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ASBESTOS CEMENT PIPE GUIDANCE DOCUMENT AND CONDITIONAL ENFORCEMENT DISCRETION

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Prepared by the Bureau of Air and Waste

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I. Background

The Massachusetts Department of Environmental Protection's (MassDEP's) asbestos regulation (310 CMR 7.15) protects public health and the environment by establishing safe handling practices for demolishing or renovating buildings and structures to prevent the release of asbestos fibers from asbestos-containing materials (ACM). MassDEP's regulations require notification as well as specific removal, handling, and disposal requirements for all ACM. These work practices include removing ACM prior to demolition or renovation activities, wetting the ACM before it is removed to prevent the release of asbestos dust, fully containing the work area (e.g., with plastic sheeting) and drawing air out of the containment through an air filtration unit equipped with a HEPA filter capable of capturing asbestos fibers, sealing the wetted Asbestos-Containing Waste Material (ACWM) in leak-tight containers with asbestos labeling, and properly disposing of the waste in a landfill permitted to accept ACM or ACWM.

Common materials that may contain asbestos include thermal insulation on boilers, ducts and pipes; vinyl floor tiles; ceiling tiles; various mastics (i.e. glues); and asbestos cement products, including asbestos cement pipes. Some of these materials are "friable" material that, when dry, can be crumbled, shattered, pulverized or reduced to powder by hand pressure (e.g., thermal system insulation) and some are "non-friable" material, that when dry, cannot be crumbled, shattered, pulverized or reduced to powder by hand pressure (e.g., vinyl floor tiles and asbestos cement pipes that are in good condition and have not deteriorated). MassDEP regulates non-friable ACM because, if these materials have deteriorated, are significantly damaged, and/or are mishandled, asbestos fibers may be released to the ambient air.

Asbestos cement pipes often are found in underground utility conduits and municipal water, sewer and drainage systems. Asbestos cement pipes buried below ground are considered non-friable if they are in good condition. It should be noted that active asbestos cement pipe that is exposed and is not intended to be replaced or removed and is not disturbed by repair or replacement activities may remain in place and be backfilled.

II. Purpose

This guidance document explains how to safely remove, repair and dispose of asbestos cement pipes that exist in underground operating system networks owned by public and private utilities (e.g. water, sewer, electricity and gas). Its main purpose is to prevent the release of asbestos fibers into ambient air and to protect public health, safety, and the environment while removing, repairing and disposing of asbestos cement pipes. This guidance has been developed in recognition of the unique aspects of projects involving repair and replacement of underground asbestos-cement pipe that make certain specific requirements of 310 CMR 7.15 infeasible and/or impractical: emergency repairs need to be facilitated to protect public health and safety and to allow trenches to be closed as quickly as possible, it is usually infeasible to have an asbestos inspector prepare a

complete written survey report before starting to repair or replace asbestos-cement pipe or pipe segments (particularly for emergency repairs), and some standard asbestos work practices (e.g., full containment and air cleaning) cannot be practically implemented in trenches. In order to qualify for the Conditional Enforcement Discretion that is described in Section III below, the Owner and Operator (including contractors) must follow all the provisions of this document.

This guidance document summarizes the requirements of the MassDEP Asbestos Regulation (310 CMR 7.15) that apply to removal, repair, replacement or other work on underground asbestos cement pipe or suspected asbestos cement pipe material, and also provides guidance on how MassDEP intends to exercise enforcement discretion where the specific asbestos abatement activities described herein are implemented.

This document does not constitute “final agency action,” and is not “regulation” as that term is used in M.G.L. c.30A. It may not be relied upon to create rights, duties, obligations or defenses, implied or otherwise, enforceable by any party in any administrative proceeding with the Commonwealth. In addition, this guidance does not exempt anyone from complying with any other applicable local, state or federal law, including but not limited to: the United States Environmental Protection Agency (EPA) Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP) regulation at 40 CFR part 61; the applicable United States Occupational Safety & Health Act (OSHA) standards at 29 CFR 1910 & 1926; and the Massachusetts Department of Labor Standards (DLS) regulation at 453 CMR 6.00.

III. Conditional Enforcement Discretion

A person who conducts the removal and associated abatement of asbestos cement pipe in accordance with the provisions of this guidance would not be subject to enforcement by MassDEP for violation of the following requirements of 310 CMR 7.15:

- The use of a DLS-certified asbestos inspector to prepare a written survey report that documents the types, amounts, condition and location of all ACM present in a utility conduit that will be subject to demolition or removal of cement pipe as required by 310 CMR 7.15(4);
- Establishment of full containment in accordance with “Work Area Preparation Requirements” 310 CMR 7.15 (7)(c);
- Implementation of air cleaning in accordance with “Work Area Ventilation System” requirements 310 CMR 7.15 (7)(e); and
- The use of a DLS-certified asbestos project monitor to perform a post-abatement visual inspection in accordance with 310 CMR 7.15(8).

