

DEPARTMENT OF HEALTH

Adoption of Chapter 11-503
Hawaii Administrative Rules

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SUMMARY

Chapter 11-503, Hawaii Administrative Rules,
entitled "Fees for Asbestos Removal and Certification,"
is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 503

FEES FOR ASBESTOS REMOVAL AND CERTIFICATION

- §11-503-1 Definitions
- §11-503-2 Fee requirement
- §11-503-3 Fee schedules for notifications,
accreditation, certification, and
registration

§11-503-1 Definitions. As used in this chapter:

"ACM" means asbestos-containing material.

"Asbestos-containing material" means any material or product which contains more than one per cent asbestos.

"Asbestos contractor" means any person or contracting firm possessing a valid asbestos contractor license pursuant to chapter 16-77, Hawaii Administrative Rules.

"Category I nonfriable ACM" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than one per cent asbestos as determined using the method specified in 40 CFR Part 763, Subpart F, Appendix A, Section I, as referenced in section 11-501-3.

"Category II nonfriable ACM" means any material, excluding category I nonfriable ACM, containing more than one per cent asbestos as determined using the methods specified in 40 CFR Part 763, Subpart F, Appendix A, Section I, as referenced in section 11-501-3, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

"Contractor/Supervisor" means any abatement worker who has been certified by the department under these rules to ensure that abatement projects are conducted in accordance with Federal and State requirements.

"Demolition" means the wrecking, taking out or intentional burning of any load-supporting structural member of a facility together with any related handling operations.

"Department" means the department of health, State of Hawaii.

"Director" means the director of the department of health, State of Hawaii, or the director's duly authorized agent.

"Facility" means 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 residences or residential cooperatives that have four or fewer total dwelling units); any ship; and any active or inactive waste disposal site. For 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. Any structure, installation, or building that was previously subject to federal requirements pursuant to 40 CFR Part 61, Subpart M, is not excluded, regardless of its current use or function.

"Facility component" means any part of a facility, including equipment, boilers, pipes, furnaces, ducts, tanks, reactors, turbines, or structural members.

"Friable asbestos material" means any material containing more than one per cent asbestos as determined using the method specified in 40 CFR Part 763, Subpart F, Appendix A, Section I, as referenced in section 11-501-3, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. These include sprayed-on or troweled-on fireproofing, acoustic ceiling material and ceiling tiles, linoleum

and linoleum backing, thermal system insulation, non-asphalt-saturated roofing felts, asbestos-containing paper, and joint compound. Materials that have been rendered to a crumbled, pulverized, or powdered state, when dry, by crushing, sanding, sawing, shot-blasting, or other demolition or renovation techniques are friable, which include category I non-friable asbestos containing material. Materials in which the asbestos fibers are bound into a matrix that have been rendered to a crumbled, pulverized, or powdered state, when dry, by crushing, sanding, sawing, shot-blasting, severe weathering, or other demolition or renovation techniques are friable, which include category II nonfriable ACM.

"Inspector" means a person certified to identify asbestos-containing building material and to assess its physical condition.

"Management planner" means any person certified to use data gathered by inspectors to assess the current or potential hazard posed by asbestos-containing material, to determine the appropriate response actions, and to develop a schedule for implementing these response actions.

"Notification" means submittal of a notice of intent to conduct demolition or renovation in facilities pursuant to section 11-501-7. For purposes of this definition, a "notification" shall be limited to each individual project and shall extend no further than the premise boundaries.

"Project designer" means a person who is certified to determine how asbestos abatement work should be conducted.

"Project monitor" means a person who is certified to take air clearance samples, perform visual inspections of the job-site and ensure compliance with specifications and regulations.

"RACM" means regulated asbestos-containing material.

"Regulated asbestos-containing material" means:

- (1) Friable asbestos material;
- (2) Category I nonfriable ACM that has become

friable;

- (3) Category I nonfriable ACM that will be or has been subjected to sanding, drilling, grinding, cutting, abrading, or any other activity that may render the material friable; or
- (4) Category II nonfriable ACM that may become 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 regulated by this chapter.

