



# Regulatory Advisory



## **ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS**

### **What is the purpose of this regulation?**

At its July 2001 hearing, the California Air Resources Board (ARB) approved an Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. This ATCM requires road construction and maintenance activities, construction and grading operations, and quarrying and surface mining operations in areas where naturally-occurring asbestos is likely to be found to employ the best available dust mitigation measures.

### **Why is asbestos of concern?**

Asbestos occurs naturally in ultramafic rock (which includes serpentine). When this material is disturbed in connection with construction, grading, quarrying, or surface mining operations, asbestos-containing dust can be generated. Exposure to asbestos can result in health ailments such as lung cancer, mesothelioma (cancer of the linings of the lungs and abdomen), and asbestosis (scarring of lung tissues that results in constricted breathing).

### **Why was the ATCM adopted?**

Information has shown that activities associated with construction, grading, quarrying, and surface mining in areas known to have naturally-occurring asbestos can result in elevated levels of asbestos from these activities. The ATCM is designed to reduce these levels.

### **To whom does the ATCM apply?**

The ATCM applies to road construction and maintenance, construction and grading operations, and quarries and surface mines when the activity occurs in an area where naturally-occurring asbestos is likely to be found. Areas are subject to the regulation if they are identified on maps published by the Department of Conservation as ultramafic rock units or if the APCO or owner/operator has knowledge of the presence of ultramafic rock, serpentine, or naturally-occurring asbestos on the site. The ATCM also applies if ultramafic rock, serpentine, or asbestos is discovered during any operation or activity.

### **What are the basic requirements of the ATCM?**

Road construction and maintenance operations must use dust control measures for a specified set of emission sources and prevent visible emissions crossing the project boundaries. The local air pollution control or air quality management district must also be notified before any work begins.

For construction and grading projects that will disturb one acre or less, the regulation requires several specific actions to minimize emissions of dust such as vehicle speed limitations, application of water prior to and during the ground disturbance, keeping storage piles wet or covered, and track-out prevention and removal. Construction projects that will disturb more than one acre must prepare and obtain district approval for an asbestos dust mitigation plan. The plan must specify how the operation will minimize emissions and must address specific emission sources. Regardless of the size of the disturbance, activities must not result in emissions that are visible crossing the property line.

Quarries and surface mines must also obtain district approval for an asbestos dust mitigation plan which must address specific emission sources. In addition, they must meet specific opacity standards for certain types of equipment and ensure that there are no emissions visible crossing the property line.

### **Recordkeeping and Reporting Requirements**

Records related to the applicability of the regulation or compliance with the specific provisions of the regulation or the asbestos dust mitigation plan must be kept for seven years. The results of any air monitoring or bulk sampling required by the district, any bulk sampling to document the applicability of, or compliance with, the regulation, and any other records specified in the dust mitigation plan must be reported to the district.

### **What are the exemptions?**

Exemptions are provided for homeowners and tenants working on their own residential property and agricultural operations and timber harvesting except for the construction of roads and structures in connection with agricultural and timber operations. In addition, districts may grant an exemption under any of the following conditions: 1) if a geological evaluation demonstrates that ultramafic rock or serpentine is not likely to be found; 2) for road construction and maintenance activities in a remote location; or 3) for the processing of rock from an alluvial deposit. Finally, for emergency road repairs, district notification may be delayed.

### **When does this regulation go into effect?**

The effective date of the regulation in all air districts is November 19, 2002. Sources should contact their local air districts and take steps now to ensure that the required mitigation is in place by this date.

### **For more information**

To obtain a copy of the regulation, ARB staff report, and other related documents, visit our website at <https://ww3.arb.ca.gov/toxics/asbestos/asbestos.htm> or call (916) 327-4327. If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA coordinator at (916) 323-4916. Persons with hearing and speech impediments can contact us by using our Telephone Device for the Deaf (TDD) at (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento Area. Additional questions may be addressed to Ms. Carol McLaughlin of the Stationary Source Division at (916) 327-5636.