IV. Guidance Provisions

a. Pre-Demolition/Renovation Survey

MassDEP's asbestos regulation establishes that owners and operators (including contractors) are responsible for determining whether cement pipe in a particular utility conduit that will be subject to demolition or renovation contains asbestos. The federal NESHAP regulation requires owners and operators to conduct a "thorough inspection" to determine the location of asbestos containing materials before starting demolition or renovation.¹

If owners and operators follow this guidance, it will not be necessary to have a DLS-certified asbestos inspector prepare a written survey report for underground asbestos-cement pipe projects as required by 310 CMR 7.15(4). However, owners and operators (including utilities conducting pipe repair or replacement), must conduct a "thorough inspection" to determine the location of any asbestos-containing pipe, insulation or other materials. Owners and operators of underground cement pipes may satisfy this requirement with:

- As-built plans or other documents identifying the content of particular cement pipes or pipe segments and any other material in the conduit that may be affected by a removal or repair project, provided that the documentation has been updated to reflect any repairs or alterations; or
- Other measures that demonstrate that a "thorough inspection" has been completed to identify asbestos cement pipe that will be affected by a removal or repair project. These measures can include visual identification through field observations of the pipe to be worked on (e.g., the manufacturer's brand-label markings indicating transite material or the source of the pipe); or sampling and analysis of cement pipe material at a laboratory certified by DLS.

Note: For projects that rely on a visual identification in the field, a "qualified" person must be present to observe the pipe when it is exposed and document in writing what features were used to identify the type of pipe to be removed/repaired/replaced. If relying on someone other than a DLS-certified asbestos inspector, a person is deemed "qualified" by having completed a DLS-approved training course specific to asbestos cement pipe worker safety (e.g., the "8 hour OSHA Class II Asbestos Training: Asbestos Cement Pipe (ACP) Worker Safety" course developed jointly by the Massachusetts Water Works Association (MWWA) and the Utility Contractors of New England

¹ The EPA Asbestos NESHAP regulation requires that the owner or operator shall, "...prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos..." 40 CFR part 61.145(a)

(UCANE), or another course similar in length and content that has been reviewed and approved in writing by DLS).

In addition, the owner or operator may presume that a pipe or pipe segment contains asbestos and manage any repairs or removals in accordance with this guidance and the other applicable requirements of 310 CMR 7.15.

The owner/operator of the utility system at which the asbestos cement pipe was removed, repaired or replaced must keep documentation of the pre-demolition/renovation survey, signed and dated by the person who conducted the inspection, for a minimum of two (2) years in the project file. The documentation must indicate what information was relied upon to determine whether the pipe contained asbestos. (See Attachment A for a Pre-Demolition/Renovation Survey Documentation template.)

b. Notification

A notification must be submitted to MassDEP for each asbestos-cement pipe project on an Asbestos Notification Form ANF-001/BWP AQ-04 in accordance with 310 CMR 7.15(6). The notification must be submitted at least ten (10) working days before starting asbestos cement pipe removal. The ANF-001/BWP AQ-04 and answers to frequently asked questions about filing notifications are available on MassDEP's web site at: <http://www.mass.gov/eea/agencies/massdep/service/approvals/bwp-aq-04-anf-001.html> . The easiest way to file an asbestos notification is to file it online via MassDEP's online filing system, eDEP: <https://edep.dep.mass.gov/>.

The ten-working day waiting period can be waived by obtaining an emergency waiver of this waiting period from MassDEP. Emergency waivers allow work to be performed right away. These waivers, which can be obtained by calling the MassDEP Regional Office that covers the town in which the work will be conducted, must be approved by MassDEP before the work starts. The MassDEP staff person who approves an emergency waiver will provide a project-specific waiver number that must be noted on the notification form. (See response to question number 27 in the "Frequently Asked Questions" section of this guidance document for appropriate MassDEP regional telephone numbers).

A notification fee, currently \$100.00, is required when filing an ANF-001/BWP AQ-04. However, asbestos abatements at property owned by cities, towns, counties, districts of the Commonwealth, municipal housing authorities, federally recognized Indian tribe housing authorities, state agencies, the Massachusetts Bay Transportation Authority, and owners of owner-occupied residential properties with four or fewer units are exempt from this fee.

Owners and operators who are planning to remove or repair several pipe segments over a specific period of time may apply to MassDEP for approval of a “blanket notification”, which would cover the entire project for a time period not to exceed one (1) year. While individual ANF-001/BW AQ-04 forms would still need to be submitted for each segment of the work, the blanket approval would eliminate the ten working day advance notification requirement for the individual filings. Information regarding asbestos blanket notifications may be found under the heading “BWP AQ 05 - Application for Asbestos Blanket - Form and Guidance” at the following link:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/bwp-aq-05.html>.

An application fee of \$200 is required for each application for a blanket notification approval.

c. Licensing and Training

DLS’s regulation (453 CMR 6.00) establishes requirements for the use of contractors and other asbestos specialists who are licensed or certified by that Department. Please call DLS for all licensing and training questions. Contact information can be found in the response to Question 28 in the attached Frequently Asked Questions.

