removal <input type="checkbox"/> Requires Prior Written approval from HHCU; Attach copy of approval letter																			
12. ASBESTOS WASTE TRANSPORTER # 1																					
Name:																					
Address:																					
City:	State:	Zip:																			
Contact Person:		Contact Phone:																			
ASBESTOS WASTE TRANSPORTER # 2																					
Name:																					
Address:																					
City:	State:	Zip:																			
Contact Person:		Contact Phone:																			
13. ASBESTOS WASTE DISPOSAL SITE																					
Name:																					
Location:																					
City:	State:	Zip:																			
Contact Person:		Contact Phone:																			
14. IF DEMOLITION ORDERED BY GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW: (ATTACH COPY OF ORDER)																					
Name:		Title:																			
Authority:																					
Date Ordered (MM/DD/YY):		Date Demolition Ordered to Begin (MM/DD/YY):																			
15. I AM APPLYING FOR AN EMERGENCY RENOVATION PERMIT AND A WAIVER OF THE TEN WORKING DAY NOTIFICATION PERIOD: <input type="checkbox"/> Yes; <input type="checkbox"/> No (If Yes, attach letter)																					

**ASBESTOS PERMIT APPLICATION AND NOTIFICATION
 FOR DEMOLITION/RENOVATION**

16. AMOUNT OF ACM NOT TO BE REMOVED (Indicate whether LF, SF, or CF)			
Category I:		Category II:	
17. RACM MATERIALS TO BE REMOVED AND ASSESSMENT OF FEES			
TYPE OF RACM	AMOUNT X \$.10 = FEE	TYPE OF RACM	AMOUNT X \$.20 = FEE
Floor Tile _____ sf	x .10 = \$ _____	Pipe Insulation (TSI): _____ lf	x .20 = \$ _____
Ceiling Tile: _____ sf	x .10 = \$ _____	Boiler Insulation (TSI): _____ sf	x .20 = \$ _____
Cementitious Roofing/ Wallboard/Panels: _____ sf	x .10 = \$ _____	Surfacing Material: _____ sf	x .20 = \$ _____
Roofing: _____ sf	x .10 = \$ _____	Other (SqFt or CuFt): _____ sf/cf	x .20 = \$ _____
TOTAL (A) _____ sf	x .10 = \$ _____	TOTAL (B) _____ lf/sf/cf	x .20 = \$ _____
18. TOTAL LF TO BE REMOVED: _____		TOTAL SF TO BE REMOVED: _____	
		TOTAL CF TO BE REMOVED: _____	
19. FEES DUE			
(a) TOTAL # 17(A) + # 17 (B) = \$ _____			
(b) ASBESTOS REMOVAL CONTRACT PRICE = \$ _____ X .01 (1%) = \$ _____			
<i>TOTAL FEES FOR ASBESTOS REMOVALS PRIOR TO DEMOLITION SHALL NOT EXCEED \$300.00. CHECK HERE, IF APPLICABLE []</i>			
<i>RESIDING HOMEOWNERS ARE EXEMPT FROM PERMIT FEES. CHECK HERE, IF APPLICABLE []</i>			
(c) TOTAL FEE DUE = \$ _____ (Whichever is greater, (a) or (b) above)			
20. I, AN OWNER OR OPERATOR OF THE DEMOLITION/RENOVATION ACTIVITY, HEREBY CERTIFY THAT THE INFORMATION SUBMITTED IS ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT IN THE EVENT THAT UNEXPECTED RACM IS FOUND OR ACM BECOMES RACM, THE NORTH CAROLINA ASBESTOS HAZARD MANAGEMENT BRANCH WILL BE NOTIFIED. I FURTHER CERTIFY THAT THIS PROJECT WILL BE CONDUCTED IN ACCORDANCE WITH 40 CFR PART 61, SUBPART M (NESHAP) AND 15A NCAC 19C SECTION .0600 (NC ASBESTOS RULES).			
NAME: _____		TITLE: _____	
COMPANY NAME: _____			
STREET ADDRESS: _____		CITY: _____ STATE: _____ ZIP: _____	
PO BOX: _____		CITY: _____ STATE: _____ ZIP: _____	
SIGNATURE: _____		DATE: _____	
NOTE: Please complete with mailing address. The completed/approved permit/notification will be mailed to the signatory of this block at the mailing address indicated.			
THE US ENVIRONMENTAL PROTECTION AGENCY HAS DELEGATED NESHAP ADMINISTRATIVE AND ENFORCEMENT RESPONSIBILITY TO LOCAL ENVIRONMENTAL AGENCIES IN THE FOLLOWING NORTH CAROLINA COUNTIES: BUNCOMBE, HAYWOOD, FORSYTH, AND MECKLENBURG. FOR FURTHER INFORMATION REGARDING LOCAL REQUIREMENTS, PLEASE CONTACT:			
Buncombe, Haywood Counties WNC Regional Air Pollution Control Agency 49 Mt. Carmel Road Asheville, NC 28806 828/255-5655	Forsyth County Environmental Affairs Department 537 North Spruce Street Winston-Salem, NC 27101 336/727-8064	Mecklenburg County Department of Environmental Affairs 700 North Tryon Street Charlotte, NC 28202-2236 704/336-5500	

PLEASE SUBMIT PROPERLY COMPLETED APPLICATION FORM WITH APPLICABLE PERMIT FEES TO THE FOLLOWING ADDRESS:

**HEALTH HAZARDS CONTROL UNIT
 NCDHHS-DIVISION OF PUBLIC HEALTH
 1912 MAIL SERVICE CENTER
 RALEIGH, NC 27699-1912**

**TELEPHONE: 919-733-0820
 FAX NUMBER: 919-733-8493**

INSTRUCTIONS

ASBESTOS PERMIT APPLICATION AND NOTIFICATION FOR DEMOLITION/RENOVATION (FORM DHHS 3768 - Revised 7/99)

PURPOSE: This form serves as an application for an asbestos removal permit (15A NCAC 19C .0600) and as a National Emission Standard for Hazardous Air Pollutants (NESHAP) notification of demolition and/or renovation in the state of North Carolina. An approved permit is required to be displayed on site for all asbestos removals of more than 35 cubic feet, 160 square feet or 260 linear feet of regulated asbestos containing material or asbestos containing material that may become regulated during handling.

PREPARATION: All information pertinent to the removal, renovation and/or demolition must be completed by the building owner/operator or designee and submitted with applicable permit fees to:

**Health Hazards Control Unit
NCDHHS-Division of Public Health
1912 Mail Service Center
Raleigh, NC 27699-1912**

*For Fed Ex or Overnight Mail:
2728 Capital Blvd, 2nd Floor, Room 210
Raleigh, NC 27604*

1. **TYPE:** Indicate the type of notification, i.e., Asbestos Removal, Emergency Asbestos Removal, Nonscheduled Asbestos Removal, Demolition, Ordered Demolition

2. **IS ASBESTOS PRESENT:** Indicate whether asbestos is present by checking Yes or No.

3. **FACILITY INFORMATION:** Enter the name of the owner of the facility, the owner's mailing address including box number, street, city, state, zip code, contact person, and telephone number of contact person.

Operator will include those acting as agent for or representatives of the owner of the facility, such as property manager, architect, general contractor, or engineering or consulting firm. Complete the name of the operator and the operator's mailing address including box number, street, city, state, zip code, contact person and the contact person's telephone number.

If regulated asbestos containing materials (RACM) are to be removed, complete the name of the asbestos removal contractor, the contractor's mailing address including box number, street, city, state, zip code, contact person and telephone number for contact person.

Where demolition of the facility immediately follows the removal of RACM, complete the demolition contractor's name, the demolition contractor's mailing address including box number, street, city, state, zip code, contact person and telephone number for contact person.

When no asbestos removal is required prior to demolition, complete the owner, operator, and demolition contractor information as appropriate.

Supervising Air Monitor: Enter the name of the NC accredited supervising air monitor and the supervising air monitor's NC accreditation number if applicable.

Abatement Designer: Required for all individually permitted asbestos removals conducted in public areas consisting of more than 3000 square feet (281 square meters), 1500 linear feet (462 meters), or 656 cubic feet (18 cubic meters) of RACM.

4. **FACILITY DESCRIPTION:** Complete the building name of the facility to be renovated or demolished, the physical address including street number, street name, city, state, and county. Asbestos removal site location should include the building number, floor number and room number(s). Complete building size in square feet, number of floors in building, the age of the building, and its present use, prior use, and future use.

5. **SCHEDULED DATES - NONSCHEDULED ASBESTOS REMOVAL:** A nonscheduled Asbestos Removal is an asbestos removal required at any installation by the routine failure of equipment, which is expected to occur within a calendar year (Jan. 1 - Dec. 31). The amounts of RACM to be removed during this period are expected to exceed 35 cubic feet, 160 square feet, or 260 linear feet. **This notification is required to be submitted at least 10 working days prior to the new calendar year.**

6. **SCHEDULED DATES - ASBESTOS REMOVAL:** Complete the asbestos removal start date and the asbestos removal complete date. Start date means the date on which activities on a permitted asbestos removal requiring the use of accredited workers and supervisors begin, including removal area isolation and preparation or any other activity which may disturb asbestos containing materials. **This notification is required to be submitted at least 10 working days prior to the start date.**

7. **SCHEDULED DATES - DEMOLITION:** Complete the demolition start date and the demolition complete date. See definition of "Start Date" in #6 above. **This notification is required to be submitted at least 10 working days prior to the start date.**

8. **WORK SCHEDULE:** Circle all days when asbestos removal activities are to occur. Enter the working hours that asbestos removal activities will be conducted (i.e., 7:30 AM - 5:00 PM).
9. **INSPECTION INFORMATION:** Enter the North Carolina accredited inspector's name and North Carolina accreditation number. This information is required for demolitions. Enter date(s) the inspection was conducted; indicate yes or no for Samples Collected; if Samples Collected is yes, then indicate the analytical method used to analyze the samples. Materials may be assumed to be RACM in lieu of an inspection for purposes of asbestos removals.
10. **SCOPE OF WORK FOR ASBESTOS REMOVAL AND/OR DEMOLITION:** Enter a brief description of the asbestos removal and/or demolition (i.e., remove 300 lf of pipe insulation from crawl space. Demolish cafeteria building using heavy equipment).
11. **ASBESTOS REMOVAL/DEMOLITION WORK PRACTICES:** Check all appropriate boxes. Provide a complete explanation of work practices to be followed if "other" is checked. NOTE: Dry removal requires prior written approval from the HHCU. Attach copy of approval letter to completed application.
12. **ASBESTOS WASTE TRANSPORTER #1:** Complete the name, mailing address, including city, state, zip code, contact person and contact person's telephone number for the waste transporter contracted to transport the waste to an approved landfill.

ASBESTOS WASTE TRANSPORTER #2: Complete the name, mailing address, including city, state, zip code, contact person and the contact person's telephone number for the waste transporter contracted in conjunction with or separately from Waste Transporter #1.
13. **ASBESTOS WASTE DISPOSAL SITE:** Complete the name and location of the waste disposal site where the asbestos containing waste will be disposed including the street, route, or highway of the waste facility, city, state, zip code, contact person at the waste disposal site, and contact person's telephone number.
14. **IF DEMOLITION ORDERED BY GOVERNMENT AGENCY:** Complete the name, title, authority, the date of the order and the date the demolition is ordered to begin. Attach a copy of the order to the completed permit application/notification.
15. **APPLYING FOR AN EMERGENCY RENOVATION PERMIT:** Attach a letter from the owner or operator stating the date and hour the emergency occurred. Describe the sudden, unexpected event resulting in the emergency. Explain how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden.
16. **AMOUNT OF ACM NOT TO BE REMOVED:** Enter the amounts of ACM in the affected part of the facility that will not be removed.
17. **RACM MATERIALS TO BE REMOVED AND ASSESSMENT OF FEES:** Complete the corresponding blanks with the amounts of Regulated Asbestos Containing Material(s) (RACM) being removed at the site. When RACM to be removed is greater than 35 cubic feet, 160 square feet and/or 260 linear feet, compute the fees as outlined on the form. Complete totals (A) and (B).
18. **TOTAL LF/SF/CF TO BE REMOVED:** Enter the total linear feet, total square feet, and total cubic feet from #17.
19. **FEES DUE:** (a) Total #17.(A) + Total #17.(B) and enter amount. (b) Enter asbestos removal contract price and multiply by 0.01 (1%) and enter total. Enter total fee due, whichever is greater, (a) or (b). NOTE: The maximum fee due for asbestos removal prior to demolition is \$300.00. Residing Homeowners are exempt from permit fees.
20. **CERTIFICATION:** Enter all information requested. Only notifications completed in permanent media with original signature will be considered.

NOTE: All owners and operators are responsible for the information on the permit/notification.

Checks should be made payable to: NCDHHS - Health Hazards Control Unit

Upon approval of the Application/Notification, an HHCU Permit Number will be assigned to the removal project and a one page project Permit will be returned to the applicant. The project Permit/Notification and all revisions must be on-site and available for review throughout the duration of the project.

REORDER: Additional forms may be ordered from:

**Health Hazards Control Unit
NCDHHS-Division of Public Health
1912 Mail Service Center
Raleigh, NC 27699-1912
Phone: (919) 733-0820 Fax: (919) 733-8493**

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REVISION FOR PERMIT/NOTIFICATION

PERMIT NUMBER:	NESHAP NUMBER:
FACILITY:	FACILITY ADDRESS:
CONTRACTOR:	CONTRACTOR ADDRESS:
CONTACT PERSON:	CONTACT PERSON PHONE:

ASBESTOS REMOVAL DATES

ORIGINAL REMOVAL START DATE:	REVISED REMOVAL START DATE:
ORIGINAL REMOVAL COMPLETE DATE:	REVISED REMOVAL COMPLETE DATE:

DEMOLITION DATES

ORIGINAL DEMO START DATE:	REVISED DEMO START DATE:
ORIGINAL DEMO COMPLETE DATE:	REVISED DEMO COMPLETE DATE:

ADDITIONAL AMOUNTS OF MATERIALS/FEEES

TYPE OF RACM	AMOUNT x \$.10 = FEE	TYPE OF RACM	AMOUNT X \$.20 = FEE
Floor tile: _____ sf	x .10 = \$ _____	Pipe Insulation (TSI): _____ lf	x .20 = \$ _____
Ceiling Tile: _____ sf	x .10 = \$ _____	Boiler Insulation (TSI): _____ sf	x .20 = \$ _____
Cementitious Board: _____ sf	x .10 = \$ _____	Surfacing Material: _____ sf	x .20 = \$ _____
Roofing: _____ sf	x .10 = \$ _____	Other (Sq/Cu) _____ sf/cf	x .20 = \$ _____
TOTAL (A) _____	x .10 = \$ _____	TOTAL (B) _____	x .20 = \$ _____
(a) TOTAL (A) + (B) = \$ _____		(b) CONTRACT PRICE = \$ _____ x .01 = \$ _____	

TOTAL ADDITIONAL FEE PAID (Whichever is greater, (a) or (b) above) : \$ _____

ADDITIONAL COMMENTS OR OTHER REVISIONS:

I CERTIFY THAT THE INFORMATION SUBMITTED IS ACCURATE TO THE BEST OF MY KNOWLEDGE.
 NAME: _____ TITLE: _____
 COMPANY NAME: _____
 SIGNATURE: _____ DATE: _____

*** HEALTH HAZARDS CONTROL UNIT USE ***

RECEIVED BY: _____ DATE RECEIVED: _____
 POSTMARK DATE: _____ PERMITS DATA ENTRY: _____

FAX TRANSMITTAL INFORMATION

TO: _____ DATE: _____	TO: HEALTH HAZARDS CONTROL UNIT DATE: _____
FROM: _____ TIME: _____	FROM: _____ TIME: _____
FAX #: _____ # PAGES _____	FAX #: 919-733-8493 PAGES: _____

INSTRUCTIONS
REVISION FOR PERMIT/NOTIFICATION
[HHCU 3768-R (Revised 7/99)]

