



Air Pollution Control Board

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COMPLIANCE ADVISORY

NOTICE OF REPEAL OF DISTRICT RULE 1204 - SURFACING APPLICATIONS FOR SERPENTINE MATERIALS CONTAINING ASBESTOS AND IMPLEMENTATION OF THE STATEWIDE ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR SURFACING OPERATIONS

The California Health and Safety Code requires the state Air Resources Board (ARB) to identify toxic air contaminants and subsequently adopt regulations to control their emissions. Asbestos has been identified by ARB as a toxic air contaminant.

Asbestos emissions from surfacing applications in California have been regulated by a state Air Toxic Control Measure (Asbestos ATCM for Surfacing Applications) since 1990. The District implemented this measure by adopting Rule 1204 in 1992. Since then, ARB has developed additional information on the health effects of asbestos exposure. The information indicated a potential for significant exposure and risk to individuals living near unpaved roads surfaced with asbestos-containing material.

On July 20, 2000, ARB adopted amendments to the Asbestos ATCM for Surfacing Applications (Section 93106, Title 17, California Code of Regulations) to further protect the public. The effective date of these amendments was November 13, 2001.

The District will implement and enforce the Asbestos ATCM for Surfacing Applications without formal adoption as allowed by state law and in accordance with procedures approved by the Air Pollution Control Board on July 25, 1995. The District will no longer enforce the requirements of District Rule 1204 as the Air Pollution Control Board repealed it on September 25, 2002.

Specifically, the amended state Asbestos ATCM for Surfacing Applications:

- Defines "restricted material" to include any of the following: material extracted from property located in a geographic ultramafic rock unit, material determined to be ultramafic or serpentine rock, and any material tested and found to have asbestos content of 0.25 percent or greater. Ultramafic rock is defined to mean igneous rock

that includes the following rock types: dunite, pyroxenite, peridotite and their metamorphic derivatives. Areas within California containing ultramafic or serpentine rock are indicated on maps developed by the California Geological Survey of the Department of Conservation. These maps indicate no areas of ultramafic or serpentine rock in San Diego County.

- Requires that no person may use, apply, sell, supply, or offer for sale any restricted material for unpaved surfacing unless the material has been tested and determined to have an asbestos content less than 0.25 percent.
- Requires producers of restricted materials to provide the recipient of that material with the following information: the amount of material sold or supplied, the dates the material was sold or supplied and tested, and a statement verifying that the asbestos content is less than 0.25 percent. Other persons, besides producers, who sell or supply restricted material must provide the aforementioned information except the date the material was tested. Anyone who sells or supplies restricted material for non-surfacing applications must notify the recipient of that material by a statement warning that the material may contain asbestos.
- Requires any person who uses, sells or supplies restricted material for surfacing applications to maintain all receipts and specified records for seven years. Any person who transports restricted material must maintain records with the material during transit.
- Exempts 11 types of unpaved surface operations: sand and gravel operations, roads located at quarries or mines, maintenance operations on existing roads, emergency road repairs, asphalt and concrete materials, landfill operations, geologic evaluation, limited access roads, surfacing applications in remote locations, roads located at construction sites, and riprap.
- Specifies that the District may require a geologic evaluation or testing of asbestos content be performed if there is evidence indicating the potential presence of asbestos located outside the boundaries of a region identified as an ultramafic rock unit.

Currently, the District knows of no businesses or locations using restricted material containing asbestos for surfacing applications in San Diego County.

Copies of the Asbestos ATCM for Surfacing Applications may be obtained from the Air Resources Board website, <http://www.arb.ca.gov/regact/asbestos/finregb.pdf>, or you may call the District at (858) 650-4700. If you have questions regarding the Asbestos ATCM for Surfacing Applications, please contact Jimmie Cooksey of the District's Compliance Division at (858) 650-4554.