In lieu of hiring a DLS-licensed asbestos contractor, an owner or operator conducting asbestos abatement activity on underground asbestos cement piping may hire contractors or other entities who have completed the “8 hour OSHA Class II Asbestos Training: Asbestos Cement Pipe (ACP) Worker Safety” course developed jointly by the MWWA and UCANE, or a course similar in length and content reviewed and approved in writing by DLS, provided that the owner, operator and contractor comply with the provisions and procedures described in this guidance document.

d. Handling Practices

When repairing, removing or replacing asbestos cement pipe, it is important to handle the pipe in a manner that will minimize the risk of making it friable or releasing asbestos dust into the environment. Start by exposing the asbestos cement pipe with minimal disturbance. Excavate no closer than 6 inches of the pipe. Carefully uncover the remainder of the soil surrounding the pipe by hand or with a shovel. An assessment should then be made to determine if the pipe is damaged, cracked or broken.

i. Not Damaged Asbestos Cement Pipe (intact and not deteriorated):

1. Place 6 mil (0.006 inch) thick polyethylene (“poly”) sheeting under the asbestos cement pipe to prevent soil contamination.
2. Adequately wet the asbestos cement pipe with amended water using surfactant or liquid soap before and during removal to avoid creating airborne dust.

3. Separate the asbestos cement pipe at the nearest coupling (bell or compression fitting).
 4. Slide the pipe apart at the joints (no saw cutting) or use other methods that do not cause the pipe to break, become friable or otherwise create the potential to release asbestos fibers.
 5. Wrap the wet asbestos cement pipe in two layers of 6 mil polyethylene sheeting, seal with duct tape and label in accordance with all applicable regulatory requirements. This can be done in the trench or adjacent to the trench.
 6. If the trench is filled with water, the placement of polyethylene sheeting is not required.
 7. Refer to Section “IV.e.” of this guidance document for packaging, labeling, disposal, and record retention requirements.
- ii. Damaged Asbestos Cement Pipe (deteriorated or not intact) or when cutting or mechanical breakage (e.g., with saws, snap or blade cutting, and/or tapping) is necessary:
1. Place 6 mil (0.006 inch) thick polyethylene (“poly”) sheeting under the asbestos cement pipe to prevent soil contamination.
 2. Adequately wet asbestos cement pipe with amended water where cutting or breaking will occur.
 3. Saw cutting of asbestos cement pipe shall only be conducted with a HEPA-shrouded vacuum attachment or wet cutting equipment, unless it is conducted within a small enclosure that isolates the area in which the saw cutting is being conducted to prevent the release of asbestos fibers to ambient air, .
 4. Wrap wet asbestos cement pipe in two layers of 6 mil polyethylene sheeting, seal with duct tape and label. This can be done either in the trench or adjacent to the trench.
 5. Manage wrapped asbestos cement pipe, polyethylene sheeting and any other material contaminated with visible asbestos debris as ACWM in accordance with 310 CMR 7.15 and 310 CMR 19.061.
 6. Refer to Section “IV.e.” of this guidance document for packaging, labeling, disposal, and record retention requirements.

e. Packaging, Labeling, Disposal and Record Retention

All ACWM must be packaged, labeled, transported, stored and disposed of in accordance with requirements specified at 310 CMR 7.15(15): Asbestos-containing Waste Material Packaging Requirements, 310 CMR 7.15(16): Asbestos-containing Waste Material Transport Requirements, 310 CMR 7.15(17): Asbestos-containing Waste Material Storage and Disposal Requirements, 310 CMR 7.15(18): Waste Shipment Records and Reports, and 310 CMR 19.061: Special Waste, including but not limited to the following:

- i. Place properly wrapped and labeled ACWM pipe as well as all other containerized ACWM and debris in a roll-off container(s), or covered

trucks, trailers or vans that are lined with 2 layers of 6 mil polyethylene sheeting.

1. The container shall be an enclosed and sealed leak-tight container having proper labels and U.S. Department of Transportation placards as required.
 2. If open-top roll-off containers are used, they must be properly sealed, labeled and secured inside a locked fenced area when they are not being loaded to prevent access by unauthorized personnel, and covered to prevent water accumulation.
- ii. Package, transport and dispose of ACWM in accordance with local, state, and federal regulations.
 - iii. Complete waste shipment records must be retained for 2 years by the owner/operator of the facility that generated the ACWM.
 - iv. Dispose of ACWM at a landfill permitted to accept ACWM.

Please note: “Bulk Loading”² of ACWM is not permitted without written approval from MassDEP - via approval of a Non-Traditional Asbestos Abatement Work Practice Application. (See BWP AQ-36 “Application for Non-Traditional Asbestos Abatement Work Practice Approval” <http://www.mass.gov/eea/agencies/massdep/service/approvals/bwp-aq-36.html> for information about how to apply for this permit.) Loading operations involving waste generated from asbestos cement pipe removal that is handled, packaged, labeled, containerized and stored/disposed of in accordance with Sections IV.d. and IV.e. of this guidance are not considered bulk loading and do not require a Non-Traditional Asbestos Abatement Work Practice Approval.

f. Visual Inspection Requirement

310 CMR 7.15(8) requires that, upon the conclusion of each asbestos abatement activity, the owner/operator shall ensure that a visual inspection is performed by a DLS-certified asbestos project monitor. The DLS-certified asbestos project monitor must inspect all surfaces within the work area for visible debris and if any is found, the contractor must re-clean the work areas until there is no visible debris.