- PURPOSE:** This form shall be used for the required reporting of revisions to any active NC Permits for asbestos removals and/or NC demolition notifications.
- PREPARATION:** This form shall be completed when any revisions occur for scheduled start and/or complete dates for asbestos removals and/or demolitions; when additional amounts of regulated asbestos containing materials (RACM) are found to be removed; and for other revisions that substantially alter the originally approved permit.
- INSTRUCTIONS:**
- Enter the assigned NC Permit Number and NESHAP ID Number of the approved permit to be revised.
- Complete the facility name and address; contractor's name and address; contact person's name and contact person's telephone number.
- Indicate any revisions in start and/or complete date(s) as indicated - being sure to indicate properly whether it is a removal date revision or a demolition date revision.
- If additional amounts of RACM are to be revised, complete the corresponding blanks with the amounts of RACM to be removed and compute fees accordingly. Notice that the amounts requested are ADDITIONAL amounts only.
- Type in or print legibly the certifying individual's name, title, and company name. Certifying individual must sign and date the form as indicated.
- FAX TRANSMITTAL INFORMATION:** The HHCU accepts telefaxed revisions. Telefaxed revisions received by the Branch are initialed, dated and time of receipt indicated and faxed back to the individual that signed the Revision form. It is the contact person's responsibility to assure the faxed revision is received, signed and faxed to confirm receipt. Revisions are NOT approved upon receipt. Upon review of the Revision form, if additional information, changes or corrections are needed, the contact person will be contacted.
- GUIDELINES:**
- If a removal and/or demolition is to begin earlier than the original start date, the Revision shall be received by this office at least 10 working days before the new start date.
- Removals and/or demolitions may be put on hold status; however, the work must be conducted within 12 months from the original start date. If not, the original permit is automatically canceled.
- For revisions with additional amounts of RACM to be removed, the revision should include the Abatement Designer. An additional contract price should be included when additional amounts are added, unless removal is being conducted by in-house personnel.
- To calculate fees for sheetrock/drywall, 10% of the total square footage is required for calculating permit fees (i.e., 1600 Total SF x .10 = 160 x \$.10/SF = \$16.00)
- To calculate fees for RACM roofing, 160 SF x \$.10 (\$16.00) for each 5580 SF of roofing cut with a rotary blade saw (i.e. Roofing area = 22,320; then 22,320 ÷ 5580 = 4; 4 x 160 x \$.10 = \$64.00)

ASSESSMENT OF FEES FOR NONSCHEDULED ASBESTOS REMOVAL PERMIT

PERMIT NUMBER:	NESHAP ID NUMBER:
FACILITY:	FACILITY ADDRESS:
CONTACT PERSON:	CONTACT PERSON PHONE:

I. FIRST QUARTER REPORT (JAN - MARCH)		DATE SUBMITTED:	
TYPE OF RACM	AMOUNT X .10 = FEE	TYPE OF RACM	AMOUNT X .20 = FEE
Floor Tile: _____ sf x .10 = \$ _____		Pipe Insulation (TSI): _____ lf x .20 = \$ _____	
Ceiling Tile: _____ sf x .10 = \$ _____		Boiler Insulation (TSI): _____ sf x .20 = \$ _____	
Cementitious Wallboard: _____ sf x .10 = \$ _____		Surfacing Material: _____ sf x .20 = \$ _____	
Roofing: _____ sf x .10 = \$ _____		Other: (Square or Cubic) _____ sf/cf x .20 = \$ _____	
TOTAL (A) _____ sf x .10 = \$ _____		TOTAL (B) _____ lf/sf/cf x .20 = \$ _____	
1. TOTAL (A) + TOTAL (B) = \$ _____		2. CONTRACT PRICE = \$ _____ X .01 (1%) = \$ _____	

II. SECOND QUARTER REPORT (APRIL - JUNE)		DATE SUBMITTED:	
TYPE OF RACM	AMOUNT X .10 = FEE	TYPE OF RACM	AMOUNT X .20 = FEE
Floor Tile: _____ sf x .10 = \$ _____		Pipe Insulation (TSI): _____ lf x .20 = \$ _____	
Ceiling Tile: _____ sf x .10 = \$ _____		Boiler Insulation (TSI): _____ sf x .20 = \$ _____	
Cementitious Wallboard: _____ sf x .10 = \$ _____		Surfacing Material: _____ sf x .20 = \$ _____	
Roofing: _____ sf x .10 = \$ _____		Other: (Square or Cubic) _____ sf/cf x .20 = \$ _____	
TOTAL (A) _____ sf x .10 = \$ _____		TOTAL (B) _____ lf/sf/cf x .20 = \$ _____	
1. TOTAL (A) + TOTAL (B) = \$ _____		2. CONTRACT PRICE = \$ _____ X .01 (1%) = \$ _____	

III. THIRD QUARTER REPORT (JULY - SEPT)		DATE SUBMITTED:	
TYPE OF RACM	AMOUNT X .10 = FEE	TYPE OF RACM	AMOUNT X .20 = FEE
Floor Tile: _____ sf x .10 = \$ _____		Pipe Insulation (TSI): _____ lf x .20 = \$ _____	
Ceiling Tile: _____ sf x .10 = \$ _____		Boiler Insulation (TSI): _____ sf x .20 = \$ _____	
Cementitious Wallboard: _____ sf x .10 = \$ _____		Surfacing Material: _____ sf x .20 = \$ _____	
Roofing: _____ sf x .10 = \$ _____		Other: (Square or Cubic) _____ sf/cf x .20 = \$ _____	
TOTAL (A) _____ sf x .10 = \$ _____		TOTAL (B) _____ lf/sf/cf x .20 = \$ _____	
1. TOTAL (A) + TOTAL (B) = \$ _____		2. CONTRACT PRICE = \$ _____ X .01 (1%) = \$ _____	
TOTAL FEE DUE \$ _____ (Whichever is greater, item 1 or item 2 above)			

IV. FOURTH QUARTER REPORT (OCT - DEC)		DATE SUBMITTED:	
TYPE OF RACM	AMOUNT X .10 = FEE	TYPE OF RACM	AMOUNT X .20 = FEE
Floor Tile: _____ sf x .10 = \$ _____		Pipe Insulation (TSI): _____ lf x .20 = \$ _____	
Ceiling Tile: _____ sf x .10 = \$ _____		Boiler Insulation (TSI): _____ sf x .20 = \$ _____	
Cementitious Wallboard: _____ sf x .10 = \$ _____		Surfacing Material: _____ sf x .20 = \$ _____	
Roofing: _____ sf x .10 = \$ _____		Other: (Square or Cubic) _____ sf/cf x .20 = \$ _____	
TOTAL (A) _____ sf x .10 = \$ _____		TOTAL (B) _____ lf/sf/cf x .20 = \$ _____	
1. TOTAL (A) + TOTAL (B) = \$ _____		2. CONTRACT PRICE = \$ _____ X .01 (1%) = \$ _____	

NORTH CAROLINA ASBESTOS WASTE SHIPMENT RECORD

1. Waste Generator/Owner Name and Address:		Work Site Name and Physical Address:		Waste Generator/Owner Phone Number: () _____	
2. Contractor Name and Address:			Contractor Phone Number: () _____		
3. Waste Disposal Site (WDS) Name, Mailing Address:		WDS Physical Site Location:		WDS Phone Number: () _____	
		NC Landfill Permit #:			
4. Name of Responsible Agency:					
<input type="checkbox"/> Forsyth Co. Environmental Affairs Dept.		Permit #: _____		NESHAP (ACTS) ID #: _____	
<input type="checkbox"/> Mecklenburg Co. Dept. of Environmental Protection		Start Date: _____		Complete Date: _____	
<input type="checkbox"/> NC DHHS - Health Hazards Control Unit					
<input type="checkbox"/> WNC Regional Air Pollution Control Agency					
5. Description of materials:					
6. Containers Number: _____ Type: _____		Vehicle: _____		7. Total Quantity (yd ³)m ³ : RQ, ASBESTOS, CLASS 9 NA 2212, III	
8. Special Handling Instructions and Additional Information:					
EMERGENCY CONTACT: DIVISION OF EMERGENCY MANAGEMENT AT 1-800-858-0368					
9. CONTRACTOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.					
Printed/Typed Name & Title: _____					
Signature: _____				Date (MM/DD/YY): _____	
10. Transporter 1 (Acknowledgment of Receipt of Materials):					
Printed/Typed Name & Title: _____					
Address: _____			Phone Number: _____		
Signature: _____				Date (MM/DD/YY): _____	
11. Transporter 2 (Acknowledgment of Receipt of Materials):					
Printed/Typed Name & Title: _____					
Address: _____			Phone Number: _____		
Signature: _____				Date (MM/DD/YY): _____	
12. Discrepancy Indication Space:					
13. Waste Disposal Site: Owner or Operator Certification of Receipt of Asbestos Materials Covered by this Manifest, Except as Noted in Item #12.					
Printed/Typed Name & Title: _____				Total Weight (Tons): _____	
Signature: _____				Date (MM/DD/YY): _____	

INSTRUCTIONS
DHHS 3787 - Revised 8/99

PURPOSE: This form serves as an Asbestos Waste Shipment Record (WSR) to be completed whenever disposing of permissible asbestos containing materials in an approved disposal site. This form is required to be completed by the Waste Generator/Owner and Contractor under 15 NCAC 2D .0525 (40 CFR, Part 61, Subpart M). A copy of this form shall be retained by the Waste Generator/Owner, the Contractor, the Transporter, and the Waste Disposal Site for permanent records of disposal of permissible asbestos containing materials as required by 40 CFR part 61, Subpart M, Section 61.150(d)(1). One copy of this form shall be provided to the Health Hazards Control Unit at the address below pursuant to 15A NCAC 19C .0605(j).

PREPARATION: All pertinent information regarding the Waste Generator/Owner, the Contractor, the Transporter and the Waste Disposal Site (WDS) should be completed and retained as indicated above.

WASTE GENERATOR/OWNER SECTION (ITEMS 1-9)

1. Enter the name of the facility at which the asbestos waste is generated and the physical address of the facility. In the appropriate spaces, enter the name of the facility owner, mailing address and the owner's phone number.
2. If a demolition or renovation, enter the name and address of the company and authorized agent responsible for performing the asbestos removal. In the appropriate spaces, also enter the phone number of the contractor.
3. Enter the name, mailing address, and physical site location of the waste disposal site (WDS) that will be receiving the asbestos materials. In the appropriate spaces, enter the NC Landfill Permit # of the WDS and phone number of the WDS. Enter "on-site" if the waste will be disposed of on the generator's property.

All regulated asbestos materials must go to an approved landfill as per the Solid Waste Management Division regulations and amendments.

4. Indicate the name of responsible agency by placing an "x" in the corresponding []. Based upon the responsible agency's requirements, complete the start date and the complete date for the asbestos removal project. Also enter the permit number and/or NESHAP (ACTS) ID number as applicable.
5. Indicate the types of asbestos waste materials generated by entering: "F" for friable asbestos material and/or "NF" for nonfriable asbestos material, followed by a detailed description of the type of asbestos waste materials, i.e. sprayed-on/troweled-on material, ceiling tile, floor tile, pipe insulation, boiler insulation, etc.
6. Enter the number of containers used to transport the asbestos materials listed in item 5. Enter one of the following codes for the containers used in transporting each type of asbestos material (specify any other type of container used if not listed below). Enter one of the following codes for the type of vehicle used to transport the asbestos materials (specify any other type of vehicle if not listed below).

<u>Containers</u>	<u>Vehicles</u>
DM - Metal drums, barrels	OD - Open Dumpster
DP - Plastic drums, barrels	CD - Closed Dumpster
BA - 6 mil Plastic bags or wrapping	DT - Dump Truck
	TT - Tractor Trailer

7. Enter the quantities of each type (F and/or NF) of asbestos material removed in units of cubic yards (cubic meters).
8. Use this space to indicate special transportation, treatment, storage or disposal or Bill of Lading information. If an alternative waste disposal site is designated, note it here. Emergency response telephone numbers or similar information may be included here.
9. The authorized agent of the contractor must read and then sign and date this certification. The date should be the date of receipt by the transporter.

TRANSPORTER SECTION (ITEMS 10 & 11)

- 10 & 11. Enter name, address, and telephone number of each transporter used, if applicable. Print or type the full name and title of person accepting responsibility and acknowledging receipt of materials as listed on this Waste Shipment Record for transport. Enter Signature and date of receipt. Add additional pages if necessary.

DISPOSAL SITE SECTION (ITEMS 12 & 13)

12. The authorized representative of the WDS must note in this space any discrepancy between waste described on the manifest and waste actually received, as well as any improperly enclosed or contained waste. Any rejected materials should be listed and destination of those materials provided. A site that converts asbestos-containing waste material to nonasbestos material is considered a WDS.
13. The signature (by hand) of the authorized WDS agent indicates acceptance and agreement with statements on this manifest except as noted in item 12. The WDS agency should complete the Total Weight (in tons) of the amount of asbestos-containing waste received. The date should be the date of signature and receipts of shipment.

NOTE: The WDS must send a completed copy of the WSR to the contractor and waste generator/owner listed in Item 2 within 30 days after receipt of the waste per 40 CFR Part 61, Subpart M, Section 61.154(e)(2).

REORDER: Additional forms may be ordered from: NC Department of Health and Human Services
Health Hazards Control Unit
Occupational & Environmental Epidemiology Branch
1912 Mail Service Center
Raleigh, NC 27699-1912 Phone: 919/733-0820 FAX: 919/733-8493

ASBESTOS ACCREDITATION APPLICATION

****PLEASE TYPE OR PRINT IN INK****

APPLICANT'S NAME: _____ SOCIAL SECURITY NO. _____

APPLICANT'S HOME ADDRESS (The Way It Is To Appear On Identification Card):

ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____

PHONE NUMBER: (____) _____ DATE OF BIRTH: _____ SEX: _____ HEIGHT: _____ WEIGHT: _____
(mm/dd/yy) (F/M)

DISCIPLINE FOR WHICH YOU WISH TO BE ACCREDITED: (one form for each discipline)

DISCIPLINE _____ If RENEWAL - ACCREDITATION NUMBER _____

ACCREDITATION FEE (CHECK ONE)

Worker - \$ 25.00

OTHER THAN WORKER:

FIRST/ONLY ACCREDITATION IN CALENDAR YEAR (JAN 1 - DEC 31) \$ 100.00

ADDITIONAL ACCREDITATION IN SAME CALENDAR YEAR (JAN 1 - DEC 31) \$ 75.00

EMPLOYER'S NAME: _____

EMPLOYER'S ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____ EMPLOYER'S PHONE NUMBER: (____) _____

TRAINING PROVIDER: _____ DATE(S) ATTENDED: _____

NAME OF COURSE COMPLETED: _____

OATH

I hereby acknowledge that I have read and understand this application and hereby swear or affirm that the contents of this application are true and correct to the best of my belief and knowledge. I acknowledge that any accreditation issued pursuant to this application will be subject to revocation if issuance was based on incorrect or inadequate information that materially affected the decision to issue the accreditation (G.S. 130A-23).

APPLICANT'S ORIGINAL SIGNATURE: _____ Date: _____

****DO NOT WRITE BELOW THIS LINE -- FOR DEPARTMENT USE ONLY****

ACCREDITATION NUMBER: _____ EXPIRATION DATE: _____

CHECK/M.O. NUMBER: _____ AMOUNT PAID: _____

APPROVING SIGNATURE: _____ DATE: _____

DHHS 3699 (Revised 7/99)
Health Hazards Control Unit

MAILING ADDRESS:

HEALTH HAZARDS CONTROL UNIT
NCDHHS- DIVISION OF PUBLIC HEALTH
1912 MAIL SERVICE CENTER
RALEIGH NC 27699-1912

FOR FED EX OR OVERNIGHT MAIL :
2728 CAPITAL BLVD, 2ND FLOOR, RM 210
RALEIGH NC 27604

INSTRUCTIONS
FOR COMPLETION OF DHHS 3699 (REVISED 7/99)

PURPOSE

Application for North Carolina Accreditation shall be submitted in order to receive a North Carolina accreditation number and photo identification card for inspector, management planner, supervisor, abatement designer, supervising air monitor, air monitor, worker, roofing worker and roofing supervisor per 15A NCAC 19C Section .0600, Asbestos Hazard Management Program Rules.

PREPARATION

All information is to be completed by applicant and must be filled out completely, typed or printed in ink. Pencil is not acceptable.

INSTRUCTIONS

Enter your full name, social security number, address, city, state and zip code as you want it to appear on your photo identification card. Telephone number should be complete with area code. Enter your date of birth (month/day/year), sex (male/female), height (feet and inches) and weight (pounds).

Indicate which discipline of accreditation requested (**one discipline per application**).

Indicate accreditation number if applying for renewal accreditation.

Initial accreditation fee is \$100.00 for all categories, except the fee for individuals applying for accreditation or reaccreditation as worker or roofing worker is \$25.00. If an individual applies for accreditation or reaccreditation in more than one category per calendar year, the amount of the fee shall be \$100.00 for accreditation or reaccreditation in the first category and \$75.00 for accreditation or reaccreditation in each remaining category.

Indicate Employer's name, mailing address, city, state, zip code and telephone phone number complete with area code. Indicate the name of the Training Provider attended and the name of the course successfully completed that corresponds with the accreditation request. Indicate the dates the course was attended.

Read the OATH carefully. If any forged certificate or misinformation is found to exist, the individual may be subject to revocation of accreditation. The application shall be signed and dated by you, the applicant.

ADDITIONAL EDUCATION AND EXPERIENCE REQUIREMENTS

Per 15A NCAC 19C .0602 an applicant for initial accreditation shall have successfully completed an approved initial training course for the specific category within the 12 months immediately preceding application or, if initial training was completed more than 12 months prior to application, the applicant shall have successfully completed an approved refresher training course for the specific category at least every 24 months from the date of completion of initial training to the date of application.

