

**MONTEREY BAY AIR RESOURCES DISTRICT
REGULATION III
FEES**

RULE 306. ASBESTOS NESHAP FEES

(Adopted 5-13-92; Revised 6-21-95; 6-17-98; 6-16-99; 6-21-00 6-20-01; 6-19-02, 6-18-03; 6-16-04; 6-15-05; 6-21-06; 6-20-07; 6-18-08; 6-30-10; 6-15-11; 6-18-14; 6-17-15; 6-15-16; 6-21-17; 6-25-18; 6-24-19; 6-17-20; 6-16-21; and 6-15-2022.)

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PART 1 GENERAL

1.1 Purpose

This Rule provides the fee requirements for persons subject to Rule 424, Section 4 Subpart M, National Emission Standards for Asbestos.

1.2 Applicability

This Rule applies to any person subject to Rule 424, Section 4 Subpart M, National Emission Standards for Asbestos (40 CFR 61 Subpart M), who is required by that rule to submit a written Notification of Demolition and Renovation to the District, including:

1.2.1 any owner or operator of any demolition activity, regardless of whether any asbestos is present in the facility to be demolished; and

1.2.2 any owner or operator of a renovation activity where the total amount of Regulated Asbestos-Containing Material (RACM) to be stripped, removed or otherwise disturbed is at least 260 linear feet on pipes, 160 square feet on other facility components or 35 cubic feet if off of facility components.

1.3 Exemptions

Reserved.

1.4 Effective Date

This Rule, as most recently revised, is effective July 1, 2022.

1.5 References and Related Rules

The provisions of this Rule derive from: Title 40 of the Code of Federal Regulations (CFR), Part 61, Subpart M, National Emissions Standards for Asbestos; from California Health and Safety Code (HSC) Sections 42300 *et seq.*; and HSC Sections 42311 *et seq.* Related or referenced District Rules include 200 (Permits Required) and 424 (National Emission Standards for Hazardous Air Pollutants).

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PART 2 DEFINITIONS

2.1 Category I Nonfriable ACM

Asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy (PLM).

2.2 Category II Nonfriable ACM

Any material, excluding Category I nonfriable asbestos- containing material, containing more than 1 percent asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, PLM that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

2.3 Demolition

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.

2.4 Facility

Any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For the purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building.

2.5 Facility Component

Any part of a facility including equipment.

2.6 Friable Asbestos Material

Any material, containing more than 1 percent asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, PLM that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If it is intended to leave material in place during a demolition, PLM point counting is the method to be used to verify it contains no more than 1% RACM, if the material has been identified as containing any asbestos.

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2.7 Regulated Asbestos-Containing Material (RACM)

Means (a) friable asbestos material, (b) category I nonfriable ACM that has become friable, (c) category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

2.8 Renovation

Altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

PART 3 ADMINISTRATIVE REQUIREMENTS

3.1 Fees

Each Notification required by Rule 424 shall include the appropriate fee(s) pursuant to the Schedule of Fees in Section 4.5 when submitted to the District.

3.2 Fee Determination for Annual Notification

An annual Notification of nonscheduled renovations operations submitted to the District pursuant to 40 CFR 61.145 (b)(3)(ii) shall include the fee(s) owed to the District and can be determined by applying the aggregate of all estimated unscheduled renovation amounts based on the Schedule of Fees in Section 4.5.

PART 4 FEE DETERMINATION

4.1 Explanation of Terms Used in Determining the Fee

For the purpose of determining the appropriate fee required by this Rule, "Type of Project" in the Schedule of Fees in Section 4.5 refers to the amount of RACM which could be removed or disturbed in a demolition and/or renovation project, and includes the following meanings:

4.1.1 Linear feet refers to asbestos material covering pipes.

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4.1.2 Square feet refers to the surface area of asbestos-containing material on other facility components, including ducts.

4.1.3 Cubic feet refers to the volume of asbestos-containing material which has been removed from facility components and for which the linear footage and/or square footage cannot be determined.

4.2 Demolition Project

If a written Notification of Demolition and Renovation is required to be submitted to the District, a fee as set forth in Rule 301, Table 1 Asbestos NESHAP Fees will be due to the District for the demolition of a structure. If asbestos-containing material is present, additional fees apply in accordance with Sections 4.3 and 4.5.

4.3 Demolition Project Involving Asbestos Removal

Where a demolition project includes the removal of asbestos-containing material from the facility prior to the wrecking of the structure, the removal is treated as a separate renovation project for purposes of determining the fees. Therefore, a separate fee is due for the demolition project and for the renovation project, although both project types may be included in a single Notification. The asbestos removal fees are identified in Section 4.5.

4.4 Demolition or Renovation Projects Involving Multiple Structures

4.4.1 Where a demolition project includes multiple structures, each independent structure is treated as a separate project for purposes of determining the fees. Therefore, a separate fee is due for the demolition of each structure, although a single Notification may include all the structures.

4.4.2 Where a renovation project includes multiple structures, the aggregate of all RACM is used in determining the fees identified in Section 4.5.

4.5 Schedule of Fees for Removal of Asbestos-Containing Materials

The fees for each type of project are set forth in Rule 301, Table 1 Asbestos NESHAP Fees and shall be due at the time of notification.

4.6 Emergency Notifications

The fees for emergency notifications are due within 5 working days of receipt of the notification.

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4.7 Revisions to Quantities or Number of Structures

If in the course of a demolition or renovation, it is determined that the project involved additional demolition of structures or belonged in a higher RACM fee category than was initially determined, an owner or operator shall re-notify the District and pay the balance of the fee for the additional structures or higher fee category. The additional fees are due within 5 working days of receipt of the revised notification. This additional fee constitutes a legal obligation owing to the District for work done in furtherance of the project for which notification was issued to the District, and may be recovered in any appropriate civil action.