When asbestos cement pipe removal is performed using the methods specified in this guidance document, the final visual inspection may be performed by a person who is “qualified” to perform this inspection by having completed a DLS-approved training course specific to asbestos cement pipe worker safety (e.g., the “8 hour OSHA Class II Asbestos Training: Asbestos Cement Pipe (ACP) Worker Safety” course), or another course similar in length and content

² “Bulk Loading” means the placement of unconfined ACWM in a vehicle or container, such as a roll-off, dumpster or truck *in lieu* of packaging the ACMW in individual leak tight containers.[310 CMR 7.15(1) Definitions

that has been reviewed and approved in writing by DLS), in lieu of an asbestos project monitor, provided that the following conditions have been met:

- i. The qualified person is physically present to conduct the final visual inspection of the work area prior to backfilling the trench;
- ii. The qualified person documents in writing that there was no visible debris remaining in the excavation trench, in soil excavated from the trench, in the surrounding area adjacent to the trench after the removal of the asbestos cement pipe, and on any tools used during the removal/repair/replacement activities; and
- iii. All ACWM has been removed for proper storage/disposal; and
- iv. The qualified person signs and dates the documentation of the final inspection as evidence that the inspection was performed and that the condition of no remaining visible debris was met.

The owner/operator of the utility system at which the asbestos cement pipe was repaired, removed or replaced must keep the documentation of the post-abatement visual inspection, signed and dated by the person who conducted the inspection, for a minimum of two (2) years in the project file. (See Attachment B for an example of a Post-Abatement Visual Inspection template.)

Frequently Asked Questions About Asbestos Cement Pipe Removal

1. What is Asbestos? Is it hazardous to your health?

Asbestos is a naturally occurring fibrous mineral consisting of any one of a number of silicates. Asbestos has been and is still used in a variety of products because of its physical properties, which make it resistant to heat, fire, and many caustic chemicals. Asbestos has been used extensively as fireproofing, an insulating agent, and for decorative purposes, among many other uses.

The physical properties that give asbestos its resistance to heat and decay are linked with several adverse human effects. Asbestos tends to break into a dust of microscopic fibers. Because of their size and shape, these tiny fibers can remain suspended in the air for long periods of time and can easily penetrate bodily tissue when inhaled or ingested. Because of their durability, these fibers can remain in the body for many years.

Asbestos is known to cause asbestosis and various forms of cancer. **Asbestosis** is a chronic disease of the lungs that makes breathing progressively more difficult, and can lead to death. Cancer can result from breathing asbestos fibers and **lung cancer** is the most frequent. **Mesothelioma**, an incurable cancer of the chest and abdominal membranes, almost never occurs without exposure to asbestos. Asbestos-related diseases have a long latency period and may not show up until 10 to 40 years after exposure. Each exposure increases the likelihood of developing an asbestos-related disease.

2. How do I know whether cement pipes contain asbestos?

Cement pipes used for public drinking water, waste water, roof drains or underground conduits may contain asbestos and should be handled in accordance with MassDEP's asbestos regulation (310 CMR 7.15) and this guidance document unless the owner's documentation or testing has shown that they do not contain asbestos or a DLS-certified asbestos inspector has determined that they do not contain asbestos. It is the obligation of anyone removing or repairing materials that contain asbestos to handle them in accordance with applicable laws and regulations. Ignorance or avoidance of this responsibility does not remove this obligation.

Up-to-date as-built plans that accurately identify the material that pipes or pipe segments are made of can be relied on to satisfy this requirement. Another acceptable method for determining whether a pipe or pipe segment contains asbestos is through visual identification in the field at the time of excavation, when the pipe material is readily identifiable by observing the manufacturer's brand-label (e.g. Johns-Manville Transite) or other markings on the pipe (e.g., indicating its source). This

identification must be done by a person who is “qualified” to perform this visual identification is present to observe the pipe when it is exposed and documents in writing what features were used to identify the type of pipe to be removed/repaired. In lieu of a DLS-certified asbestos inspector, a person is deemed “qualified” to conduct a visual inspection to identify the presence of asbestos containing cement pipe by having completed a DLS-approved training course specific to asbestos cement pipe worker safety (e.g. the “8 hour OSHA Class II Asbestos Training: Asbestos Cement Pipe (ACP) Worker Safety” course) or another course similar in length and content that has been reviewed and approved in writing by DLS). If up-to-date as-built plans are not available and a definitive visual identification cannot be made, the owner/operator can either presume the cement pipe contains asbestos and handle it in accordance with this guidance, or have it sampled and analyzed by a DLS certified laboratory.