A Worker and a Roofing Worker shall have successfully completed an approved training course for workers.

An Inspector shall have a high school diploma or equivalent; and at least three months of asbestos related experience as, or under the direct supervision of an accredited inspector or equivalent experience.

A Management Planner shall have a high school diploma or equivalent and shall be an accredited inspector.

A Supervisor shall have a high school diploma or equivalent; except that this requirement shall not apply to supervisors that were accredited in North Carolina on November 1, 1989 and maintained that accreditation current; and at least three months asbestos related experience, as, or under the direct supervision of an accredited supervisor or equivalent experience.

A Roofing Supervisor shall meet the requirements of a Supervisor but duties regarding asbestos are limited to Class II asbestos work involving only roofing products that are classified as regulated asbestos containing material.

An Abatement Designer shall have a high school diploma or equivalent; and at least three months of related experience as, or under the direct supervision of an accredited abatement designer or equivalent experience.

An Air Monitor shall work only under the supervision of a North Carolina accredited Supervising Air Monitor and shall have a high school diploma or equivalent; three months asbestos air monitoring experience as, or under the direct supervision of an accredited air monitor or equivalent experience within 12 months prior to applying for accreditation.

A Supervising Air Monitor shall have a high school diploma or equivalent; three months asbestos air monitoring experience as, or under the direct supervision of, an accredited supervisor, or equivalent experience.

For additional training requirements and professional status requirements regarding Air Monitor and Supervising Air Monitor refer to 15A NCAC 19C .0602 (c)(6)(B), .0602 (c)(7)(B), and .0602 (c)(7)(C) [amended eff. July 1, 1996].

REQUIRED SUPPORTING DOCUMENTATION

Confirmation of training shall be in the form of an original certificate of completion of the approved training course bearing the training provider's official seal, or an original letter from the training provider confirming completion of the course on the training provider's letterhead, or an original letter from the training provider listing names of person who have successfully completed the training course, with the applicant's name included.

If requesting initial accreditation in North Carolina after completion of refresher course(s), original verification of successful completion of the initial training course as well as all refresher courses is required.

When a high school diploma is required, attach a copy of the diploma or other written documentation from the educational institution.

When experience is required, attach work history documenting asbestos experience; this documentation should indicate inclusive dates of experience, projects completed, your specific responsibilities on those projects, and the name(s) of the accredited individual(s) under whose supervision you worked.

Enclose check or money order in the correct amount depending on accreditation requested. Initial accreditation fee is \$100.00 for all categories, except the fee for individuals applying for accreditation or reaccreditation as worker or roofing worker is \$25.00. If an individual applies for accreditation or reaccreditation in more than one category per calendar year, the amount of the fee shall be \$100.00 for accreditation or reaccreditation in the first category and \$75.00 for accreditation or reaccreditation in each remaining category. Make check or money order payable to: NC DHHS - HEALTH HAZARDS CONTROL BRANCH. PLEASE DO NOT SEND CASH!

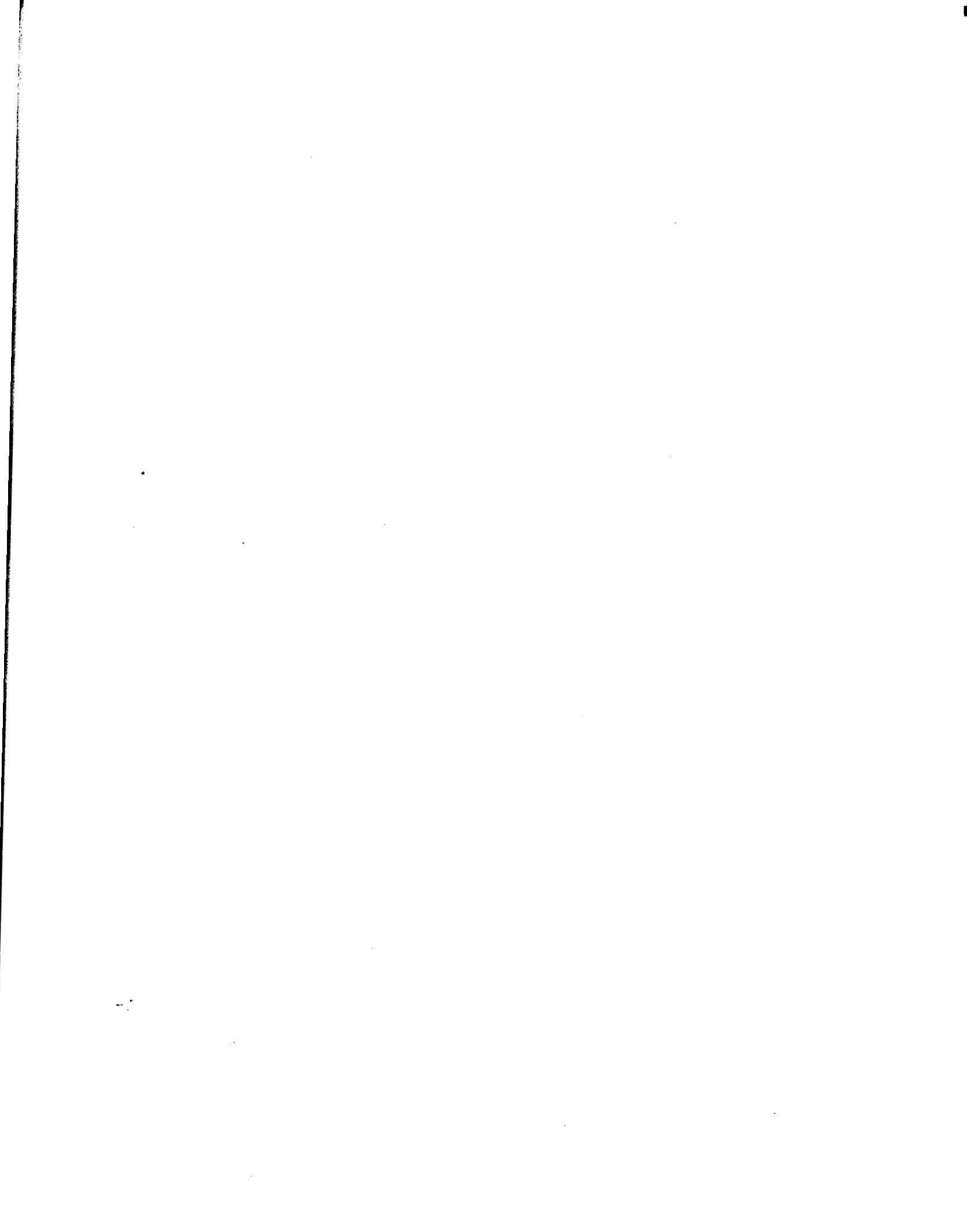
Enclose two photographs of the applicant to be used for the NC Accreditation Photo Identification card. Photographs shall be in color and 1¼" x 1¼" in size with the applicant's name and social security number printed on the back. Applications submitted without photographs will be returned as incomplete.

Completed Application Form with Supporting Documentation should be mailed to:

**Health Hazards Control Unit
NCDHHS – Division of Public Health
1912 Mail Service Center
Raleigh, North Carolina 27699-1912**

For Overnight/Express Mail:

**Health Hazards Control Unit
NCDHHS – Division of Public Health
2728 Capital Blvd., 2nd Floor, Room 2A-210
Raleigh, North Carolina 27604**



**CHAPTER 130A.
PUBLIC HEALTH.
ARTICLE 19.
Asbestos Hazard Management.**

§ 130A-444. Definitions.

Unless a different meaning is required by the context, the following definitions apply throughout this Article:

- (1) "AHERA" means Title II, Asbestos Hazard Emergency Response, of the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq., as amended by the Asbestos School Hazard Abatement Reauthorization Act of 1990, P.L. 101-637, 104 Stat. 4589 ("ASHARA").
- (2) "Asbestos" means asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite and actinolite.
- (3) "Asbestos containing material" means material which contains more than one percent (1%) asbestos, including friable asbestos containing material and nonfriable asbestos containing material.
- (3a) "Asbestos NESHAP for renovation and demolitions" means Title II, National Emission Standards for Hazardous Air Pollutants, specifically those regulations and demolitions of the Clean Air Act, 42 U.S.C. § 7401, et seq., as amended.
- (4) "Abatement" means work performed to repair, maintain, remove, isolate, or encapsulate asbestos containing material. The term does not include inspections, preparation of management plans, abatement project design, taking of samples, or project overview.
- (5) "Friable" means any material that when dry can be broken, crumbled, pulverized, or reduced to powder by hand pressure, and includes previously nonfriable material after such material becomes damaged to the extent that when dry it can be crumbled, pulverized, or reduced to powder by hand pressure.
- (6) "Management" means all activities related to asbestos containing material, including inspections, preparation of management plans, abatement project design, abatement, project overview, and taking of samples.
- (6a) "Person" means an individual, a corporation, a company, an association, a partnership, a unit of local government, a State or federal agency, or any other legal entity.
- (7) "Public area" means those areas in any building other than a residence that are not covered under the Occupational Safety and Health Act of 1970, Pub. L. 91-596, 84 Stat. 1590 (codified as amended in scattered sections of U.S.C.).
- (8) "Removal" means stripping, chipping, sanding, sawing, drilling,

scraping, sucking, and other methods of separating material from its installed location in a building.

- (9) "Residence" means any single family dwelling or any multi-family dwelling of fewer than 10 units.

§ 130A-445. Management of asbestos containing material in schools.

All school buildings subject to the provisions of AHERA shall be inspected for asbestos containing materials and shall prepare and submit management plans to the Department. The Commission shall adopt rules governing school management plans. These rules shall specify the content and format of plans, the plan review and approval process, schedules and methods for implementation of approved plans, and periodic inspection requirements.

§ 130A-446. Asbestos exposure standard for public areas.

The Commission shall adopt rules to establish a maximum airborne asbestos exposure level for public areas. Such rules shall also specify sampling and analysis procedures.

§ 130A-447. Accreditation of persons performing asbestos management and approval of training courses.

(a) No person shall commence or continue to perform asbestos management activities unless he has been accredited by the Department. No person shall commence or continue to provide asbestos related training courses unless the course has been approved by the Department. The Commission shall adopt rules governing the accreditation of persons performing asbestos management activities and the approval of training courses. Such rules shall include categories of accreditation and shall specify appropriate education, experience, and training requirements. The rules shall establish separate categories of accreditation for inspectors, management planners, abatement designers, supervisors, workers, air monitors, and supervising air monitors. These rules shall be at least as stringent as the accreditation plan required under AHERA and regulations adopted pursuant thereto.

(b) A person who applies for accreditation in the worker category may engage in asbestos containing management activities as though he were accredited in the worker category for up to 90 days after the date he submits his application. No person whose application is rejected may continue to engage in asbestos containing material management activities under this subsection.

(c) The following persons are exempt from the accreditation requirements:

- (1) The owner or operator of a building, other than school buildings subject to the provisions of AHERA, and his permanent employees when performing small-scale, short duration activities, as defined in 40 C.F.R. Pt. 763, Subpt. E, Appendix C (1993).
- (2) A person performing asbestos containing material management activities in his personal residence.

- (3) Governmental regulatory personnel performing inspections of asbestos containing material management activities solely for the purpose of determining compliance with applicable statutes or regulations.
- (4) Persons licensed by the General Contractors Licensing Board, State Board of Examiners of Plumbing and Heating Contractors, State Board of Examiners of Electrical Contractors, or the State Board of Refrigeration Examiners when engaged in activities associated with their license when performing small-scale, short duration activities, as defined in 40 C.F.R. Pt. 763, Subpt. E., Appendix C (1993).

§ 130A-448. Asbestos management accreditation fees and course approval fees.

(a) The Department shall establish and collect asbestos containing material management accreditation and renewal fees to support the asbestos hazard management program. The fees shall not exceed one hundred dollars (\$100.00) per accreditation category, except that the fee for the abatement worker category shall not exceed twenty-five dollars (\$25.00). A person who is accredited in more than one category shall pay a fee for each category.

(b) The Department shall establish and collect fees for approving asbestos management training courses and fees for renewing course approval annually to support the asbestos hazard management program. The fees for approving a training course shall not exceed one thousand five hundred dollars (\$1,500) for each course. The annual renewal fees shall not exceed five hundred dollars (\$500.00) for each course. Each category of a training course shall be subject to a separate fee for its initial approval and a separate fee for its annual renewal.

§ 130A-449. Asbestos containing material removal permits.

No person shall engage in asbestos abatement involving more than 35 cubic feet, 160 square feet, or 260 linear feet per job of asbestos containing material without an asbestos containing material removal permit issued by the Department. The Commission shall adopt rules governing such permits. Such rules may provide for exemption from the requirements of this section.

§ 130A-450. Asbestos containing material removal permit fees.

The Department shall establish and collect an application fee for asbestos containing material removal permits to support the asbestos hazard management program. The fee shall not exceed one percent (1%) of the contracted price or twenty cents (\$.20) per square foot or linear foot of asbestos containing material to be removed, whichever is greater.

§ 130A-451. Commission to adopt rules.

For the protection of the public health, the Commission shall adopt rules to

implement this Article, AHERA, and the asbestos NESHAP for renovations and demolitions.

§ 130A-452. Local air pollution programs.

(a) The Department may authorize any local air pollution program to enforce the asbestos NESHAP for renovations and demolitions if that program is certified by the North Carolina Environmental Management Commission pursuant to G.S. 143-215.112. The Department shall authorize any local air pollution program to enforce the asbestos NESHAP for renovations and demolitions if the local air pollution program was certified by the North Carolina Environmental Management Commission pursuant to G.S. 143-215.112 prior to October 1, 1994. A local air pollution program shall continue to be authorized by the Department to enforce the asbestos NESHAP for renovations and demolitions so long as the program maintains its certification under G.S. 143-215.112 and complies with any rules adopted by the Commission pursuant to subsection (b) of this section.

(b) The Commission shall adopt rules regarding the authorization of local air pollution programs to enforce the asbestos NESHAP for renovations and demolitions.

Note: This act becomes effective October 1, 1994.

CHAPTER 130A.
PUBLIC HEALTH
ARTICLE 1.
Definitions, General Provisions and Remedies.

Part 1. Remedies.

Section 1. G.S. 130A-22 is amended by adding two new subsections to read:

(b1) The Secretary may impose an administrative penalty on a person who violates Article 19 of this Chapter or a rule adopted pursuant to that Article. Except as provided in subsection (b2) of this section, the penalty shall not exceed one thousand dollars (\$1,000) per day per violation. Until the Department has notified the person of the violation, a continuing violation shall be treated as one violation. Each day thereafter of a continuing violation shall be treated as a separate violation.

In determining the amount of a penalty under this subsection or subsection (b2) of this section, the Secretary shall consider all of the following factors:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation.
- (2) The duration and gravity of the violation.
- (3) The effect on air quality.
- (4) The cost of rectifying the damage.
- (5) The amount of money the violator saved by noncompliance.
- (6) The prior record of the violator in complying or failing to comply with Article 19 of this Chapter or a rule adopted pursuant to that Article.
- (7) The cost to the State of the enforcement procedures.
- (8) If applicable, the size of the renovation and demolition involved in the violation.

Administrative penalties imposed by the Secretary under this subsection or subsection (b2) of this section shall be credited to the General Fund as nontax revenue.

(b2) The penalty for violations of the asbestos NESHAP for renovations and demolitions, as defined in G.S. 130A-444, shall not exceed ten thousand dollars (\$10,000) per day per violation. Until the Department has provided the person with written notification of the violation of the asbestos NESHAP for renovations and demolitions that describes the violation, recommends a general course of action, and establishes a time frame in which to correct the violations, a continuing violation shall be treated as one violation. Each day thereafter of a continuing violation shall be treated as a separate violation. A violation of the asbestos NESHAP for renovations and demolitions is not considered to continue during the period a person who has received the notice of violation is following the general course of action and complying with the time frame set forth in the notice of violation.

Note: This act becomes effective October 1, 1994, and applies to violations occurring on or after that date.

SECTION .0600 - ASBESTOS HAZARD MANAGEMENT PROGRAM

15A NCAC 19C .0600 was transferred from the Department of Human Resources, 15A NCAC 19C .0601 - .0602 recodified from 10 NCAC 7C .0601 - .0602, 15A NCAC 19C .0603 - .0607 recodified from 10 NCAC 7C .0604 - .0608, effective April 4, 1990.