"Renovation" means altering a facility of 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.

"Removal" means to take out RACM or facility components that contain or are covered with RACM from any facility.

"Training provider" means one who is accredited to provide training courses pursuant to Chapter 504.

"Worker" means any person who is certified by the department to engage in abatement activities.

[Eff] (Auth: HRS §342P) (Imp: 40 CFR Part 61)

§11-503-2 Fee requirement. (a) All entities performing demolition or renovation in facilities shall pay fees as set forth in §11-503-3.

(b) All workers, contractor/supervisors, inspectors, management planners, project designers, project monitors who become certified, training providers who become accredited, and asbestos contractors and laboratories that register with the State of Hawaii shall pay fees as set forth in §11-503-3,

(c) All fees shall be submitted with notification or application for accreditation, certification and registration. All notification, accreditation,

certification, and registration fees collected pursuant to this chapter shall be made payable to the "State of Hawaii Asbestos and Lead Special Fund" and are non-refundable.

(d) Checks returned for any reason (e.g. insufficient funds, closed account, etc.) shall be considered a failure to pay. Returned checks are subject to an additional charge.

(e) Checks returned for any reason will cause a delay in accreditation, certification or registration. Accreditation, certification or registration will be conferred when the fee and any additional charges are paid. [Eff _____] (Auth: HRS §342P-28)
(Imp: HRS §342P-28)

§11-503-3 Fee schedules for notifications, accreditation, certification, and registration. (a)
The fee schedule for demolition and renovation notifications shall be as follows:

Quantity of RACM to be Disturbed	Fee
Demolition Only-No Asbestos	\$ 50
Greater than or equal to 260 linear, 160 square, or 35 cubic feet, but less than 500 linear, square, or cubic feet	\$ 100
Greater than or equal to 500 linear, square or cubic feet, but less than 1000 linear, square, or cubic feet	\$ 225
Greater than or equal to 1000 linear, square or cubic feet, but less than 2500 linear, square, or cubic feet	\$ 300
Greater than or equal to 2500 linear, square, or cubic feet, but less than 5000 linear, square, or cubic feet	\$ 375
Greater than or equal to 5000 linear, square	\$ 450

or cubic feet, but less than 10,000 linear, square, or cubic feet	
Greater than 10,000 linear, square, or cubic feet	\$ 525
Revision to or cancellation of Notifications	\$ 10

(b) The annual fee for accreditation of training providers shall be \$1000.

(c) The fee schedule for certification shall be as follows:

	<u>Initial</u>	<u>Annual Renewal</u>
Worker	\$ 60.00	\$30.00
Contractor/Supervisor	100.00	50.00
Project Designer	300.00	150.00
Project Monitor	150.00	75.00
Inspector	200.00	100.00
Management Planner	50.00	25.00

Maximum annual fee for any individual: Initial \$375.00
Renewal \$175.00.

(d) The annual fee for registration shall be as follows:

Asbestos contractor	\$200.00
Laboratory	\$100.00.

[Eff] (Auth: HRS §342P-28) (Imp: HRS §342P-28)

DEPARTMENT OF HEALTH

Chapter 11-503, Hawaii Administrative Rules, on the Summary Page dated _____, was adopted on _____, following public hearings held on June 1, 1999 in Honolulu, Hawaii, June 2, 1999 in Lihue, Hawaii, June 3, 1999 in Wailuku, Hawaii, June 7, 1999 in Kailua-Kona, Hawaii, and June 8, 1999 in Hilo, Hawaii, after public notice was given in the Hawaii State & County Public Notices on May 3, 1999.

The adoption of Chapter 11-503 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Bruce S. Anderson, Ph.D., M.P.H.
Director of Health

APPROVED:

Benjamin J. Cayetano
Governor
State of Hawaii

Date: _____

Filed

APPROVED AS TO FORM:

Deputy Attorney General