Material that contains 1% or more asbestos as determined by a laboratory using EPA-approved analytical methods is regulated by MassDEP as an ACM. You can hire an asbestos consultant or laboratory to collect a sample and have it analyzed. You also may collect the sample yourself and bring it to a certified laboratory for analysis. (Note that you may need to take several samples over the length of the pipe to ensure that you obtain representative samples and did not only test a repaired section that has been replaced with a newer, non-asbestos material.) Before collecting samples, consult with the laboratory on how to safely collect the sample and how large the sample needs to be. DLS licenses and certifies asbestos testing laboratories and other types of asbestos professionals. Visit DLS’s website at <http://www.mass.gov/lwd/labor-standards/asbestos-program/license-lists/> or call DLS at 617-626-6960 for a list of certified asbestos laboratories.

3. Does MassDEP have to be notified prior to beginning an asbestos cement pipe removal or repair project?

Yes, the owner/operator of a facility containing asbestos cement pipes must notify MassDEP ten working days before removing or repairing asbestos cement pipes. Notification is required no matter who is doing the removal/repair or how much asbestos cement pipe is being removed or repaired. Please note that notification is required for repairs of asbestos cement pipe using tools that are considered “non-destructive” or “fail-safe” such as metal compression patches, wet tapping, etc. (See response to Question number 4 below for how to satisfy the notification requirement in the case of an emergency situation.)

4. We have an emergency and the pipe(s) need to be repaired immediately. Can we make the necessary repairs prior to submitting notification to MassDEP?

Yes, if MassDEP grants you an “emergency waiver.” Work can be performed right away by calling the appropriate regional MassDEP office and obtaining an emergency waiver of the ten (10) working day waiting period (see response to

question number 27 for the telephone numbers for the asbestos program in each MassDEP regional office).

If the emergency occurs after business hours or on a weekend, leave a detailed message including your contact information on voice mail for the MassDEP asbestos inspector's voice mail and proceed with the repairs as detailed in this document. You should then follow up with MassDEP on the following business day. You will still be required to submit an asbestos notification form ANF-001/BWP AQ-04 within 24 hours of the removal.

In addition, you can conduct the work without the required ten working day notification period if you have a MassDEP approved asbestos blanket notification. Information regarding asbestos blanket notifications may be found under the heading "BWP AQ 05 - Application for Asbestos Blanket - Form and Guidance" at the following link: <http://www.mass.gov/eea/agencies/massdep/service/approvals/bwp-aq-05.html>.

5. Is there a notification form I should use?

Notification for asbestos cement pipe removal must be made by completing and submitting to MassDEP the MassDEP-approved Asbestos Notification Form ANF-001 (also known as BWP AQ-04). The Asbestos Notification Form is available on MassDEP's web site at <http://www.mass.gov/eea/agencies/massdep/service/approvals/bwp-aq-04-anf-001.html>. The easiest way to file an asbestos notification is to file it online via MassDEP's website. See question number 10 below.

6. When must the notification be submitted?

The regulations require that the notification must be submitted at least ten working days in advance of the start of the asbestos cement pipe removal project. "Working days" do not include Saturdays, Sundays, or any day that MassDEP offices are closed for business, such as legal holidays.

7. When does the ten working day waiting period begin and end?

If you file electronically through eDEP, your 10 working day waiting period will start when you submit your form, and you will receive an automatic notification that the submittal was received.

If you file a paper notification form, your 10 working day waiting period starts on the day on which the submittal was postmarked or the day on which it was hand-delivered to MassDEP (by you or by a delivery service).

Please note that you must start work on the “start date” and end on the “end date” you indicate on the ANF-001. If you change the start date, you must revise your notification prior to the original start date indicated and allow for a full ten-day waiting period prior to the revised start date. If you need to start work sooner than ten days before the revised start date, call the MassDEP regional office to request an emergency waiver of the ten-day waiting period. (See MassDEP contact information found at FAQ no. 27.) If you start and end work on the dates indicated in the original notification, but work intermittently within that period, that does not require a revision - simply notify the MassDEP regional office which days will not be performing work.

8. Will I be notified when I can begin the work?

No. Unless MassDEP contacts you with a statement of deficiencies about your notification, you can begin work on the "project start date" you specified on the Asbestos Notification Form ANF-001. When completing the ANF-001, be sure that the "project start date" falls after the 10 working day waiting period.

MassDEP recommends that you keep a copy of the completed ANF-001 that you file online or, if you file a paper copy, a copy that shows the number on the notification decal sticker you attached to the notification form prior to submitting the form to MassDEP.

9. Is a fee required for filing an asbestos notification?

The notification fee required by MassDEP regulations (310 CMR 4.00: Timely Action Schedule and Fee Provisions) for asbestos removal is \$100 per notification. A notification revision requires re-filing the notification and payment of a \$35 fee.

Please note: owners of owner-occupied residential properties with four or fewer units, cities, towns, counties, districts of the Commonwealth, municipal housing authorities, federally recognized Indian tribe housing authorities, state agencies and the MBTA are not subject to the asbestos notification fee. However, state agencies are subject to fees greater than \$100 (e.g., the \$200 Blanket Notification Approval application fee).

10. How do I submit the ANF-001 to the MassDEP?

There are two ways to submit an Asbestos Notification Form ANF-001:

Electronic Filing: File the ANF-001 online via MassDEP’s website. If you have not already done so, register online with eDEP Online Filing: <http://www.mass.gov/dep/service/compliance>. Select “New User” and complete the required steps. It should take no more than five minutes to complete the registration process, and you can begin online filing of your notifications right away. Filing through eDEP will ensure that your submitted form is complete, and you will receive an automatic message indicating that your notification has been accepted.