.0601 GENERAL

(a) The definitions contained in G.S. 130A-444 and the following definitions shall apply throughout this Section:

- (1) "Abatement Designer" means a person who is directly responsible for planning all phases of an asbestos abatement design from abatement site preparation through complete disassembly of all abatement area barriers. In addition to meeting the accreditation requirements of Rule .0602(c)(5) of this Section, the abatement designer may be subject to the licensure requirements for a Registered Architect as defined in G.S. 83A or a Professional Engineer as defined in G.S. 89C.
- (2) "Abatement Project Monitoring Plan" means a written project-specific plan for conducting visual inspections and ambient and clearance air sampling.
- (3) "Air Monitor" means a person who implements the abatement project monitoring plan, collects ambient and clearance air samples, performs visual inspections, or monitors and evaluates asbestos abatement projects.
- (4) "Asbestos Abatement Design" means a written or graphic plan prepared by an accredited abatement designer specifying how an asbestos abatement project will be performed, and includes, but is not limited to, scope of work and technical specifications. The asbestos abatement designer's signature and accreditation number shall be on all such abatement designs.
- (5) "Completion Date" means the date on which all activities on a permitted asbestos removal requiring the use of accredited workers and supervisors are complete, including the complete disassembly of all removal area barriers.
- (6) "Emergency Renovation Operation" as defined in 40 CFR Part 61.141 as adopted in Rule .0609 of this Section.
- (7) "Inspector" means a person who examines buildings or structures for the presence of asbestos containing materials, collects bulk samples or conducts physical assessments of the asbestos containing materials. A person whose asbestos inspection activities are limited to roofing products is not considered an inspector under this definition if the person is accredited as a roofing supervisor under this Section.
- (8) "Installation" means any building or structure or group of buildings or structures at a single site under the control of the same owner or operator.
- (9) "Management Planner" means a person who interprets inspection reports, conducts hazard assessments of asbestos containing materials or prepares written management plans.
- (10) "Nonscheduled Asbestos Removal" means an asbestos removal required by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.
- (11) "Program" means the Health Hazards Control Branch within the NC Department of Environment, Health, and Natural Resources.
- (12) "Public Area" means as defined in G.S. 130A-444(7). Any area to which access by the general public is usually prohibited, or is usually limited to access by escort only, shall not constitute a "public area."
- (13) "Regulated Asbestos Containing Material" as defined in 40 CFR Part 61.141 as adopted in Rule .0609 of this Section.
- (14) "Start Date" means the date on which activities on a permitted asbestos removal project requiring the use of accredited workers and supervisors begin, including removal area isolation and preparation or any other activity which may disturb asbestos containing materials.
- (15) "Supervising Air Monitor" means a person who prepares a written abatement project monitoring plan and implements the plan or ensures that the plan is implemented by an air monitor working under his supervision. The supervising air monitor directs, coordinates and approves all activities of air monitors working under his supervision. The supervising air monitor may also perform the duties of an air monitor.
- (16) "Supervisor" means a person who is a 'competent person' as defined in 29 CFR 1926.1101(b) and adopted by 13 NCAC 7F .0201 and amendments or recodifications as adopted by the North Carolina Department of Labor, and who is an 'on-site representative' as defined in 40 CFR Part 61.145(c)(8) as adopted in Rule .0609 of this Section, and who performs the duties specified therein.
- (17) "Under the direct supervision" means working under the immediate guidance of an accredited individual who is responsible for all activities performed.

- (18) "Worker" means a person who performs asbestos abatement under the direct supervision of an accredited supervisor.
- (19) "Working day" means Monday through Friday. Holidays falling on any of these days are included in the definition.
- (20) "Class II Asbestos Work" means as defined in 29 CFR 1926.1101(b) which is incorporated by reference in Paragraph (c) of this Rule.
- (21) "Roofing Worker" means a person whose duties regarding asbestos are limited to Class II asbestos work involving the removal of roofing products that are classified as regulated asbestos containing material.
- (22) "Roofing Supervisor" means a supervisor as defined in Subparagraph (a)(16) of this Rule, whose duties regarding asbestos are limited to Class II asbestos work involving only roofing products that are classified as regulated asbestos containing material. This person may also perform asbestos roofing inspection activities which are limited to roofing products, including the collection of bulk samples.
- (23) "Roofing Products" means bituminous built-up roofing systems, roofing membranes, asphalt shingles, cement shingles, roofing cements, mastics, coatings, panels, light weight roofing concrete, and flashings.

(b) Asbestos management activities conducted pursuant to this Section shall comply with "AHERA" as defined in G.S. 130A-444(1) and 40 CFR Part 763, Subpart E and Appendices, as applicable. 40 CFR Part 763, Subpart E is hereby incorporated by reference, including any subsequent amendments and editions. This document is available for inspection at the Department of Environment, Health, and Natural Resources, Health Hazards Control Branch, 2728 Capital Blvd., Raleigh, North Carolina 27604. Copies may be obtained from the Government Printing Office by writing to the Superintendent of Documents, Government Printing Office, PO Box 371954, Pittsburgh, PA 15250-7954, at a cost of twenty-six dollars (\$26.00).

(c) 29 CFR 1926.1101 is hereby incorporated by reference, including any subsequent amendments and editions. This document is available for inspection at the Department of Environment, Health, and Natural Resources, Health Hazards Control Branch, 2728 Capital Blvd., Raleigh, North Carolina 27604. Copies may be obtained from the Government Printing Office by writing to the Superintendent of Documents, Government Printing Office, PO Box 371954, Pittsburgh, PA 15250-7954, at a cost of twenty-six dollars (\$26.00).

History Note: Filed as a Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Filed as a Temporary Amendment Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1990;
Filed as a Temporary Rule Eff. October 28, 1988 for a period of 180 days to expire on April 26, 1989;
Authority G.S. 130A-5(3); 130A-451; P.L. 99-519;
Eff. March 1, 1989;
Amended Eff. July 1, 1996; January 1, 1995; October 1, 1994; August 1, 1991; February 1, 1990.

.0602 ACCREDITATION

(a) No person shall perform asbestos management activities until that person has been accredited by the Program in the appropriate accreditation category, except as provided for in G.S. 130A-447, (b) and (c).

(b) An applicant for accreditation shall meet the provisions of the "EPA Model Contractor Accreditation Plan" contained in 40 CFR Part 763, Subpart E, Appendix C and successfully complete applicable training courses approved by the Program pursuant to Rule .0603 of this Section. However, an applicant applying for roofing worker or roofing supervisor accreditation shall only be required to successfully complete the applicable training courses as described under Rule .0611 of this Section.

(c) In addition to the requirements in Paragraph (b) of this Rule, an applicant, other than for the worker or roofing worker categories, shall meet the following:

- (1) an applicant for initial accreditation shall have successfully completed an approved initial training course for the specific discipline within the 12 months immediately preceding application. If initial training was completed more than 12 months prior to application, the applicant shall have successfully completed an approved refresher training course for the specific discipline at least every 24 months from the date of completion of initial training to the date of application;
- (2) an inspector shall have:
 - (A) a high school diploma or equivalent; and
 - (B) at least three months of asbestos related experience as, or under the direct supervision of, an accredited inspector, or equivalent experience;
- (3) a management planner shall have a high school diploma or equivalent and shall be an accredited

- inspector;
- (4) a supervisor or roofing supervisor shall have:
- (A) a high school diploma or equivalent; except that this requirement shall not apply to supervisors that were accredited on November 1, 1989, or roofing supervisors that were accredited prior to April 1, 1997; and
 - (B) at least three months of asbestos related experience as, or under the direct supervision of, an accredited supervisor, or equivalent experience;
- (5) an abatement designer shall have:
- (A) a high school diploma or equivalent; and
 - (B) at least three months of asbestos related experience as, or under the direct supervision of, an accredited abatement designer, or equivalent experience;
- (6) an air monitor shall work only under an accredited supervising air monitor or meet the provisions of Part (c)(7)(C) of this Rule. However, this requirement shall not apply to the owner or operator of a building and his permanent employees when performing air monitoring in non-public areas. In addition, all air monitors shall meet the following requirements:
- (A) Education and Work Experience:
 - (i) a high school diploma or equivalent;
 - (ii) three months of asbestos air monitoring experience as, or under the direct supervision of, an accredited air monitor or equivalent within 12 months prior to applying for accreditation;
 - (B) Training Requirements:
 - (i) complete a Program approved NIOSH 582 or Program approved NIOSH 582 equivalent and meet the initial and refresher training requirements of this Rule for supervisors; Program approved project monitor refresher course may be substituted for the supervisor refresher course; or
 - (ii) meet the initial and refresher training requirements of this Rule for a Program approved five-day project monitor course and a Program approved annual refresher course;
 - (iii) air monitors with a valid accreditation on October 1, 1994 shall have until October 1, 1995 to meet the training requirements for air monitors set forth in this Paragraph;
- (7) a supervising air monitor shall meet the following requirements:
- (A) Education and Work Experience:
 - (i) a high school diploma or equivalent;
 - (ii) three months of asbestos air monitoring experience as, or under the direct supervision of, an accredited air monitor or equivalent within 12 months prior to applying for accreditation;
 - (B) Training Requirements:
 - (i) complete a Program approved NIOSH 582 or Program approved NIOSH 582 equivalent and meet the initial and refresher training requirements of this Rule for supervisors; a Program approved project monitor refresher course may be substituted for the supervisor refresher course; or
 - (ii) meet the initial and refresher training requirements of this Rule for a Program approved five-day project monitor course and a Program approved annual refresher course;
 - (iii) supervising air monitors with a valid accreditation on October 1, 1994 shall have until October 1, 1995 to meet the training requirements for supervising air monitors set forth in this Paragraph;
 - (C) Professional Status:
 - (i) a supervising air monitor who was accredited as an air monitor on or after February 1, 1991, or an air monitor accredited prior to that date who has not continuously maintained accreditation, shall be a Certified Industrial Hygienist;
 - (ii) a supervising air monitor who was accredited as an air monitor prior to February 1, 1991, who has continuously maintained accreditation shall be a Certified Industrial Hygienist, Professional Engineer, or Registered Architect;
 - (D) Air monitors with a valid accreditation on January 1, 1995 supervising other accredited air monitors shall be deemed to be accredited supervising air monitors for the duration of their existing air monitor accreditation.
- (d) To obtain accreditation, the applicant shall submit, or cause to be submitted, to the Program:
- (1) a completed application on a form provided by the Program with the following information:
 - (A) full name and social security number of applicant;
 - (B) address, including city, state, zip code, and telephone number;

- (C) date of birth, sex, height, and weight;
 - (D) discipline applied for;
 - (E) name, address, and telephone number of employer;
 - (F) training agency attended;
 - (G) name of training course completed;
 - (H) dates of course attended;
- (2) two current 1¼ inch x 1¼ inch color photographs of the applicant with applicant's name and social security number printed on the back;
 - (3) confirmation of completion of an approved initial or refresher training course from the training agency; the confirmation shall be in the form of an original certificate of completion of the approved training course bearing the training agency's official seal, or an original letter from the training agency confirming completion of the course on training agency letterhead, or an original letter from the training agency listing names of persons who have successfully completed the training course, with the applicant's name included, on the training agency letterhead;
 - (4) when education is a requirement, a copy of the diploma or other written documentation;
 - (5) when experience is a requirement, work history documenting asbestos related experience, including employer name, address and phone number; positions held; and dates when the positions were held; and
 - (6) when applicants for initial air monitor accreditation are working under an accredited supervising air monitor pursuant to Subparagraph (c)(6) of this Rule, the accredited supervising air monitor shall submit an original, signed letter acknowledging responsibility for the applicant's air monitoring activities. The applicant shall ensure that a new letter is submitted to the Program any time the information in the letter currently on file is no longer accurate.

(e) All accreditations shall expire at the end of the 12th month following completion of required initial or refresher training. Work performed after the 12th month and prior to reaccreditation shall constitute a violation of this Rule. To be reaccredited, an applicant shall have successfully completed the required refresher training course within 24 months after the initial or refresher training course. An applicant for reaccreditation shall also submit information specified in Subparagraphs (d)(1)-(d)(6) of this Rule. If a person fails to obtain the required training within 12 calendar months after the expiration date of accreditation, that person may be accredited only by meeting the requirements of Paragraphs (b), (c), and (d) of this Rule.

(f) All accredited persons shall be assigned an accreditation number and issued a photo-identification card by the Program.

(g) In accordance with G.S. 130A-23, the Program may revoke accreditation or reaccreditation for any violation of G.S. 130A, Article 19 or the rules in this Section, or upon finding that its issuance was based upon incorrect or inadequate information that materially affected the decision to issue accreditation or reaccreditation. The Program may also revoke accreditation or reaccreditation upon a finding that the accredited person has violated any requirement referenced in Rule .0605(e) of this Section. A person whose accreditation is revoked because of fraudulent misrepresentations or because of violations that create a significant public health hazard shall not reapply for accreditation before six months after the revocation and shall repeat the initial training course and other requirements as set out in Paragraphs (b), (c), and (d) of this Rule.

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Eff. March 1, 1989;
Amended Eff. July 1, 1996; January 1, 1995; October 1, 1994; August 1, 1991; February 1, 1990.

.0603 APPROVAL OF TRAINING COURSES

(a) Pursuant to Rule .0602 of this Section, applicants for accreditation and reaccreditation are required to successfully complete training courses approved by the Program. Training courses:

- (1) Required or recommended by 40 CFR Part 763, Subpart E, Appendix C and approved for a specific training provider by the Environmental Protection Agency or by a state with an Environmental Protection Agency-approved accreditation program, or by a state that has a written reciprocating agreement with the Program and meeting the requirements under Paragraph (g) of this Rule shall be deemed approved by the Program unless approval is suspended or revoked in accordance with

Paragraph (I) of this Rule;

- (2) Required or recommended under 40 CFR Part 763, Subpart E, Appendix C and having no prior Program approval as specified in Subparagraph (a)(1) of this Rule shall meet the requirements of 40 CFR Part 763, Subpart E, Appendix C, I and III, and this Rule; or
- (3) Other than those covered in Subparagraphs (1) and (2) of this Paragraph which are required for North Carolina accreditation purposes shall meet the requirements of this Rule. Roofing worker or roofing supervisor courses taught prior to the effective date of these Rules and after August 10, 1994, that met the requirements of Rule .0611 of this Section shall be considered acceptable for accreditation purposes.

(b) Refresher training courses shall review and discuss changes in the Federal and State regulations, developments in the state-of-the-art procedures, and key aspects of the initial courses outlined under 40 CFR Part 763, Subpart E, Appendix C or Rule .0611 of this Section, as applicable.

(c) At the completion of the refresher training courses in all disciplines, the training provider shall administer a written closed book examination, approved by the Program. The requirements for the examination shall consist of a minimum of 25 multiple choice questions. For successful completion of the course the applicant shall pass the exam with a minimum score of 70 percent.

(d) Training courses shall be evaluated to maintain approval by the Program for course administration, course length, curriculum, training methods, instructors' qualifications, instructors' teaching effectiveness, technical accuracy of written materials and instruction, examination, and training certificate. The evaluation shall be conducted using 40 CFR Part 763, Subpart E, Appendix C, Rules .0608 and .0611 of this Section, or NIOSH 582 curriculum, as applicable, which are hereby incorporated by reference, including any subsequent amendments and editions. These documents are available for inspection at the Department of Environment, Health, and Natural Resources, Health Hazards Control Branch, 2728 Capital Blvd., Raleigh, North Carolina 27604. Copies of 40 CFR Part 763, Subpart E, Appendix C may be obtained by writing to the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954, at a cost of twenty-six dollars (\$26.00). Copies of the NIOSH 582 curriculum may be obtained by writing the Department of Environment, Health, and Natural Resources, Health Hazards Control Branch, P.O. Box 27687, Raleigh, NC 27611, at a cost of thirty-five dollars (\$35.00).

(e) Training course providers shall submit the following for evaluation and approval by the Program:

- (1) a completed application on a form provided by the Program, along with supporting documentation. The form and supporting documentation shall include the following:
 - (A) name, address, and telephone number of the training provider, and name and signature of the contact person;
 - (B) course title, location and the language in which the course is to be taught;
 - (C) a student manual and an instructor manual for each course and a content checklist that identifies and locates sections of the manual where required topics are covered;
 - (D) course agenda;
 - (E) a copy or description of all audio/visual materials used;
 - (F) a description of each hands-on training activity;
 - (G) a copy of a sample exam;
 - (H) a sample certificate with the following information; and
 - (i) Name and social security number of student;
 - (ii) Training course title specifying initial or refresher;
 - (iii) Inclusive dates of course and applicable examination;
 - (iv) Statement that the student completed the course and passed any examination required;
 - (v) Unique certificate number as required;
 - (vi) For courses covered under 40 CFR Part 763, Subpart E, Appendix C, certificate expiration date that is one year after the date the course was completed and the applicable examination passed;
 - (vii) Printed name and signature of the training course administrator and printed name of the principal instructor;
 - (viii) Name, address, and phone number of the training provider;
 - (ix) Training course location;
 - (x) For courses required under 40 CFR Part 763, Subpart E, Appendix C, a statement that the person receiving the certificate has completed the requisite training for asbestos accreditation under Title II of the Toxic Substances Control Act; and
 - (xi) For training courses taught in languages other than English, the certificate shall indicate the language of the course.
 - (I) a list of training currently being provided.
- (2) A list of instructors and their qualifications in accordance with Rule .0608 of this Section.

