

Policy Statement
for
REMOVAL AND DISPOSAL OF ASBESTOS CEMENT PIPE
in the
City of Mesa, Arizona

I. BACKGROUND:

Asbestos Cement Pipe (ACP) is a mixture of portland cement and asbestos fibers. It was introduced into North America in 1931 and by 1953 the American Water Works Association (AWWA) had established standards for ACP use and installation. For numerous years, ACP had been used for water mains in the City of Mesa and, as a consequence, there are many miles of this material in service. Some of these mains are old and need to be replaced; some are undersized and need to be upsized; and some are in conflict with new utility installations and need to be relocated. These actions require all or part of the existing ACP system to be removed and disposed. Subsequent to ACP's introduction into the United States, the Environmental Protection Agency (EPA) determined that asbestos, in an airborne condition, is a hazardous material and established laws/guidelines for the handling and disposal of the material. The Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) establishes requirements for the removal and disposal of regulated asbestos containing materials. This Policy Statement establishes procedures and assigns responsibilities for the proper handling of asbestos cement pipe in conformance with the Asbestos NESHAP requirements in effect as of November 1990.

NOTE: As used herein, the term "Engineer" shall refer to the City of Mesa City Engineer or his/her designated representative. The term "Excavator" shall refer to that entity (individual or contractor) which actually excavates and exposes the pipe. The term "Generator" means any owner or operator of a source (covered by the regulation) whose act or process produces asbestos containing waste material. The term "extra cost" shall refer to the cost over and above the removal and disposal of the pipe in a non-friable state.

II. POLICY:

- A. It is the intent of the City of Mesa to comply with the requirements of the Asbestos NESHAPS found within 40 CFR Sections 61.410 through 61.157 . This Policy Statement will establish procedures to be used by all Excavators in the removal and disposal of ACP in compliance with NESHAPS. Nothing in this Policy Statement shall be construed to void any provision of a contract or other law, ordinance, regulation or policy whose requirements are more stringent.

- B. ACP is defined under NESHPS as a Category II, non-friable, non-regulated material in its intact state but which may become friable upon removal, demolition and/or disposal. Consequently, if the removal/disposal process renders the ACP friable, it is regulated under the disposal requirements of 40 CFR Section 61.150. If more than 260 linear feet of ACP is removed which on removal will become friable, a NESHAPS notification must be filed with the Maricopa County Environmental Services Department. The notification must be filed at least ten days prior to removal of the material. If it remains in its non-friable state, as defined by the NESHAPS, it can be disposed as a conventional construction waste. EPA defines friable as material, when dry, which may be crumbled, pulverized or reduced to powder by hand pressures.
- C. The Generator of the hazardous material is responsible for the identification and proper handling, transportation, and disposal of the material. Therefore, it is the policy of the City of Mesa that if the actions of the Excavator cause the material to become friable, and therefore subject to the regulations, that Excavator becomes the Generator.
- D. Arizona Revised Statutes, Chapter 2, Article 6.3, Section 40-360.21 through 40-360.32 (Blue Stake Law) plays an important role in this Policy Statement. The Blue Stake Law places requirements on the Owner of the facility (in this case the City of Mesa) to maintain installation records and, upon request, to properly locate the underground facility. The Law also places requirements on the Excavator to:
1. Call the Blue Stake Center at least two (2) working days prior to the start of excavation;
 2. Mark the boundaries of the location to be excavated;
 3. Excavate in a careful and prudent manner, including hand-digging within twenty-four (24) inches of the underground facility; and,
 4. Notify the Owner if the Excavator encounters an underground facility that has not been located and marked or has been marked in the wrong location.

If the Excavator does not comply in full with the Blue Stake requirements and therefore causes non-friable ACP to become friable, he will not be reimbursed for extra costs incurred to handle, containerize, transport, and dispose of the waste. If Blue Stake requirements are complied with and ACP is accidentally or unknowingly disturbed thereby causing it to become friable, the Excavator may seek reimbursement from the City for additional costs to handle, containerize, transport and dispose of the material following the procedures described in Sections E and F below.

- E. The Engineer shall retain the services of a qualified, licensed asbestos abatement Consultant. All removal and disposal of ACP shall be under the cognizance of the Consultant. The Excavator is responsible to contact the Engineer a minimum of two (2) working days prior to the initiation of removal/disposal operations. The Engineer will, in turn, contact the Consultant for the monitoring of the Excavator's work. If the ACP was not planned for removal and the Excavator accidentally disturbed the pipe, the Excavator will cease all work and notify the Engineer immediately for further instructions.

The Consultant shall not direct the means, methods or sequence of work of the Excavator nor shall he be responsible for the Excavator's safety programs or procedures. However, should the Consultant determine the means, methods, sequences or safety measures are contrary to this Policy or any applicable law, ordinance or regulation, he shall issue a Stop Work Order which shall remain in effect until such time that the Excavator has made the necessary corrections

The Consultant shall also recommend to the Engineer whether or not the Excavator should be held liable as the Generator or the Excavator should be reimbursed for the extra costs or portion of the extra cost incurred as a result of the ACP becoming a friable material. The decision of the Engineer shall be final and conclusive.

The Engineer may, at his/her option, assign a Certified Inspector in lieu of the Consultant. If assigned, the Inspector shall have the same authorities, responsibilities and limitations as the Consultant.

- F. It is the intent of the City of Mesa that all ACP shall be removed in such careful and prudent manner that it remains intact and non-friable. The Excavator is responsible to employ those means, methods, techniques and sequences to ensure this result.

When it is a practical impossibility, as determined by the Engineer, to remove the ACP without creating a friable material, the City may become the Generator and responsible to reimburse the Excavator for the extra cost or portion of the extra cost incurred. The Excavator shall take steps to minimize the amount of the friable waste and abide with all asbestos regulatory requirements. The Consultant will be available to provide recommendations or suggestions, which the Excavator may or may not employ. The Consultant shall recommend to the Engineer the amount or percentage of friable waste for which the City should be held accountable with the remainder being the responsibility of the Excavator. If the ACP is caused to become friable, the Consultant shall conduct perimeter air monitoring upon request by the City.

If the Excavator fails to notify the Engineer, fails to excavate and remove the ACP in a careful and prudent manner creating friable material or fails to abide with all asbestos regulatory requirement, the Excavator will be the Generator responsible to handle, transport and dispose of the ACP in accordance with the NESHAPS requirements and will not be reimbursed for any cost incurred. This will include all penalties and associated legal fees of the Generator as well as any penalties assessed against the City of Mesa, and any associated legal fees incurred by the City of Mesa for violation of any of the asbestos regulatory requirements that are caused by the Excavator.

- G. If sections of ACP are to be left in the ground and abandoned in place, the Consultant shall inspect the visible sections that remain to insure they are intact and non-friable. The ends of the ACP shall be encapsulated and any friable ACP shall be removed. ACP shall NOT be crushed and left in place. If ACP is crushed or otherwise caused to become friable, it shall be removed.
- H. Compliance with all aspects of worker safety and health regulations including but not limited to the OSHA Asbestos Standard is the responsibility of the Excavator. The City of Mesa assumes no responsibility for compliance programs, which are the responsibility of the Excavator.

This Policy shall become effective the 1 day of September , 2012.

s/ Beth Huning
Beth Huning
City Engineer

s/ Rob Kidder
Rob Kidder
Assistant City Engineer