May 22, 2015 Update

Paper Filing: When the ANF-001 is completely filled out, and the appropriate decal is affixed to the form (see below), use regular, certified or U.S. Postal Service Express mail, or a private mail or overnight service, to send the form to:

MassDEP
P.O. Box 4062
Boston, MA 02211

Forms are picked up from this P.O. Box every working day.

Please note: If you file a paper form, please be aware that MassDEP will return it if it is found to be incomplete, and your notification will not be valid until a completed form is re-submitted.

When filing online via eDEP, you will pay the fee online using a credit card. Notifications for jobs by an entity that is exempt from the fee may also be filed online.

Paper filers can pay the fee in two ways: 1) by purchasing a notification fee decal from MassDEP and affixing the decal to the Asbestos Notification Form ANF-001 before submitting it, or 2) by sending a check with their notification form to the P.O. Box above.

For paper notifications that are exempt from the fee, an EXEMPT decal must be obtained from MassDEP and affixed to the notification form, or you must ensure that Question 3 in Section A asking if the project is fee-exempt is answered as "Yes."

Fee decals may only be purchased in person at the reception area on the second floor of MassDEP's office at One Winter Street, Boston. For fee-exempt asbestos abatement jobs, EXEMPT notification decals may be picked up (free of charge) at the reception area of MassDEP's office at One Winter Street, Boston or at any MassDEP regional office. (Note: the "Regional Office Lookup by City/Town" tool can be accessed at the following URL:
<http://www.mass.gov/eea/agencies/massdep/about/contacts/>).

For decals requiring a payment, payment must be in the form of a check or money order made payable to "Commonwealth of Massachusetts." Cash and credit cards cannot be accepted.

Each notification decal contains a unique number that indicates that the fee has been paid.

11. Do I need to notify other government agencies in addition to the MassDEP?

You may be required to notify the local Building Department, Fire Department, or Board of Health in the city or town where the asbestos is being removed. Always contact local officials to ask what notification or permits are required. Submittal of a complete ANF-001 to MassDEP satisfies **state** (both MassDEP and MA DLS) and **federal** notification requirements (e.g., EPA Asbestos NESHAP) for projects that will remove or disturb asbestos-containing material.

12. Do I need to hire an asbestos contractor to repair and/or remove asbestos cement pipe?

DLS's regulation (453 CMR 6.00) establishes requirements for the use of contractors and other asbestos specialists who are licensed or certified by DLS. Please call DLS for all licensing and training questions. Contact information can be found in the response to Question 28 in the attached Frequently Asked Questions.

In lieu of hiring a DLS-licensed asbestos contractor, an owner or operator conducting asbestos abatement activity on underground asbestos cement piping may hire Contractors or other entities who have completed the "8 hour OSHA Class II Asbestos Training: Asbestos Cement Pipe (ACP) Worker Safety" course or a course similar in length and content reviewed and approved in writing by DLS, provided that the owner, operator and contractor comply with the provisions and procedures that are described in this guidance document.

13. Can I crush the asbestos cement pipe in the trench and place new pipe over it?

No, crushing an asbestos cement pipe and leaving it in the trench is prohibited under 310 CMR 7.15. Further, the EPA has determined that backfilling and burial of the crushed asbestos cement pipe would cause these locations to be considered active disposal sites and therefore subject to the "Standard for Active Waste Disposal Sites" (40 CFR 61.154).

14. Can I "ream" or "pipe burst" new water supply pipe through existing asbestos cement pipe?

No, this is not allowed because reaming or pipe bursting through an existing asbestos cement pipe would cause the existing asbestos cement pipe to become crushed and "friable" (see response to question number 13 above).

15. What if the trench is filled with water which prevents the placement of polyethylene sheeting below the asbestos cement pipe (as required in Section IV.d. – Handling Practices)?

If the trench is filled with water, the placement of polyethylene sheeting is not required, as stated in Section IV.d – Handling Practices. However, any visible debris must be managed in accordance with the requirements of Section IV.e. – Packaging, Labeling, Disposal and Record Retention and IV.f. – Visual Inspection Requirement.

16. What should I do with the water in the trench?

For work on the intact asbestos cement pipe(s), first try to pump the water out to a storm drain prior to any work. If there is substantial damage to the asbestos cement pipe and there are numerous pieces immersed in standing water, then the contaminated water should be pumped out and filtered through a 5 micron filter before the water is discharged.

17. Am I required to remove asbestos cement pipe that will not be disturbed by repair or replacement activities?

MassDEP only requires the removal of asbestos cement pipe that is exposed and will be disturbed during repair or replacement activities.

When a section of asbestos cement pipe is being repaired or replaced, the remaining portions of that pipeline are not required to be removed, provided that they are not exposed by excavation activity.

Additionally, if a section of asbestos cement pipe that is being actively used (e.g., a utility conduit) is exposed by excavation but will not be impacted by the repair or replacement work, it may be left in place and backfilled.