- (f) An application for course approval shall be processed as follows:
- (1) The Program shall review the application and supporting documentation submitted pursuant to Paragraph (e) of this Rule and advise the applicant of any deficiencies;
 - (2) If the submitted documentation meets all applicable requirements of this Rule, the Program shall notify the applicant of this and also advise the applicant that it may contact the Program to schedule an on-site audit; of a training course taught in North Carolina; approval of submitted documentation does not constitute course approval;
 - (3) If the Program determines, as a result of the audit, that the training course meets all applicable requirements of this Rule, it shall issue course approval. If the course does not meet these requirements, the Program shall notify the applicant of the deficiencies and advise that applicant that it may request one additional audit, which shall be held no more than six months from the date of the first audit; a request for audit after that time shall require a new application and fee;
 - (4) If the Program determines, as the result of the second audit, that the training course meets all applicable requirements of this Rule, it shall issue course approval. If the course does not meet all these requirements, the Program shall notify the applicant of the deficiencies and advise the applicant that it may not reapply for course approval for the audited course for a period of six months from the date of the last audit;
 - (5) The Program shall not accept certificates pursuant to Rule .0602 of this Section for a training course that is not approved or deemed approved pursuant to this Rule.
- (g) Training course providers shall perform the following in order to maintain approval of all initial and refresher courses:
- (1) Issue a certificate of training meeting the requirements of Part (e)(1)(H) of this Rule to any student who completes the required training and passes the applicable examination.
 - (2) Submit to the Program written notice of intention to conduct a training course for North Carolina asbestos accreditation purposes if the course is to be taught in North Carolina or if requested by the Program. Notices for training courses, except asbestos worker, shall be postmarked or received 10 working days before the training course begins. Notices for asbestos worker training courses shall be postmarked or received five working days before the training course begins. If the training course is canceled, the training course provider shall notify the Program at least one working day prior to the scheduled start date. Notification of intent to conduct a training course shall be made using a form provided by the Program and shall include the following:
 - (A) Training provider name, address, phone number and contact person;
 - (B) Training course title;
 - (C) Inclusive dates of course and applicable exam;
 - (D) Start and completion times;
 - (E) Identify whether the course is public offering, contract training, or for the training provider's employees;
 - (F) Location and directions to course facility;
 - (G) Language in which the course is taught; and
 - (H) Principal instructor.
 - (3) Notify the Program, in writing, at least 10 working days prior to the scheduled course start date, of any changes to course length, curriculum, training methods, training manual or materials, instructors, examination, training certificate, training course administrator or contact person. The changes must be approved by the Program in order for the course to be acceptable for accreditation purposes.
 - (4) Submit to the Program information and documentation for any course approved under Subparagraph (a) of this Rule if requested by the Program.
 - (5) Ensure that all instructors meet the requirements of Rule .0608 of this Section and are approved by the Program.
 - (6) Ensure that all training courses covered under this Rule meet the following requirements:
 - (A) All initial training courses shall have a maximum of 40 students;
 - (B) A day of training shall include at least six and one-half hours of direct instruction, including classroom, hands-on training or field trips;
 - (C) Regular employment and instruction time shall not exceed 12 hours in a 24 hour period;
 - (D) A training course shall be completed within a two-week period;
 - (E) All instructors and students shall be fluent in the language in which the course is being taught;
 - (F) An interpreter shall not be used;
 - (G) Upgrading worker accreditation to that of supervisor by completing only one day of initial training is not permitted. Separate initial training as a supervisor is required;
 - (H) A single instructor is allowed only for a worker course. Other initial disciplines shall have a

- minimum of two instructors;
 - (I) Instructor ratio for hands-on shall be no more than 10 students per instructor;
 - (J) All course materials shall be in the language in which the course is being taught;
 - (K) Each training course required by 40 CFR Part 763, Subpart E, Appendix C, shall be discipline specific;
 - (L) Students shall be allowed to take an examination no more than twice for each course. After two failures, the student shall retake the full course before being allowed to retest; and
 - (M) Training providers shall provide examination security to prevent student access to the examination materials before and after the exam. Training providers shall take measures to preclude cheating during the exam, such as providing space between students, prohibiting talking, and monitoring students throughout the exam.
- (7) Verify, by photo identification, the identity of any student requesting training.
- (8) For each course approved or deemed approved by the Program under Paragraph (a) of this Rule and taught in North Carolina, the training provider shall submit a completed renewal application on a form provided by the Program. Effective January 1, 1995, a renewal application shall be submitted prior to the next course offering and annually thereafter. If an annual training course renewal lapses, the provider shall submit a renewal application prior to offering the course again in North Carolina. Training courses approved by the Program under Paragraph (f) of this Rule shall be taught at least once every three years in North Carolina.
- (9) Training courses required or recommended under 40 CFR Part 763, Subpart E, Appendix C, shall meet the requirements therein.
- (10) Work practice and worker protection demonstrations and hands-on exercises, including, but not limited to respirator fit testing, presented in all training courses covered under this Rule shall be conducted following the procedures provided in 29 CFR 1926.1101 which is incorporated by reference in Rule .0601(c) of this Section.
- (h) Training course providers shall permit Program representatives to attend, evaluate and monitor any training course, take the course examination and have access to records of training courses without charge or hindrance to the Program for the purpose of evaluating compliance with 40 CFR Part 763, Subpart E, Appendix C and these Rules. The Program shall perform periodic and unannounced on-site audits of training courses.
- (i) In accordance with G.S. 130A-23, the Program may revoke approval for a training course for violation of this Rule and shall revoke approval upon revocation of approval by the Environmental Protection Agency or by any state with an Environmental Protection Agency-approved accreditation program. A training provider whose approval has been revoked by the Program shall not be eligible for reapproval for a period of one year from the date of revocation. The Program shall also revoke course approval for all courses taught by a training provider upon a finding that the training course provider has issued one or more certificates to an individual who did not actually attend the course, either initial or refresher, and pass the examination. When course approval is revoked for improper issuance of certificates, the training course provider shall not be eligible for reapproval for a period of three years from the date of revocation.

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.0604 ASBESTOS MANAGEMENT PLANS

- (a) All Local Education Agencies as defined in 40 CFR Part 763, Subpart E shall submit Asbestos Management Plans for school buildings to the Program on forms provided by the Program. Asbestos Management Plans shall meet the requirements contained in 40 CFR Part 763, Subpart E.
- (b) In addition to the requirements in Paragraph (a) of this Rule, the management plan shall identify, locate, classify, quantify, and assess asbestos containing building materials.
- (c) All Local Education Agencies shall submit to the Program, within 120 days of the actual on-site reinspection, the Asbestos Hazard Emergency Response Act reinspection reports as required under 40 CFR Part 763, Subpart E. These reports shall be submitted on forms provided by the Program.
- (d) All inspectors and management planners developing management plans and reinspection reports under the Asbestos Hazard Emergency Response Act shall comply with all requirements of 40 CFR Part 763, Subpart E and the rules of this Section.

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.0605 ASBESTOS CONTAINING MATERIALS REMOVAL PERMITS

(a) No person shall remove more than 35 cubic feet (1 cubic meter), 160 square feet (15 square meters) or 260 linear feet (80 linear meters) of regulated asbestos containing material, without a permit issued by the Program.

This permitting requirement is applicable to:

- (1) individual removals that exceed the threshold amounts addressed in this Paragraph;
- (2) nonscheduled asbestos removals conducted at an installation that exceed the threshold amounts addressed in this Paragraph in a calendar year of January 1 through December 31.

Other asbestos abatement activities are exempt from the permit requirements of G.S. 130A-449.

(b) All applications shall be made on a form provided or approved by the Program. The application submittal shall include at least all of the information specified under the notification requirements of 40 CFR Part 61.145(b), Subpart M as adopted in Rule .0609 of this Section. Applications for asbestos containing material removal permits shall adhere to the following schedule.

- (1) Applications for individual asbestos removals shall be postmarked or received by the Program at least 10 working days prior to the scheduled removal start date. For emergency renovation operations involving asbestos removal, the 10 working days notice shall be waived. An application for a permit for the emergency renovation operation shall be postmarked or received by the Program as early as possible before, but not later than, the following working day. Permit applications for emergency renovation operations shall be accompanied by a letter from the owner or his representative explaining the cause of the emergency;
- (2) Applications for nonscheduled asbestos removals shall be postmarked or received by the Program at least 10 working days before the start of the calendar year and shall expire on or before the last day of the same calendar year. Reports of the amount of regulated asbestos containing material removed shall be made at least quarterly to the Program.

(c) Application for revision to an issued asbestos removal permit shall be made by the applicant in writing on a form provided by the Program and shall be received by the Program in accordance with the following:

- (1) Revision to a start date for a project that will begin after the start date stated in the approved permit shall be received on or before the previously stated start date or previously revised start date;
- (2) Revision to a start date for a project that will begin before the start date stated in the approved permit shall be received at least 10 working days before the new start date;
- (3) Revision to a completion date that will be extended beyond the completion date stated in the approved permit shall be received by the original or previously revised completion date;
- (4) Revision to a completion date that will be earlier than the completion date stated in the approved permit shall be received by the new completion date; and
- (5) Revisions to permits other than start or completion dates shall be submitted to the Program prior to initiating the activity which the revision addresses.

(d) The following shall be maintained on site during removal activities and be immediately available for review by the Program:

- (1) a copy of the removal permit issued by the Program and all revisions with the Program's confirmation of receipt;
- (2) a copy of applicable asbestos abatement design and project monitoring plan; and
- (3) photo identification cards issued by the Program for all accredited personnel performing asbestos management activities.

(e) All permitted removal activities shall be conducted in accordance with 40 CFR Parts 61 and 763, Subpart E, where applicable.

(f) All permitted removals shall be conducted under the direct supervision of an accredited supervisor, except that permitted removals of roofing products may be conducted under the direct supervision of an accredited roofing supervisor. The supervisor or roofing supervisor, as applicable, shall be on-site at all times when removal activities are being performed. For the purpose of this Rule, removal activities for roofing products, means the tear off and disposal activities associated with these products, and does not include the roof replacement.

(g) An asbestos abatement design shall be prepared by an accredited abatement designer for each individually permitted removal of more than 3000 square feet (281 square meters), 1500 linear feet (462 meters) or 656 cubic feet (18 cubic meters), of regulated asbestos containing materials conducted in public areas.

(h) In accordance with G.S. 130A-23, the Program may suspend or revoke the permit for any violation of G.S.

130A, Article 19 or any of the rules of this Section. The Program may also revoke the permit upon a finding that its issuance was based upon incorrect or inadequate information that materially affected the decision to issue the permit. Notwithstanding permit suspension or revocation for violation of the rules of this Section, an asbestos removal permit shall also be subject to suspension or revocation if the removal activities are in violation of the following provisions with regard to asbestos abatement, as determined by the agencies which administer these Rules:

- (1) Department of Labor rules found at Chapter 7, Title 13 of the North Carolina Administrative Code;
- (2) Department of Transportation rules found at Title 19A, of the North Carolina Administrative Code;
- (3) Solid Waste Management rules found at Chapter 13, Title 15A of the North Carolina Administrative Code.

(i) All waste shipment records shall be submitted to the Program by the building owner or a representative of the owner for all asbestos removal projects permitted under this Rule. This submittal shall be made on a form provided or approved by the Program. This form shall include at least all of the information specified under the waste shipment record requirements of 40 CFR Part 61, Subpart M, Section 61.150(d) as adopted in Rule .0609 of this Section.

(j) The following schedule shall be adhered to in the submittal of waste shipment records:

- (1) For individually permitted asbestos removals, the waste shipment records shall be postmarked or received by the Program within 45 days from the completion date provided on the permit; and
- (2) For nonscheduled asbestos removals, the waste shipment records shall be postmarked or received by the Program within 30 days after the end of each quarter.

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.0606 FEES

(a) The fee required by G.S. 130A-450 shall be submitted with an application for the asbestos containing material removal permit. The fees shall be as follows:

- (1) Fees for the removal of floor tiles, cementitious asbestos containing wallboard or panels and asbestos containing roofing material shall be one percent of the contract price or ten cents (\$0.10) per square foot, whichever is greater;
- (2) Fees for the removal of ceiling tiles shall be one percent of the contract price or ten cents (\$0.10) per square foot, whichever is greater;
- (3) Fees for the removal of surfacing material, thermal system insulation and other asbestos containing materials shall be one percent of the contract price or twenty cents (\$0.20) per square or linear foot, whichever is greater;
- (4) Fees for demolition shall be a maximum of three hundred dollars (\$300.00). Demolition, for the purposes of this Rule only, means the act of razing a building or structure, or portion thereof, to the ground. Removal of regulated asbestos containing material from any undemolished portion of a building or structure shall be permitted as an individual asbestos removal; and
- (5) An owner of any single family dwelling in which the owner resides or will reside after the asbestos removal is complete is exempt from permit fees.

A permit shall not be issued until the required fee is paid.

(b) The fee required by G.S. 130A-448(a) shall be submitted with an application for accreditation or reaccreditation. The amount of the fee shall be one hundred dollars (\$100.00) for each category, except that the fee for persons applying for accreditation or reaccreditation as workers or roofing workers shall be twenty-five dollars (\$25.00). However, if a person applies for accreditation or reaccreditation in more than one category per calendar year, the amount of the fee shall be one hundred dollars (\$100.00) for accreditation or reaccreditation in the first category and seventy-five (\$75.00) for accreditation or reaccreditation in each remaining category, except for workers. A person shall not be accredited or reaccredited until the required fee is paid.

(c) The fees required by G.S. 130A-448(b) shall be submitted with the application for each initial course approval and each renewal course approval. The amount of the fee shall be one thousand five hundred dollars (\$1,500.00) for each initial course approval and two hundred dollars (\$200.00) for each renewal course approval.

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Amended Eff. July 1, 1996; January 1, 1995; October 1, 1994; August 1, 1991.

.0607 ASBESTOS EXPOSURE STANDARD FOR PUBLIC AREAS

(a) The maximum allowable ambient asbestos level in the air for public areas shall be:

- (1) 0.01 fibers per cubic centimeter as analyzed by phase contrast microscopy, or
- (2) arithmetic mean of less than or equal to 70 structures per millimeter square as analyzed by transmission electron microscopy, or
- (3) a Z-Test result that is less than or equal to 1.65 as analyzed by transmission electron microscopy.

(b) For individually permitted asbestos removals, ambient air sampling shall be conducted in public areas adjacent to the work area. Initial sampling shall be conducted on the day that regulated asbestos containing material removal begins. The sampling shall continue on a daily basis unless, or until, the supervising air monitor specifies differently. Potential public asbestos exposure shall be considered when determining the frequency and location of the sampling.

(c) Clearance air sampling shall be conducted in accordance with Paragraphs (d) and (e) of this Rule for all individually permitted asbestos removal projects conducted in public areas. Clearance air samples shall be analyzed by:

- (1) transmission electron microscopy and comply with the levels specified under Subparagraph (a)(2) or (a)(3) of this Rule for each individually permitted removal of more than 3000 square feet (281 square meters), 1500 linear feet (462 meters), or 656 cubic feet (18 cubic meters) of regulated asbestos containing material; or
- (2) transmission electron microscopy or phase contrast microscopy and comply with the levels specified in Paragraph (a) of this Rule for all other permitted asbestos removals, including asbestos removals exceeding threshold amounts stipulated in Subparagraph (c)(1) of this Rule in buildings scheduled for demolition. Demolition, for the purposes of this Rule, means as defined in Rule .0606(a)(4) of this Section.

(d) Phase contrast microscopy and transmission electron microscopy sampling and analysis methods shall be conducted in accordance with 40 CFR Part 763, Subpart E.

(e) Sample analysis for phase contrast microscopy or transmission electron microscopy samples shall be performed by a laboratory meeting the requirements of P.L. 99-519 and 40 CFR 763 and accompanying appendices. Laboratories performing phase contrast microscopy analysis pursuant to this Rule shall have a rating of proficient by the American Industrial Hygiene Association's Proficiency Analytical Testing Program. Individuals performing phase contrast microscopy analysis at the asbestos removal location shall be rated proficient in the American Industrial Hygiene Association's Asbestos Analysts Registry Program. If all microscopists in a particular laboratory performing phase contrast microscopy analysis are rated as proficient by the Asbestos Analysts Registry Program, enrollment and proficiency in the Proficiency Analytical Testing Program is not required.

(f) A final visual inspection shall be conducted by an accredited air monitor or an accredited supervising air monitor for all permitted asbestos removals conducted in public areas. This visual inspection shall be conducted prior to clearance air sampling. The final visual inspection shall assure that all asbestos containing residue, dust, and debris and asbestos contaminated equipment has been removed.

