

RULE 1414. ASBESTOS-CONTAINING SERPENTINE MATERIAL IN SURFACING APPLICATIONS

(a) Purpose

The purpose of this rule is to prevent the future sale and use of asbestos-containing serpentine material for surfacing applications in the South Coast Air Basin.

(b) Applicability

This rule applies to any person who uses, applies, sells, supplies, or processes serpentine material for surfacing applications.

(c) Definitions

For the purpose of this rule, the following definitions apply:

- (1) AGGREGATE is a mixture of mineral fragments, sand, gravel, rocks, or similar minerals.
- (2) AIR RESOURCES BOARD TEST METHOD 435 is the test method specified in Title 17, California Code of Regulations, Section 94147.
- (3) ALLUVIAL DEPOSIT is any deposit of sediments laid down by running water, including, but not limited to, streams and rivers.
- (4) ASBESTOS is the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, actinolite, or tremolite.
- (5) ASBESTOS-CONTAINING SERPENTINE MATERIAL is serpentine material that has an average asbestos content greater than five percent (5%), as determined by paragraph (f), Methods of Analysis, of this rule.
- (6) RECEIPT is any written acknowledgment that a specified amount of serpentine material was received, delivered, or purchased. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.
- (7) ROAD SURFACE is the traveled way of a road and any shoulder which extends up to 10 feet from the edge of the traveled way.
- (8) SAND AND GRAVEL OPERATION is any aggregate-producing facility operating in alluvial deposits.

- (9) SERPENTINE is any form of hydrous magnesium silicate minerals, including, but not limited to, antigorite, lizardite, and chrysotile.
- (10) SERPENTINE MATERIAL is any material that contains at least ten percent (10%) serpentine, as determined by a registered geologist.
- (11) SURFACING is the act of covering any surface used for the purpose of pedestrian, vehicular, or non-vehicular travel, including, but not limited to, roads, road shoulders, streets, alleys, lanes, driveways, parking lots, playgrounds, trails, squares, plazas, and fairgrounds.

(d) Requirements

Effective August 1, 1991, a person subject to this rule shall comply with the following requirements:

- (1) All tests for asbestos content shall be performed according to paragraph (f), Methods of Analysis, of this rule.
- (2) A person shall not use or apply serpentine material for surfacing applications that has an asbestos content greater than five percent (5%).
- (3) Any person who sells, supplies, or offers serpentine material for sale, shall provide a written receipt with each sale stating the following:

"Serpentine material may have an asbestos content greater than five percent (5%). It is unlawful to use serpentine material for surfacing unless the material has been tested and found to contain less than or equal to five percent (5%) asbestos. All tests for asbestos content must use Air Resources Board Test Method 435, and a written record documenting the test results must be retained for at least seven years if the material is used for surfacing."
- (4) Any person who sells, supplies, or offers serpentine material for sale for surfacing applications shall provide to each person receiving the material a written receipt that includes the following information:
 - (A) The amount of serpentine material sold or supplied.
 - (B) The dates that the serpentine material was produced, sampled, tested, and supplied or sold.
 - (C) The asbestos content of the serpentine material as determined by paragraph (f), Methods of Analysis, of this rule.

A copy of the receipt shall remain with the serpentine material at all times during transit and surfacing.

(e) Recordkeeping

Effective August 1, 1991, a person subject to this rule shall comply with the following requirements:

- (1) Any person who uses, applies, sells, supplies, or offers serpentine material for sale shall maintain copies of all receipts or other records documenting the asbestos content of such material. Records shall be retained for not less than seven (7) years and made available to the Executive Officer on request.
- (2) Documentation of how the serpentine content of the material was determined must be provided by a registered geologist. Records shall be retained for not less than seven (7) years and made available to the Executive Officer on request.

(f) Methods of Analysis

- (1) Aggregate bulk sample analysis of asbestos-containing serpentine material shall be determined by the Air Resources Board Test Method 435 or an alternate method approved by the Air Resources Board and the Executive Officer of the District.
- (2) If two or more tests are conducted on the same volume of serpentine material, an arithmetic average of all test results shall be used to determine the asbestos content.

(g) Exemptions

- (1) Sand and gravel operations are exempt from the requirements in paragraph (d)(3) and (d)(4) of this rule.
- (2) Landfill operations other than the surfacing of public access roads used by vehicular traffic are exempt from the requirements in paragraph (d)(2) of this rule.
- (3) Roads located at serpentine quarries, asbestos mines or mines located in serpentine deposits are exempt from the requirements in paragraph (d)(2) of this rule.

- (4) Maintenance operations on any existing road surfaces are exempt from the requirements in paragraph (d)(2) of this rule, as long as additional serpentine material is not applied to the road surface.
- (5) Serpentine material that is an integral part of bituminous concrete, portland cement concrete, bituminous surface, or other similar cemented materials are exempt from the requirements in paragraph (d) of this rule.
- (6) A temporary exemption from paragraph (d)(2) may be issued by the Executive Officer for emergency road repair due to landslide, flood, or other emergency, if it is demonstrated that the use of material other than asbestos-containing serpentine is not feasible. The exemption period is not to exceed six months. The road must be resurfaced with compliant materials before the exemption period expires.