18. Where can I obtain the packaging and labeling materials?

The MassDEP-required asbestos warning labels and asbestos waste bags may be obtained from industrial supply houses, insulation supply houses, or may be purchased directly from licensed asbestos contractors. Polyethylene sheeting and duct tape are widely available from hardware, home supply and other stores.

19. Can I store waste asbestos cement pipe?

Asbestos cement pipe waste material that has been properly wetted, sealed and labeled can be temporarily stored for up to thirty (30) days at a secured location on property owned or controlled by the owner or operator of the utility system or at the place of business of the company/contractor removing asbestos-cement pipe from its site of origin. The storage location must be secured (e.g., storage in a locked fenced-

in area) and maintained in accordance with all federal, state and local requirements. Contact local officials to determine if temporary storage of asbestos cement pipes is allowed in your municipality.

20. Can I store unused “virgin” asbestos cement pipe?

Unused (i.e. “virgin”) asbestos cement pipe that is still suitable for use is not considered an ACWM, and is therefore not subject to the ACWM storage limitations. Measures should be taken to ensure that stored virgin asbestos cement pipe does not become deteriorated by constant exposure to the elements. If virgin asbestos cement pipe deteriorates so that it is no longer suitable for use, then it would be considered ACWM and subject to all the applicable packaging, labeling, storage and disposal requirements at 310 CMR 7.15(15) – (18).

21. Can I dispose of the asbestos cement pipes with my other solid waste?

No. The asbestos cement pipes must be managed as a “Special Waste” (requiring proper packaging, labeling, and disposal) and in Massachusetts may only be disposed of at a facility that is permitted to accept ACWM under 310 CMR 19.061 (“Special Waste” regulation).

22. How can I find a place to dispose of the asbestos cement pipes?

The best option is to hire a waste hauler or asbestos contractor to transport the asbestos cement pipes to a disposal facility. Many waste haulers and asbestos contractors are familiar with various disposal facilities and frequently transport wastes to facilities permitted to accept ACWM.

You also can contact a landfill directly and arrange to transport the waste to the landfill yourself. ACWM can only be disposed at a solid waste landfill permitted to accept “Special Waste”, which in Massachusetts must be operated in accordance with regulatory requirements specified at 310 CMR 19.061, or in another state, in accordance with the relevant “Special Waste” permit requirements. You should contact the facility in advance of transporting ACWM for disposal.

ACWM may not be sent to an incinerator or to a construction and demolition (C&D) debris processing facility in Massachusetts. Likewise, no Massachusetts transfer stations are permitted to accept ACWM.

23. How do I find an asbestos waste hauler?

Asbestos waste haulers may be located by using any available internet search engine or by looking this topic up in the Yellow Pages. Try entering/looking under topics such as "rubbish," “waste” or "asbestos." Any firm hauling ACWM must be

registered with the Federal Highway Administration's Motor Carrier Division. Call the nearest regional MassDEP office for additional help.

24. Can I transport the waste asbestos cement pipes myself?

Waste asbestos cement pipe that has been packaged and labeled in accordance with Section IV.e. – Packaging, Labeling, Disposal and Record Retention, may be transported in a covered truck, trailer or van to a secured, temporary storage location at property owned or controlled by the pipe owner or operator or at the place of business of the company/contractor that removed the asbestos-cement pipe from the excavation, as outlined in question 19. If a van is used, the waste asbestos cement pipe should be transported in a compartment separate from the driver or passenger seats. A pickup truck bed should be covered with an impermeable tarpaulin cover and secured so that it does not allow the accumulation of rain water. The waste containers should not be loaded above the side rails in any truck or trailer.

25. Is there any paperwork required for transporting the waste asbestos cement pipes?

Yes. 310 CMR 7.15(18): Waste Shipment Records and Reports requires that an asbestos Waste Shipment Record (WSR) document each shipment of ACWM. Waste hauling companies and/or asbestos removal companies can supply WSR forms. (A template for the WSR form is available on the MassDEP website at: <http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html>) The WSR must be signed by each company or person involved with removal, transportation and disposal of the ACWM, including the facility owner or “generator” of the asbestos. The asbestos removal contractor may sign on behalf of the owner.

Pursuant to 310 CMR 7.15(18), if a completed copy of the WSR, signed by the disposal facility to acknowledge receipt of the waste shipment, is not received back by the generator within 35 days of the initial shipment, the generator must contact the transporter or disposal facility to determine the status of the waste shipment. This section of the regulation also requires a generator to notify the MassDEP regional office in writing if the generator does not receive a signed copy of the WSR from the disposal facility within 45 days of the date of shipment. The generator, the transporter, and the disposal facility must each retain a copy of the WSR signed by all the parties for at least two years. You do not need to send a completed copy of the WSR to any regulatory agency, but MassDEP may request a copy of the WSR from any of the parties in the event of an inspection.