(g) Any person performing ambient or clearance air sampling or visual inspection during an asbestos removal as specified under Paragraphs (b), (c), and (f) of this Rule shall be retained by the building owner. Neither the accredited supervising air monitor nor accredited air monitor shall be employed by the contractor hired to conduct the asbestos removal except that:

- (1) this restriction in no way applies to personal samples taken to evaluate worker exposure as required by Occupational Safety and Health Act; and
- (2) this restriction shall not apply when the contractor and air monitor have disclosed their association to the building owner and the building owner approves this association in writing.

(h) For air sampling and visual inspections conducted under Paragraphs (b), (c), and (f) of this Rule, the supervising air monitor shall:

- (1) Prepare, prior to the removal start date, an abatement project monitoring plan which takes into consideration at least the abatement project scope of work, building use, occupant locations and their potential for exposure to airborne asbestos fibers, type of asbestos containing material, and the asbestos abatement design, including work practices and engineering controls. The plan shall include air

- sampling procedures, air sample locations and air sampling frequency. This sampling plan may be amended by the supervising air monitor as needed. This requirement shall apply to each individually permitted removal of more than 3000 square feet (281 square meters), 1500 linear feet (462 meters), or 656 cubic feet (18 cubic meters) of regulated asbestos containing materials;
- (2) Ensure that ambient air sampling results shall be available on-site:
 - (A) within 24 hours of sample collection and analysis by phase contrast microscopy;
 - (B) within 48 hours of sample collection and analysis by transmission electron microscopy;
 - (3) Personally inspect any individually permitted asbestos removal project:
 - (A) that exceeds 10 working days in length, but does not exceed 30 working days, at least once; or
 - (B) that exceeds 30 working days in length, at least once in the first 30 working days and at least once every 30 working days thereafter;
 - (4) Prepare a written, signed and dated report documenting all site visits made to the removal, final visual inspection, and all ambient and clearance air sampling conducted. This report shall be supplied by the supervising air monitor to the building owner. The building owner shall supply a copy of the report to the Program upon request.

History Note: Filed as a Temporary Amendment Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Filed as a Temporary Rule Eff. November 1, 1989 for a period of 180 days to expire on April 30, 1990;
Authority G.S. 130A-5(3); 130A-446; P.L. 99-519;
Eff. February 1, 1990;
Amended Eff. July 1, 1996; January 1, 1995; October 1, 1994; August 1, 1991.

.0608 TRAINING COURSE INSTRUCTOR QUALIFICATIONS

- (a) Any person seeking approval as an instructor for courses covered under 40 CFR Part 763, Subpart E, Appendix C, Rule .0603(a)(3) and .0611 of this Section shall meet the applicable requirements listed in this Rule.
- (b) All training course providers shall submit, or cause to be submitted, to the Program the following:
 - (1) a completed application on a form provided by the Program with the following information:
 - (A) name, address, and telephone number of the applicant;
 - (B) name, address and telephone number of the training provider that is employing the applicant;
 - (2) when training course completion is a requirement, confirmation of completion of an approved training course; the confirmation shall be in the form of an original certificate of completion of the approved training course or the following information: the course title, dates of instruction, names of instructors, name, address and telephone number of the training provider;
 - (3) when education is a requirement, a copy of the diploma or other written documentation;
 - (4) when work experience is a requirement, documentation of relevant work history, including employer name, address and telephone number, positions held, dates when positions were held, and copies of any licenses, registrations, certifications or accreditations that are relevant to the subject matter to be taught; and
 - (5) when experience as an instructor is a requirement, documentation of relevant instructional experience including name of training courses taught, topics taught for each course, inclusive dates of each training course, and name, address and telephone number of each training organization for which experience is claimed.
- (c) Work practice topics for each shall include:
 - (1) for the worker and roofing worker courses: state-of-the-art work practices;
 - (2) for the supervisor and roofing supervisor courses: state-of-the-art work practices, and techniques for asbestos abatement activities;
 - (3) for the inspector course: pre-inspection planning and review of previous inspection records, inspecting for friable and nonfriable asbestos containing materials and assessing the condition of friable asbestos containing materials, bulk sampling/documentation of asbestos in schools, recordkeeping and writing inspection reports;
 - (4) for the management planner course: evaluation/interpretation of survey results, hazard assessment, developing an operations and maintenance plan, recordkeeping for the management planner, and assembling and submitting the management plan;
 - (5) for the abatement designer course: safety system design specifications, designing abatement solutions, budgeting/cost estimation, writing abatement specifications, preparing abatement drawings and occupied buildings; and
 - (6) for the project monitor course: asbestos abatement contracts, specifications and drawings, response

actions and abatement practices, air monitoring strategies, conducting visual inspections, and recordkeeping and report writing.

(d) Instructors for work practice topics, hands-on exercises, workshops, or field trips where required for courses covered under 40 CFR Part 763, Subpart E, Appendix C shall meet the following requirements as applicable:

- (1) For the worker initial and refresher and the supervisor initial and refresher courses:
 - (A) the applicant shall have successfully completed the initial and subsequent refresher training course requirements for supervisor; and
 - (B) the applicant shall meet at least one of the following education and asbestos work experience combinations:
 - (i) If the applicant does not possess either a high school diploma or equivalent, the applicant shall:
 - (I) have at least 1440 hours experience in a worker or supervisory capacity in a contained work area; and
 - (II) have at least 360 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved worker course.
 - (ii) If the applicant possesses either a high school diploma or equivalent, the applicant shall:
 - (I) have at least 960 hours experience in a worker, supervisory, or consulting capacity in a contained work area; or
 - (II) have at least 240 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved asbestos worker or supervisor course or other occupational safety and health or environmental courses required to meet federal and state regulations.
 - (iii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
 - (I) have at least 480 hours experience in a worker, supervisory, or consulting capacity in a contained area; or
 - (II) have at least 120 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved asbestos worker or supervisor course or other occupational safety and health or environmental courses required to meet federal and state regulations.
- (2) For the inspector initial and refresher courses:
 - (A) the applicant shall have successfully completed the initial and subsequent refresher training course requirements for inspector; and
 - (B) the applicant shall meet at least one of the following education and asbestos work experience combinations:
 - (i) If the applicant possesses either a high school diploma or equivalent, the applicant shall:
 - (I) have documented experience, including asbestos inspections in at least 1,000,000 square feet of building space in the past three years; or
 - (II) have at least 60 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved inspector course or other occupational safety and health or environmental courses required to meet federal and state regulations.
 - (ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
 - (I) have documented experience, including asbestos inspections in at least 500,000 square feet of building space in the past three years; or
 - (II) have at least 40 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved inspector course or other occupational safety and health and environmental courses required to meet federal and state regulations.
- (3) For the management planner initial and refresher courses:
 - (A) the applicant shall have successfully completed the initial and subsequent refresher training course requirements for management planner; and
 - (B) the applicant shall meet at least one of the following education and asbestos work experience combinations:
 - (i) If the applicant possesses either a high school diploma or equivalent, the applicant shall:
 - (I) have documented management planning experience showing at least 25 management

- plans or reinspection reports written in the past three years, or documented experience as the management consultant for at least 25 asbestos projects in the past three years, or a combination of management plans and projects managed; or
- (II) have at least 48 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved management planner course or other occupational safety and health or environmental courses required to meet federal and state regulations.
- (ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
- (I) have documented management planning experience showing at least 12 management plans or reinspection reports written in the past three years, or documented experience as the management consultant for at least 12 asbestos projects in the past three years, or a combination of management plans and projects managed; or
- (II) have at least 32 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved management planner course or other occupational safety and health or environmental courses required to meet federal and state regulations.
- (4) For the project designer initial and refresher courses:
- (A) the applicant shall have successfully completed the initial and subsequent refresher training course requirements for abatement project designer; and
- (B) the applicant shall meet at least one of the following education and asbestos work experience combinations:
- (i) If the applicant possesses either a high school diploma or equivalent, the applicant shall:
- (I) have documented asbestos abatement project design experience including the design of at least 12 asbestos projects in the past three years; or
- (II) have at least 30 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved abatement project designer course or other occupational safety and health and environmental courses required to meet federal and state regulations.
- (ii) If the applicant possesses at least an associate degree from a regionally accredited college or university, the applicant shall:
- (I) have documented asbestos abatement project design experience, including the design of at least six asbestos projects in the past three years; or
- (II) have at least 20 hours as an instructor in an Environmental Protection Agency-approved or Environmental Protection Agency state approved abatement project designer course or other occupational safety and health and environmental courses required to meet federal and state regulations.
- (5) For the project monitor initial and refresher courses:
- (A) the applicant shall meet the qualifications for project designer instructor under Subparagraph (d)(4) of this Rule or the qualifications for supervisor instructor under Subparagraph (d)(1) of this Rule to teach the work practice topics of asbestos abatement contracts, specifications and drawings or response action and abatement practices;
- (B) the applicant for work practice topics of air monitoring strategies, conducting visual inspections, and recordkeeping and report writing shall:
- (i) possess either a high school diploma or equivalent;
- (ii) successfully complete a NIOSH 582 course or Program approved equivalent, or a Program approved project monitor course; and
- (iii) have documented asbestos air monitoring experience on at least six asbestos removals.
- (6) All instructors approved under Paragraph (d) of this Rule shall take a refresher training in at least one discipline from a training provider other than their employer every other year.
- (e) Instructors who teach one or more segments of a training course covered under 40 CFR Part 763, Subpart E, Appendix C, Rule .0603(a) or Rule .0611 of this Section (other than work practice topics, hands-on exercises, workshops, or field trips) shall meet the following requirements:
- (1) be actively working in the field of expertise in which training is conducted; and
- (2) have a minimum of a high school diploma or equivalent.
- (f) Instructors for a Program approved NIOSH 582 or Program approved equivalent shall meet the following requirements:
- (1) have a high school diploma or equivalent;
- (2) attend the National Institute for Occupational Safety and Health's NIOSH 582 training course or a

- Program approved equivalent course; and
- (3) for teaching the NIOSH 7400 Method, have at least three months work experience as a microscopist performing analysis using the NIOSH 7400 Method.
 - (g) Instructors who teach work practice or hands-on topics in Program approved roofing worker or roofing supervisor initial or refresher courses shall meet the following requirements:
 - (1) have a high school diploma or equivalent;
 - (2) successfully complete either an initial asbestos supervisor or initial asbestos roofing supervisor course, and subsequent annual refreshers courses;
 - (3) successfully complete an initial asbestos inspector course; and
 - (4) have at least three months' experience as a roofing supervisor or foreman or asbestos supervisor.

*History Note: Authority G.S. 130A-447; P.L. 99-519;
Eff. October 1, 1994;
Amended Eff. July 1, 1996.*

.0609 ASBESTOS NESHAP FOR RENOVATIONS AND DEMOLITIONS

(a) Each owner or operator of a renovation or demolition activity, as defined in 40 CFR 61.141, shall comply with all applicable requirements of the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) for renovations and demolitions as found in 40 CFR Part 61, Subparts A and M. 40 CFR Part 61, Subparts A and M are hereby incorporated by reference, including any subsequent amendments and editions. This document is available for inspection at the Department of Environment, Health, and Natural Resources, Health Hazards Control Branch, 2728 Capital Blvd., Raleigh, North Carolina. Copies may be obtained free of charge by writing the Health Hazards Control Branch, PO Box 27687, Raleigh, North Carolina 27611.

(b) All reports, applications, submittals, and other communications required to be submitted under Paragraph (a) of this Rule shall be submitted to the Director, Division of Epidemiology, rather than to the Environmental Protection Agency, except that such asbestos NESHAP documents pertaining to renovations and demolitions within local air pollution program jurisdictions shall be submitted to the local program.

*History Note: Filed as a Temporary Adoption Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-451;
Eff. January 1, 1995;
Amended Eff. July 1, 1996.*

.0610 LOCAL AIR POLLUTION PROGRAMS

The Department shall authorize local air pollution programs certified as of October 1, 1994, pursuant to G.S. 143-215.112 to enforce the asbestos NESHAP for renovations and demolitions so long as the local program maintains its certification pursuant to G.S. 143-215.112.

*History Note: Filed as a Temporary Adoption Eff. November 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 130A-452;
Eff. January 1, 1995.*

.0611 REQUIREMENTS FOR ASBESTOS ROOFING TRAINING COURSES

(a) Pursuant to Rule .0602 of this Section, applicants for accreditation and reaccreditation as a roofing worker or roofing supervisor are required to successfully complete a training course approved by the Program under this Rule. Initial and refresher training courses for roofing workers and roofing supervisors shall meet requirements of this Rule and Rule .0603 of this Section.

(b) Initial training courses for roofing workers shall be at least one day in length and cover the following topics:

- (1) Physical characteristics of asbestos, including the identification of asbestos, the aerodynamic characteristics, and the typical uses of asbestos in roofing materials;
- (2) Health effects related to asbestos exposure, including the nature of asbestos related diseases, the routes of exposures, the dose-response relationship, the lack of a safe exposure level, the latency period, cigarette smoking and asbestos exposure, medical surveillance programs, and information on smoking cessation programs;
- (3) State-of-the art work practices, including proper work techniques to minimize fiber release, removal procedures for cement roofing products versus built-up roofing products, discussion of prohibited work

practices, wetting, hand tools, power tools, HEPA vacuumed tools, waste disposal procedures, and controlling access to work areas;

- (4) Personal protection equipment, including the classes and characteristics of respirator types, limitations, proper selection, inspection, donning, use and storage procedures for respirators, fit testing, components of a proper respiratory protection program, selection and use and storage of non-disposable clothing, hard hats, safety glasses, and non-slip shoes;
 - (5) Personal hygiene, including entry and exit procedure for the work area, avoidance of eating, smoking, and chewing in the work area, and potential exposures, such as family exposures;
 - (6) Safety practices and hazard prevention during removal of roofing materials and emergency procedures, including hazards posed by wet working conditions, electrical hazards, slips, trips, heat/cold stress, falls, and scaffold and ladder hazards; and
 - (7) Review of state, federal, and local rules and regulations, including, an overview of the asbestos regulations under the National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61, Subpart M), Occupational Safety and Health Act (29 CFR 1926.1101), these Rules, and other pertinent rules and regulations.
- (c) Initial training courses for roofing supervisors shall be at least two days in length and cover the topics under Paragraph (b) of this Rule. The following additional topics shall be covered in roofing supervisor courses:
- (1) Discussion of the competent person duties required by the Occupational Safety and Health Act, Asbestos Construction Standard, 29 CFR 1926.1101(o), as adopted by 13 NCAC 7F .0201 and amendment or recodification as adopted by the North Carolina Department of Labor;
 - (2) Pre-work activities and considerations, including the determination of asbestos containing roofing products, bulk sampling procedures, analytical methods, inspection reports, and air monitoring procedures;
 - (3) Assessment of the work area, including isolation of the work area, considerations if the work area is adjacent to an occupied area, and items requiring special protection;
 - (4) Site considerations and preparations, designating the regulated areas, setting up the barricade, and warning signs; and
 - (5) Supervisory techniques, including worker training, housekeeping, recordkeeping, and documentation requirements.
- (d) The state-of-the-art work practice topics shall include a segment of hands-on activities, which allows the students an opportunity to use and handle equipment found on asbestos roofing projects. The hands-on activities shall be a minimum of two hours for the roofing worker course and four hours for roofing supervisor course.
- (e) The refresher training course for roofing workers shall be at least one-half day and for the roofing supervisor course shall be at least one day in length. These courses shall review and discuss changes in the Federal and State regulations, developments in the state-of-the-art work procedures, and key aspects of the initial courses as provided in Paragraphs (b) and (c) this Rule.
- (f) At the completion of the initial roofing worker and roofing supervisor course the training provider shall administer a written closed book examination, approved by the Program. The examination shall be in multiple choice format, with a minimum of 50 questions for the roofing supervisor course and 25 questions for the roofing worker course. For successful completion of the course, the student shall pass the examination with a minimum score of 70 percent. The refresher training course examination for these disciplines shall meet the requirements of Rule .0603(c) of this Section.

*History Note: Authority G.S. 130A-447;
Eff. July 1, 1996.*

COMMON QUESTIONS

Asbestos Hazard Management Program

Health Hazards Control Unit

North Carolina Department of Health and Human Services

ACCREDITATION

1. **Is a person considered accredited by simply taking an approved training course and passing the exam?** No. In order to be accredited through the Program, an application must first be submitted (Asbestos Accreditation form [DHHS 3699]). Information required on the application includes, but is not limited to, confirmation of training, and, if applicable, work experience and education. The application must also be accompanied by two 1¼" by 1¼" color photographs of the applicant and the appropriate accreditation fee. (01/22/90) (Revised 05/31/91) (Revised 12/27/94)
2. **What is required for confirmation of training?** Training documentation may be submitted in one of three forms: (1) the original certificate (photocopies and notarized copies will not be accepted); (2) an original confirmation letter from the training agency on the training agency's letterhead; or (3) an original attendee list from the training agency, with the applicant's name included, on the training agency's letterhead. Remember that original documentation of initial training, as well as all refresher courses, must be submitted for initial accreditation. All original certificates will be returned to the applicant. (08/01/91) (Revised 02/07/95) (Revised 10/96)
3. **Once paperwork for accreditation has been submitted, how long does it take to process the paperwork?** The processing time for an application is approximately two weeks from the date of receipt. If the application is incomplete, all paperwork and a letter of explanation will be returned to the applicant within the same length of time. (01/03/95)
4. **Can a lost accreditation photo-identification card be replaced?** Yes. In order to obtain a duplicate card for a lost accreditation photo-identification card a completed application form, one 1¼" x 1¼" current, color photograph, and a fee of ten dollars (\$10.00) payable by check or money order must be submitted to the HHCUC.
5. **Can an appointment be made for having my accreditation processed?** Yes. All appointments should be made at least 24 hours in advance with the Accreditation Processor. Appointments for the processing of applications and photo identification cards will be made for TUESDAYS and THURSDAYS only. Completed paperwork for accreditation applications may be hand delivered to the HHCUC office Monday through Friday from 8:00 am to 5:00 pm. Applications will be processed in the order they are received. (01/03/95)(Revised 08/96)
6. **How does the accreditation fee schedule work?** The fee for all accreditations, with the exception of workers, is one hundred dollars (\$100.00) annually for accreditation in a single discipline and seventy-five dollars (\$75.00) annually for accreditation in each additional discipline. The multiple accreditation fee (\$75.00) applies only to those individuals who are accredited in more than one category. Individuals who maintain only one accreditation will be required to pay one hundred dollars (\$100.00) each time an accreditation is renewed. The fee for worker accreditation is always twenty-five dollars (\$25.00) per person. (08/01/91) (Revised 10/96)

7. **What are the training requirements for accreditation renewal?** To maintain accreditation under the Asbestos Hazard Management Program Rules, a person must take an approved refresher course within twelve (12) months of the initial course or last refresher course. No individual may continue asbestos management activities after the 12th month, unless a refresher course has been completed and they have been reaccredited by the HHCU. If an individual does not obtain the required refresher training within 24 months, the initial training must be repeated prior to issuance of accreditation. (02/07/95)(Revised 10/96)
8. **What are the training requirements for air monitor and supervising air monitor accreditation?** Air monitors and supervising air monitors shall:
1. (a) Complete a Program approved NIOSH 582 or Program approved NIOSH 582 equivalent; and
(b) meet the initial and refresher training requirements for supervisors (a Program approved project monitor refresher course may be substituted for the supervisor refresher course); or
 2. Meet the initial and refresher training requirements for a Program approved five-day project monitor course and a Program approved project monitor annual refresher course.

Individuals should contact the HHCU to ensure that training courses are Program approved prior to applying for accreditation. (08/01/91) (Revised 12/17/94; 02/28/95) (Revised 10/96)

9. **What are the "Professional Status" requirements for supervising air monitors?** All supervising air monitors accredited on or after February 1, 1991, shall be Certified Industrial Hygienists. Professional Engineers and Registered Architects who were accredited as air monitors prior to this date and who have continuously maintained their accreditation may also be accredited as supervising air monitors. (2/05/95)
10. **May a building owner use non-accredited employees to perform asbestos abatement activities?** Yes. Workers are not required to be accredited when performing small-scale, short-duration activities (SSSD); however, OSHA regulations require training. Small-scale, short-duration activities are tasks such as, but not limited to, the following: removal of asbestos-containing insulation on pipes; removal of small quantities of asbestos-containing insulation on beams or above ceilings; replacement of an asbestos-containing gasket on a valve; installation or removal of a small section of drywall; removal of small quantities of ACM only if required in the performance of another maintenance activity not intended as asbestos abatement; removal of asbestos-containing thermal system insulation not to exceed amounts greater than those which can be contained in a single glove bag; minor repairs to damaged thermal system insulation which do not require removal; repairs to a piece of asbestos-containing wallboard; and repairs involving encapsulation, enclosure, or removal of small amounts of friable ACM only if required in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement. Such work may not exceed amounts greater than those which can be contained in a single prefabricated mini-enclosure or glove bag. Such an enclosure shall conform spatially and geometrically to the localized work area, in order to perform its intended containment function. (2/05/95)(Revised 10/96)
11. **Does an individual need to be accredited when "prepping" a removal site?** Yes. Work area preparation activities require the use of accredited workers. Preparation is part of an asbestos removal, and the proper methods of preparation are taught in the worker and supervisor training courses. If there are special circumstances, such as the erection of scaffolding or wooden walls that involve workers in a specific trade where no contact with asbestos containing materials will occur, this work can proceed with non-accredited workers. (07/15/90) (Revised 12/27/94)

12. **When is a worker eligible to begin working on an asbestos removal site?** If the applicant for worker accreditation has submitted a completed application form to the HHCU accompanied by the proper confirmation of training, two 1¼" x 1¼" color photographs of the applicant, and the accreditation fee, the worker may work up to 90 days without an accreditation issued by the Program. After an application is submitted, you should contact the HHCU to ensure that the application is complete prior to permitting the worker on the job site. This policy applies only to workers and roofing workers. **All other disciplines require accreditation and receipt of the photo-identification card prior to performing asbestos abatement activities.** (08/01/91) (Revised 02/07/95) (Revised 10/96)

PERMITS/NOTIFICATIONS

13. **When am I required to submit an Asbestos Permit Application and Notification for Demolition/Renovation?** Submitting the Asbestos Permit Application and Notification for Demolition/Renovation Form satisfies the requirements of both the National Emission Standards for Hazardous Air Pollutants (NESHAP) and North Carolina AHMP Rules pertaining to asbestos removals. An Asbestos Permit Application and Notification for Demolition/Renovation Form is to be submitted for the following occurrences:
- A. Individual asbestos removals where 160 square feet, 260 linear feet, or 35 cubic feet or greater of regulated asbestos containing material (RACM) is to be removed.
 - B. Nonscheduled asbestos removals involving less than 160 square feet, 260 linear feet or 35 cubic feet of regulated asbestos containing material if the additive total amount of material removed from the facility during a calendar year exceeds 160 square feet, 260 linear feet or 35 cubic feet.

A nonscheduled asbestos removal is a removal required by equipment failure, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.
 - C. Emergencies involving the removal of 160 square feet, 260 linear feet, or 35 cubic feet or greater of regulated asbestos containing material. An emergency removal is a removal that was not planned, but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. The emergency removal permit application must be received as early as possible but not later than the working day following the start of the demolition.
 - D. Demolition of a building, whether or not it contains asbestos. A demolition is the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility. The moving of a building or structure from one location to another is also considered a demolition.
 - E. If the building is being demolished under an order of a State or local government agency, issued because the building is structurally unsound and in danger of imminent collapse. In such cases, the notification is required, but the ten working day notification period is suspended in order to protect the public health. The ordered demolition notification must, however, be received as early as possible, but not later than, the working day following the start of the demolition. Copies of the notification and/or demolition order may be submitted via facsimile, but this submittal does not relieve the owner, or his representative, of the responsibility for submitting the originals by the next working day. (02/08/95) (Revised 08/96)
14. **When I submit a permit/notification application, must it be on the form provided by the HHCU office?** Yes, it must be submitted on an Asbestos Permit Application and Notification for Demolition/Renovation Form (DHHS 3768-Revised 7/99). You are free to copy the form or, with prior approval by the Program, create the form. (02/16/95)(Revised 08/96)

15. **Where should the completed Asbestos Permit Application and Notification for Demolition/Renovation (DHHS 3768) be submitted?** The application/notification should be submitted to the following address if sent via regular postal service:

Permit Secretary
NCDHHS – Division of Public Health
Health Hazards Control Unit
Occupational & Environmental Epidemiology Branch
1912 Mail Service Center
Raleigh, North Carolina 27699-1912

If sent overnight express, the completed application should be sent to:

Permit Secretary
NCDHHS – Division of Public Health
Health Hazards Control Unit
Occupational & Environmental Epidemiology Branch
Parker Lincoln Building, Room 2A210
2728 Capital Blvd.
Raleigh, North Carolina 27604

Permit applications may also be hand delivered Monday through Friday from 8:00 am to 5:00 pm to the HHCU office. (02/08/95)(Revised 08/96)

16. **Are any other forms required to be submitted for asbestos removals or demolition projects in North Carolina?** Possibly - Besides the Health Hazards Control Unit, there are three local programs in the State of North Carolina responsible for enforcing the NESHAP regulations within their jurisdiction. These local programs should be contacted concerning specific requirements for projects conducted in their areas. A permit application submitted to the North Carolina Health Hazards Control Unit may be required under the Program Rules, even when working in the local program areas. The local programs are as follows:

Buncombe/Haywood Counties
WNC Regional Air Pollution Control Agency
49 Mt. Carmel Road
Asheville, North Carolina 28806
Telephone: 828-255-5655

Forsyth County
Environmental Affairs Department
537 North Spruce Street
Winston-Salem, North Carolina 27101-1262
Telephone: 336-727-8064

Mecklenburg County
Department of Environmental Protection
700 North Tryon Street, Suite 205
Charlotte, North Carolina 28202-2236
Telephone: 704-336-5500

(02/08/95)(Revised 07/99)

17. **Will incomplete Asbestos Permit Application and Notification for Demolition/ Renovation forms (DHHS 3768) be accepted by the Health Hazards Control Unit?** No. Asbestos Permit Application and Notification for Demolition/Renovation Forms submitted to the Program must be filled out completely to be accepted. If information is missing, the Asbestos Permit Application and Notification for Demolition/Renovation Form will be rejected and returned to the applicant. (02/08/95)(Revised 08/96)
18. **Does the Health Hazards Control Unit (HHCU) accept telefaxed Asbestos Permit Application and Notification for Demolition/Renovation forms?** No. The HHCU does not accept telefaxed Asbestos Permit Application and Notification for Demolition/Renovation Forms. The Health Hazards Control Unit will accept Asbestos Permit Application and Notification for Demolition/Renovation Forms delivered by U.S. Postal Service, commercial delivery service, or hand delivery. (02/08/95)(Revised 08/96)
19. **Does the Health Hazards Control Unit (HHCU) accept telefaxed Revision for Permit/Notification forms (HHCU 3768-R)?** Yes. Upon receipt, telefaxed revisions are initialed and dated by Program personnel and then faxed back to the contact person who signed the revision. (02/08/95)(Revised 08/96)
20. **How does the Health Hazards Control Unit (HHCU) calculate the ten working day notification period?** Working days are defined as Monday through Friday, including holidays that fall on any of these days. The date that the completed form is postmarked for delivery to the HHCU office, or, if hand-delivered, the date that the completed form is received at the HHCU office, is the first day of the notification period. Removal or demolition activities may start on the tenth working day. (02/08/95)(Revised 08/96)
21. **Should the Health Hazards Control Unit (HHCU) be notified of changes in removal dates?** Yes. The permit shall be revised to reflect any change in the removal dates as follows:
- (1) Revision to a start date for a project that will begin after the start date stated in the approved permit shall be received on or before the previously stated start date or previously revised start date;
 - (2) Revision to a start date for a project that will begin before the start date stated on the approved permit shall be received at least 10 working days before the new start date;
 - (3) Revision to a completion date that will be extended beyond the completion date stated in the approved permit shall be received by the original or previously revised completion date; and
 - (4) Revision to a completion date that will be earlier than the completion date stated in the approved permit shall be received by the new completion date. (02/08/95)(Revised 08/96)
22. **Are permit revisions going to be required every time the day and hours of work change?** Notification should be made when there is any major permanent change in working hours, such as starting a second shift or deciding to work on weekends. (02/12/95)
23. **When additional regulated asbestos containing materials are identified for removal during an asbestos removal project, do the additional materials have to be reported?** Yes, and any additional fees that may be applicable shall be paid. (02/12/95)(Revised 08/96)
24. **Can the ten working day notification be waived if an emergency occurs, such as a boiler failure requiring the removal of 300 square feet of TSI?** Yes. For emergency operations involving asbestos removal of more than 160 square, 260 linear, or 35 cubic feet, the ten working day notice may be waived. The Asbestos Permit Application and Notification for Demolition/Renovation Form shall be postmarked or received by the HHCU office as early as possible before, but not later than, the first working day following the emergency. Applications for emergency asbestos removal permits must be accompanied by a letter from the owner or his representative explaining the cause of the emergency. (02/08/95)(Revised 08/96)

- 25. If an owner has a nonscheduled removal permit in place and a boiler fails (routine failure of equipment) requiring the removal of 300 square feet of TSI, can this project be performed as a nonscheduled asbestos removal without further notification or waiting period?** No. It must be performed as an individual asbestos removal and an Asbestos Permit Application and Notification for Demolition/Renovation Form is required. The ten working day notification requirement may be waived in emergency situations. (02/12/95)
- 26. Can a project be placed "on hold"?** Projects may be put on hold, thereby extending the completion date. The work must be completed within twelve (12) months of the original start date. The owner or his representative must submit a revision giving the new start and complete dates prior to resuming work on the project. (02/08/95) (Revised 10/96)
- 27. For demolition projects that involve asbestos removals of less than the threshold amounts of 160 square feet, 260 linear feet, and/or 35 cubic feet, must the asbestos removal be included on the Asbestos Permit Application and Notification for Demolition/Renovation Form (DHHS 3768)?** For demolition projects preceded by asbestos removals of less than 160 square feet, 260 linear feet, or 35 cubic feet of regulated asbestos containing material, there is no requirement to notify the HHCU office of the removal unless the facility has already exceeded the threshold amounts for the calendar year. A notification of ten working days prior to the demolition is required. For demolition projects in Buncombe, Haywood, Forsyth and Mecklenburg Counties, the local programs should be contacted. (02/08/95) (Revised 10/96)
- 28. Sometimes it is necessary to conduct asbestos removal projects in phases. How does one permit the start and completion date for the different phases?** There are two possibilities for reporting this information:
- 1) Provide a schedule of the dates the phases are to be conducted with the Asbestos Permit Application and Notification for Demolition/Renovation (DHHS 3768). Complete a Permit/Notification Revision form at the start of each subsequent phase with the type of RACM to be removed, location, additional contract price and fee, if applicable. For projects with multiple units, attach a list of the locations and the amount of RACM to be removed for each unit.
 - 2) If the dates the phases are to be conducted are unknown at the time the Asbestos Permit Application and Notification for Demolition/Renovation Form is submitted, the contractor can submit subsequent permit revisions prior to the start and completion of each phase after the initial project start date. (02/08/95) (Revised 10/96)
- 29. Must Waste Shipment Records be submitted to the Health Hazards Control Unit?** For individually permitted asbestos removals, the waste shipment records shall be postmarked or received within 45 days from the completion date provided on the permit. For nonscheduled asbestos removals, the waste shipment records shall be postmarked or received within 30 days after the end of each quarter. (08/96)

FEES

- 30. Is an Asbestos Permit Application and Notification for Demolition/Renovation (DHHS 3768-Revised 08/95) required for asbestos removal projects (\geq 160SF, 260LF, 35CF) to be conducted in a private residence? Are permit fees required?** Yes, an Asbestos Permit Application and Notification for Demolition/Renovation Form is required. For asbestos removals conducted in private residences, where the owner of the property resides, the owner is exempt from the asbestos removal permit fee. (01/05/95) (Revised 08/96)
- 31. How are fees determined when asbestos is being removed from areas of original installation and the areas have become contaminated from the originally installed material, such as pipe insulation that has delaminated in a crawl space?** The permit fee for these areas will be \$.20 per square foot of contaminated area or material—i.e., soil to be removed - plus the appropriate fee [from Block 17 of the Asbestos Permit Application and Notification for Demolition/Renovation (DHHS 3768)] for the square or linear footage of the asbestos containing material remaining intact on the substrate, or 1% of the contract price, whichever is greater. If there is no asbestos containing material remaining intact on the substrate, the permit fee will be \$.20 per square foot of the contaminated area or material, or 1% of the contract price, whichever is greater. (02/08/95)
- 32. How do you calculate the permit fees for removal of regulated Category I asbestos containing roofing materials?** The fee for removal of regulated Category I asbestos containing roofing materials is 1% of the contract price or \$.10 per square foot, whichever is greater. The amount of regulated asbestos containing roofing materials created during removal is calculated based on information found in the NESHAP Interpretative Rule Governing Roof Removal Operations (40 CFR 61, Subpart M, Appendix A). This Rule states that 160 square feet of regulated asbestos containing material is created for each 5580 square feet of Category I asphalt roofing material cut by a rotating blade cutter.