Additionally, transportation of asbestos (which is designated as a hazardous material for transportation) is regulated by the U.S. Department of Transportation (US DOT), which has established requirements for shipping documents, packaging, labeling, and vehicle placarding (49 CFR 173.1090): asbestos must be loaded, handled and unloaded in a manner that will minimize occupational exposure to airborne asbestos fibers released during transit. US DOT also requires that transporters carry

identification papers for all quantities of asbestos greater than 1 pound. The Massachusetts state police enforce this requirement.

26. Does MassDEP have a document containing general information about asbestos?

Yes. The “Asbestos Information and Resource Guide” is available on MassDEP’s website at <http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html> under the heading “General Information.” The guide includes contact information for various government agencies responsible for asbestos, a list of regulations governing asbestos, and general information about asbestos and asbestos removal.

27. How do I contact MassDEP for more information?

For more information on asbestos or other environmental issues, please visit MassDEP’s website at www.mass.gov/dep/about/contacts.htm or contact the following MassDEP officials:

Boston:

For information about asbestos policy/regulation:

Mike Elliott – Asbestos Program Coordinator

Telephone: 617-292-5575 or e-mail: michael.elliott@state.ma.us

For information about filing asbestos notifications and fees:

Email baw.edep@state.ma.us or call the Asbestos Hotline at 617-292-5766.

Central Region

Gregg Levins

Telephone: 508-767-2768 or e-mail: gregory.levins@state.ma.us

Northeast Region

John Macauley

Telephone: 978-694-3262 or e-mail: john.macauley@state.ma.us

Southeast Region

Cynthia Baran

Telephone: 508-946-2887 or e-mail: cynthia.baran@state.ma.us

Emergency Waiver Hotline: 508-946-2882

Western Region

Marc Simpson

Telephone: 413-755-2115 or e-mail: marc.simpson@state.ma.us

May 22, 2015 Update

28. How do I contact Massachusetts DLS?

For more information on Massachusetts DLS asbestos training, certification and/or licensing requirements, please contact:

Massachusetts Department of Labor Standards/Asbestos Program

Charles Hurley Building

19 Staniford Street, 2nd Floor

Boston, MA 02114

Telephone: 617-626-6960 Fax: 617-626-6965 Web Site: www.mass.gov/dols

Template A: Pre-Demolition/Renovation Survey Documentation

1. Project Location:

(Street address, GPS coordinates or other location identification)

City/Town: _____, MA

2. Pre-Demolition/Renovation Survey

Survey Date: _____

MassDEP's asbestos regulation requires owners and operators (including contractors) to determine whether cement pipe in the utility conduit that will be disturbed contains asbestos. Please identify the information that was used to determine whether the pipe at this location contains asbestos by checking all applicable boxes:

Accurate, up-to-date as-built plans or other utility network documents. Specify title and revision date of the as-built drawing or other documentation:

Visual identification/ field observations of exposed pipe. Specify manufacturer's brand-label marking (e.g. "Johns-Manville Transite") or other features used to identify composition/source of pipe:

I was physically present at the location described above and personally observed the pipe or pipe segment when it was exposed and before it was removed, replaced and/or repaired.

Presumed that pipe contained asbestos.

Collected representative samples that were analyzed at a certified laboratory.

Identify Laboratory and DLS certification number: _____

Date samples were collected: _____ Date of lab report: _____

Result of the analysis (% asbestos): _____

Does the pipe (or pipe segment) that will be disturbed contain asbestos? Yes No

If "Yes", what is the MassDEP Asbestos Notification Number (ANF-001 Form)? _____

3. Qualifications. Please check the applicable box:

I have successfully completed the "8 hour OSHA Class II Asbestos Training: Asbestos Cement Pipe (ACP) Worker Safety" course approved by the Massachusetts Department of Labor Standards (DLS), or a course similar in length and content reviewed and approved in writing by DLS; or

I am a DLS-certified Asbestos Inspector.

Name (please print): _____

Title/Company: _____

Signature: _____ Date: _____

Template B: Post-Abatement Visual Inspection Documentation

1. Project Location/Identification:

(Street address, GPS coordinates or other location identification)

City/Town: _____ MA

MassDEP Asbestos Notification Number (ANF-001 Form): _____

2. Post-Abatement Visual Inspection Date of Visual Inspection: _____

When any repair/removal of an asbestos cement pipe or pipe segment is complete, a visual inspection must be done before the trench is backfilled to confirm that ALL of the following conditions have been met. Please check each condition below to document that the visual inspection confirmed:

- No visible debris was present in trench.
- No visible debris was present outside of the trench (e.g. in excavated soils and the immediately surrounding area).
- No visible contamination was seen on tools.
- All Asbestos Containing Waste Material has been removed from the area for proper disposal.
- I was physically present at the location described above and personally conducted this inspection while the pipe or pipe segment was exposed and before the trench was backfilled.

3. **Qualifications.** Please check the applicable box:

- I have successfully completed the "8 hour OSHA Class II Asbestos Training: Asbestos Cement Pipe (ACP) Worker Safety" approved by the Massachusetts Department of Labor Standards (DLS), or a course similar in length and content reviewed and approved in writing by DLS; or
- I am a DLS-certified Asbestos Project Monitor.

Name (please print): _____

Signature: _____

Title/Company: _____

Date: _____