To calculate the square foot fees, divide the total square footage of the roof by 5580. Multiply this number by 160. The resulting number is then multiplied by \$.10 to get the total permit fee. See example below:

Roof area = 22,320 square feet

$$22320 / 5580 = 4$$

$$4 \times 160 \times \$0.10 = \$64.00$$

(02/08/95)(Revised 10/96)

- 33. How do you calculate the permit fees for removal of asbestos containing joint compound used in sheetrock/drywall?** The fees are 1% of the contract price or \$.10 per square foot, whichever is greater. To calculate the square foot fees when the joint compound is used only to cover the joints and the nail marks, multiply the total square footage of the wall area by ten percent (10%). The resulting sum is then multiplied by the appropriate permit fee per square foot of material in order to calculate the permit fees. See example below:

$$1600 \text{ total square feet of wall} \times .10 = 160 \text{ square feet}$$

$$160 \text{ square feet} \times \$0.10/\text{SF} = \$16.00$$

In situations where the joint compound has been used as a skim coat, the entire surface area of the sheetrock/drywall shall be used to calculate the appropriate fees. (02/08/95)

- 34. How do you calculate permit fees for the removal of regulated asbestos/cement shingles/panels?** The fees are based upon the tear-off and disposal of regulated asbestos containing cement shingles/panels but not the put-back of new materials. The procedure for calculating the square footage fees for regulated asbestos containing cement shingles/panels is 1% of the contract price or \$.10 per square foot, whichever is greater. See example below:

Example: Asbestos cement shingles/panels area = 22,320 square feet
 $22,320 \times \$.10 = \$2,232.00$

- 35. How do you calculate the permit fees for removal of asbestos containing cementitious panels from inside a cooling tower?** Fees for removal of asbestos containing panels used in cooling towers shall be based on the cubic footage of the cooling tower, not the square footage of the panels in the tower, or 1% of the contract price, whichever is greater. See example below:

Cooling tower dimensions - 10 feet high x 10 feet long x 10 feet wide
 $10 \text{ ft} \times 10 \text{ ft} \times 10 \text{ ft} = 1000 \text{ cubic feet}$
 $1000 \text{ cubic feet of cementitious panels} \times \$0.10 = \$100.00$
 (02/08/95)(Revised 10/96)

- 36. What is the Health Hazards Control Unit's (HHCU) policy regarding refund of permit fees?** If a contractor submits an Asbestos Permit Application and Notification for Demolition/Renovation Form and the appropriate permit fees for a project, and the project is subsequently canceled, the contractor may request a refund of the permit fees minus a \$200 administrative fee. The contractor may not receive a credit for the permit fees in order to apply them to a subsequent project. (02/08/95)(Revised 08/96)

- 37. When additional regulated asbestos containing materials are identified for removal during an asbestos removal project, do the additional fees have to be reported on a Revision for Permit/Notification Form (HHCU 3768-R)?** Yes. For revisions that add to the amounts of material to be removed, appropriate permit fees for the additional material must be included with the revision, regardless of the amount of material being added to the project. The fees should be calculated using the fee schedule included on the Revision for Permit/Notification Form (HHCU 3768-R). (02/08/95) (Revised 10/96)

- 38. What happens if I submit fees to the Health Hazards Control Unit and my check is returned from the bank because of insufficient funds in my account?** You will be charged a \$20.00 processing fee and, thereafter, payment will have to be in the form of a money order or a certified check. (02/14/95) (Revised 10/96)

- 39. Are fees required for the removal of regulated asbestos containing materials in buildings scheduled for demolition?** Fees for the removal of greater than 160 square feet, 260 linear feet, and 35 cubic feet of regulated asbestos containing material are required for buildings scheduled to be demolished. However, the fees shall not exceed \$300.00. For asbestos removals where the fees would have normally exceeded \$300.00, an original letter from the owner documenting that the building is scheduled for demolition needs to accompany the permit. The letter should be addressed to the HHCU and should state when the building will be demolished. Notification requirements for the demolition of the building are still applicable. If permit application and demolition notification are made on the same form, no letter is required. Demolition means razing a building or structure, or portion thereof, to the ground. (10/96)

AIR MONITORING AND FINAL AIR CLEARANCE

- 40. What are the responsibilities of the supervising air monitor?** A supervising air monitor is responsible for the following activities associated with an asbestos removal:
1. Preparing and implementing a written abatement project monitoring plan for removals.
 2. Directing, coordinating and approving all activities of air monitors working under his/her supervision.
 3. Ensuring that ambient air sampling results shall be on site.
 4. Personally inspecting individually permitted asbestos removals.
 5. Preparing a written, signed and dated report documenting all site visits made to the removal project, the final visual inspection, and all ambient and clearance air sampling conducted. (02/08/95) (Revised 10/96)
- 41. Do the Asbestos Hazard Management Program Rules require transmission electron microscopy (TEM) analysis for clearance air sampling on non-school asbestos removals?** Clearance air sampling is required for all permitted asbestos removals that are conducted in public areas. The type of analysis used will be dependent on the size of the project. TEM analysis is required for individually permitted removals of more than 3000 square, 1500 linear or 656 cubic feet of regulated asbestos containing material. TEM or phase contrast microscopy (PCM) analysis can be used for clearance air samples collected for permitted removals, less than these threshold amounts, performed in public areas. When conducting clearance air sampling, the sampling protocol used shall follow the AHERA regulations, 40 CFR 763 Subpart E. (01/22/90) (Revised 12/27/94) (Revised 10/96)
- 42. Is final air clearance needed or required after an asbestos removal project in a building that is going to be demolished?** For individually permitted asbestos removal projects in public areas of buildings scheduled for demolition, at least phase contrast microscopy sampling and analysis shall be conducted in accordance with 40 CFR Part 763, Subpart E after the asbestos removal project is complete. (01/22/90)(Revised 12/27/94)(Revised 08/96)
- 43. If a permit is submitted for the removal of greater than 3000 square feet, 1500 linear feet, or 656 cubic feet of asbestos in a public area, but the material is in more than one containment area (three different areas in a building or three hundred and thirty dormitory rooms), is a design, project monitoring plan, and TEM clearance required?** Projects involving the removal of greater than 3000 square, 1500 linear, or 656 cubic feet of regulated asbestos containing material from a public area must have a project monitoring plan and design. If the amount of RACM removed from a containment area is greater than 160 square feet, 260 linear feet or 35 cubic feet, TEM clearance is required. If the amount of RACM removed is less than 160 square feet, 260 linear feet or 35 cubic feet, either TEM or PCM clearance may be used. Contiguous portions of materials which are to be removed as part of the same project or at approximately the same time shall not be separated into smaller containments in order to circumvent the requirement for TEM clearance. Note: One factor to remember in calculating amounts of material to be removed is that square, linear, and cubic footage are separate categories and they are not added together to determine whether TEM clearance should be used. (02/08/95) (Revised 10/96)

- 44. How should "aggressive" air sampling be performed?** Prior to air monitoring, floors, ceilings, and walls should be swept with the exhaust of a minimum one horsepower leaf blower. The EPA document, Guidance for Controlling Asbestos-Containing Materials in Buildings (EPA 560/5-85-024), recommends that this blower be used for at least 5 minutes per 1000 square feet of floor. Stationary fans should be placed in locations which will not interfere with air monitoring equipment. The fan air is directed toward the ceiling. One fan should be used for each 10,000 cubic feet of work area. Aggressive air sampling is not appropriate for dirt floor crawl spaces. (01/22/90) (Revised 02/08/95)
- 45. Can a supervisor collect ambient, clearance and personal samples?** Ambient and clearance air samples are required to be collected by an accredited air monitor. Personal samples are an OSHA requirement and can be collected by the supervisor as long as the supervisor meets the definition of "competent person" in the OSHA standard. (02/12/95) (Revised 10/96)
- 46. Is ambient air sampling required while an asbestos removal project is in progress?** Ambient air sampling shall be conducted in public areas adjacent to the work area for all individually permitted asbestos removal projects. Initial sampling shall be conducted on the day that regulated asbestos containing material removal begins and shall continue on a daily basis unless, or until, the supervising air monitor specifies differently. (08/96)

AHERA REINSPECTIONS

- 47. When must a reinspection be completed?** The first reinspection should be completed within three years from the effective date of the management plan. Subsequent reinspections should be completed within three years from the date of the last reinspection. For example, if the first reinspection was conducted on July 9, 1992, then the next reinspection must be conducted on or before July 9, 1995. If there is any question on an inspection or reinspection due date for a particular school, please refer to the reinspection date specified on the AHERA Reinspection Report Form (DHHS 3778) included with the Management Plan for that school. (01/03/95) (Revised 10/96)
- 48. What is required for a reinspection under the AHERA regulations?** The AHERA regulations under 40 CFR 763.85(b) specify the methodology which is to be used during the reinspection. The reinspection is to be performed by a North Carolina accredited inspector. In each area of a school building, the inspector must:
1. Visually reinspect and assess all friable known or assumed asbestos containing building materials (ACBM);
 2. Visually inspect and touch all previously identified non-friable ACBM to determine if it has become friable;
 3. Identify areas that have become friable since the last inspection; and,
 4. Conduct assessment of all ACBM.
 5. If bulk samples are to be collected for an area of previously assumed ACBM, then sampling should be conducted in accordance with AHERA regulations.

Within thirty (30) days after the reinspection, the inspector is required to submit reinspection information to the LEA for inclusion in the Management Plan. This information includes:

1. Reinspection date, North Carolina accreditation number, name and signature of the inspector, and any changes in the condition of known or assumed ACBM.
2. Information concerning any samples collected during the reinspection, including a description of the manner used to determine sampling locations, the name and signature of the accredited inspector who collected the samples, and the inspector's North Carolina accreditation number.
3. Reports of any assessment of friable or non-friable ACBM.

In addition to the information above, the LEA must have a North Carolina accredited management planner provide response action recommendations for homogeneous areas of ACBM that have been reclassified. These must be in line with assessment classifications as specified in the AHERA regulations.

Each LEA should determine if additional activities are required during reinspection. A few of the possibilities are as follows:

1. Identify homogeneous areas of suspect ACBM that are not currently included in their management plan.
2. Collect additional bulk samples to substantiate whether a suspect ACBM is in fact ACBM. The LEA may consider collecting multiple samples of suspect non-friable ACBM. Recent guidance from EPA recommends that sample analysis of floor tiles should be conducted by Transmission Electron Microscopy (TEM).
3. Review the response action recommendations and schedule to ensure that they are appropriate for current conditions. This may also ensure that the LEA is not locked into an unreasonable or unjustified time frame.
4. Conduct a complete audit of all recordkeeping and documentation. This would include a review of abatement project records and training (Awareness and O&M) that had been conducted in the previous three years. (08/01/91) (Revised -01/03/95) (Revised 10/96)

49. What must be submitted to the State? All information required to be documented under the AHERA regulations for reinspections are to be reported on the following state forms:

- AHERA Management Plan Cover Sheet (DHHS 3531)
- AHERA Reinspection Report (DHHS 3778)
- AHERA Reinspection Report Comments (DHHS 3779)

Copies of these forms are available upon request from this office. The reinspection reports are to be submitted to the HHCU within 120 days of the actual on-site reinspection. (05/31/91) (Revised 03/09/95)(Revised 08/96)

GENERAL QUESTIONS

- 50. How are public areas defined under the Asbestos Hazard Management Program (AHMP) Rules?** According to NC General Statute 130A, public areas are those areas in any building other than a residence that are not covered under OSHA. Further, in the AHMP Rules, a public area is defined as any area to which access by the general public is not usually prohibited, or is not usually limited to access by escort only. A residence is any single family dwelling or any multifamily dwelling of fewer than 10 units. Examples of public areas may include offices, malls, theaters, restaurants, hotels, motels, dormitories, hospitals, state owned buildings, federal, city, or county buildings, and other areas in commercial and industrial establishments which are open for access by the public. (01/05/95)(Revised 08/96)
- 51. Are North Carolina's Asbestos Hazard Management Program Rules applicable on Federal property?** Yes. All of North Carolina's Asbestos Hazard Management Program Rules are applicable to Federal property, including permitting, fees, and accreditation requirements. (04/01/91) (Revised 05/31/91)
- 52. What materials must be maintained on site during an asbestos removal?** The following shall be maintained on site during asbestos removals and be immediately available for review by the Program:
- (1) a copy of the asbestos removal permit issued by the Program and copies of all revisions with the Program's confirmation of receipt;
 - (2) a copy of applicable asbestos abatement design and project monitoring plan;
 - (3) photo identification cards issued by the Program for all accredited personnel performing asbestos management activities. (Note: Photocopies of the identification cards are unacceptable); and
 - (4) ambient air sampling results.
- (02/8/95)
- 53. Who gives permission to remove asbestos dry?** The person requesting approval for dry removal must submit a written application along with all pertinent data justifying the need for dry removal to the Health Hazards Control Unit (HHCU). However, in the four (4) counties with Local Air Pollution Control Programs (Forsyth, Mecklenburg, Buncombe, Haywood), a written application for dry removal should be submitted to the local Asbestos Coordinator. (04/01/91) (Revised -5/31/91) (Revised -1/1/95)(Revised 08/96)
- 54. Is the removal of asbestos-containing floor tile regulated by the Asbestos Hazard Management Program Rules?** As long as asbestos-containing floor tile is removed substantially intact - no small fragments or dust generated - it is not considered regulated asbestos-containing material. Removal of non-regulated asbestos-containing material does not require the use of accredited asbestos abatement personnel or an asbestos removal permit. If the asbestos containing floor tile is not removed substantially intact, then it is considered a regulated material and all accreditation and permitting/notification requirements apply. (01/04/95).
- 55. Is the removal of asbestos-containing siding regulated by the Asbestos Hazard Management Program Rules?** If this material is in good condition and can be removed substantially intact - no small fragments or dust generated - then it is not considered regulated asbestos-containing material and does not require the use of accredited personnel or an asbestos removal permit. Minor breakage that may occur during careful removal of the siding does not result in the material becoming regulated; however, if the siding is not removed substantially intact, and it becomes regulated then all accreditation and permitting/notification requirements apply. (1/5/95)

56. Is the removal of asbestos-containing roofing materials regulated by the Asbestos Hazard Management Program Rules?

Asbestos containing asphalt roofing products and asbestos-cement shingles would be considered Regulated Asbestos Containing Material (RACM) and therefore regulated by the Asbestos Hazard Management Program rules under the following conditions:

- (1) ≥ 160 square feet of friable asbestos containing roofing material will be removed.
 - (a) Friable means the material, when dry, can be crumbled, pulverized, or reduced to powder. This applies to both asphalt roofing products and asbestos-cement shingles.
 - (b) Asphalt roofing products would be considered friable if it has deteriorated to a point that it is no longer pliable.
- (2) ≥ 5580 square feet of non-friable asbestos containing asphalt roofing material, such as built up roofing, will be removed using a rotating blade cutter.
- (3) ≥ 160 square feet of non-friable asbestos-cement shingles will be removed using techniques that will create friable ACM.
 - (a) Minor breakage that may occur during careful removal of the shingles does not result in the material becoming regulated; however, if the shingles are not removed substantially intact, they become regulated and all accreditation and permitting/notification requirements apply.
(01/05/95) (Revised 10/96)

57. Is the removal of asbestos containing materials regulated by other Agencies? Yes. The asbestos regulations under the Occupational Safety and Health Act (OSHA) and North Carolina Solid Waste Laws are also applicable to asbestos removal projects. While the EPA's regulations and AHMP Rules may not be applicable to non-regulated ACM removals, OSHA and Solid Waste requirements may be. For additional details on the OSHA requirements, you may contact:

Education and Training Bureau
North Carolina Department of Labor
Occupational Safety and Health Division
(919) 807-2875.

For details on disposal requirements, contact the local landfill in your area prior to removal.

Also, there are three local programs in North Carolina responsible for enforcing the NESHAP regulations within their counties. The local programs are as follows:

Buncombe/Haywood Counties
WNC Regional Air Pollution Control Agency
49 Mt. Carmel Road
Asheville, North Carolina 28806
Telephone: 828-255-5655

Forsyth County
Environmental Affairs Department
537 North Spruce Street
Winston-Salem, North Carolina 27101
Telephone: 336-727-8064

Mecklenburg County
Department of Environmental Protection
700 North Tryon Street
Suite 205
Charlotte, North Carolina 28202-2236
Telephone: 704-336-5500 (01/05/95)(Revised 08/96)

58. What type of enforcement actions can be undertaken by the Health Hazards Control Unit for violations of the Asbestos Hazard Management Program Rules?

Asbestos Hazard Management Program Rules

Accreditations and asbestos removal permits may be suspended or revoked for any action that creates a public health hazard. Accreditations and asbestos removal permits may also be suspended or revoked if it is determined that they were issued based upon incorrect or inadequate information which materially affected the decision to issue the accreditation or asbestos removal permit. In addition, administrative penalties of up to \$1,000 per day per violation may be assessed.

National Emission Standards for Hazardous Air Pollutants (NESHAP)

N.C.G.S. 130A-22 allows assessment of administrative penalties of up to \$10,000 per day per violation against persons who violate the asbestos NESHAP for demolitions and renovations.

Other Remedies

Other remedies available to the State for violations of Program Rules and NESHAP include injunctive relief and criminal misdemeanor. (04/01/90) (Revised 05/31/91) (Revised 01/01/95)

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