



Bureau of  
Development  
Services FROM CONCEPT  
TO CONSTRUCTION



# LUNCH & LEARN

**Asbestos, Lead-Based Paint,  
Dust and Site Control Measures  
for Demolition Projects with  
1-4 Dwelling Units**

**March 23, 2018**

# Overview

## Senate Bill 871 and Ordinance

### What is SB 871?

- New State law allowing local jurisdictions to adopt regulations to mitigate impacts of asbestos and lead-based paint in residential demolitions

### Where does the new ordinance apply?

- Applies to all structures with 1-4 dwelling units, regardless of zone and accessory structures on such sites (accessory structure is anything over 200 square feet, up to 3,000 sq. ft.)

### When does it take effect?

- No later than July 1, 2018

# Overview

## General Requirements

- Demolition Manager (DM) must be designated for the project
- Need certifications – asbestos inspector and required contractor certifications for LBP to perform demolition
- Must have a Demolition Plan for dust and site control
- Building permit for replacement structure won't be issued until demo permit is finalized

# Overview



## Asbestos Inspector

- Accredited asbestos inspector must be on-site during all mechanical demolition and deconstruction activities

## Wind Speed

- Can't conduct mechanical demolition activities if wind speed exceeds 25 MPH

# Overview



## Lead Hazard Reduction

- Remove all painted exterior non-structural surfaces (doors, windows, railings, soffits, trim, exterior porches, siding)
- Must place above materials in 6 mil plastic and put in a covered container
- During removal of painted material, must place 6-mil plastic sheeting at the base of the exterior wall and extend 10 feet beyond perimeter or work area, whichever is greater; if property line too close, must use vertical containment

# Overview



## Dust Suppression

- Must continuously wet structure, equipment and debris during mechanical demolition, transfer and loading
- Entire demolition site and debris piles must be wetted each day before beginning mechanical demolition and at the end of each day when mechanical demolition activities occurred



# Overview



## Debris Containment

- Must use containment measures to prevent pollutants (as defined in [Erosion and Sediment Control Manual](#)) from running off site
- If stormwater or other water generated on site pools, will need written authorization to discharge water into City system or haul water off-site for disposal
- Must use approved best management practices prior to discharge per Title 17 of the City Code
- Must cover any non-salvageable materials and debris at the end of each day with non-permeable plastic

# Overview



## Exceptions for Full Deconstruction

- “Full deconstruction” means:  
“systematically dismantling 100% of the building, including finishes, core, shell, frame, mechanical, electrical, and plumbing fixtures and only using machinery to move and process materials once they are removed”
- **Not required to:**
  - Remove all exterior painted surfaces
  - Wet materials during deconstruction
  - Monitor wind speed
- **Must still comply with the following:**
  - Horizontal and vertical plastic protection during deconstruction
  - Wet mechanically transferred and loaded materials



# Overview



## Exemption for Unsafe or Hazardous Structures

- Not required to remove exterior painted materials if unsafe to do so
- Must request an exemption accompanied by a letter from a structural engineer, BDS or a hazardous materials professional, with supporting evidence documenting the condition of the structure and reasons why it is unsafe to remove exterior painted materials

# Overview



## Demolition Manager (DM)

- Person designated by property owner responsible for implementing and overseeing Demolition Plan
- Must complete asbestos training and have asbestos “inspector” certification and have a lead-based paint certification per OAR 333-068-0070 (or have such certified person on site during demo activities)
- Is a “responsible party” in terms of enforcement

# Overview



## Asbestos Certification Requirements

### • Asbestos “Inspector” Certification

- “Accredited Inspector” per OAR 340-248-0010(1)
- 3-day course – 2-1/2 in-class hours; 1/2 day field trip
- Two providers in Metro area
- Federal accreditation, so can have accreditation from another state if from a federally-accredited provider

### Helpful links

- [Asbestos Training Providers](#)

# Overview



## Lead-Based Paint Certification Requirements

- **If person performing work is a contractor, must be certified as:**
  - Abatement worker
  - Project Designer
  - Supervisor
  - Certified Renovator
- **Certified Renovator**
  - 8 hours, hands-on course
  - Courses in Portland, Salem, Corvallis, Vancouver, Tigard, and Wilsonville

### Helpful links

- [Lead-Based Paint Certification Requirement for Contractors Performing Demolitions](#)
- [Lead-Based Paint Training Courses](#)

# Overview

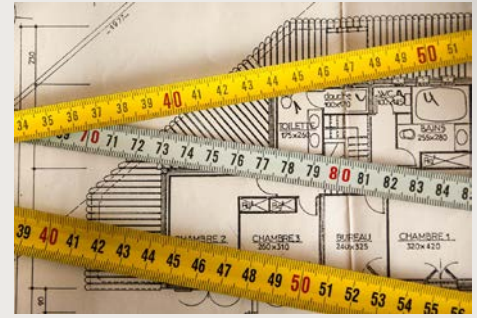


## Three required inspections for all covered demos

- First inspection: pre-demo
- Second inspection: during demo
- Third inspection: post demo



# Intake

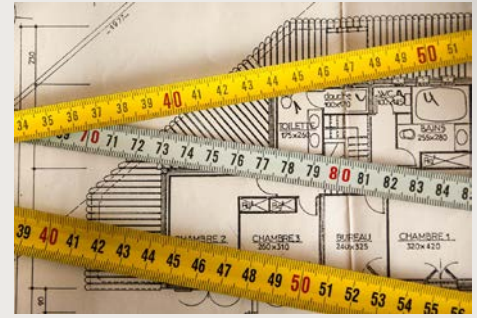


## Required Documentation

- Demolition Plan
- Copy of asbestos survey and closing letter
- Certification as “asbestos inspector” for asbestos and lead-based paint renovator certification
- If claiming pre-1978 structure has no lead-based paint, need to provide verified test results showing no LBP
- Notify BDS if claiming exemption for unsafe or hazardous structure, if known at time of application
- Payment of fees: New fee = \$180 in addition to existing demolition fees
- BDS will provide list of properties within 300 feet and door hangers for posting



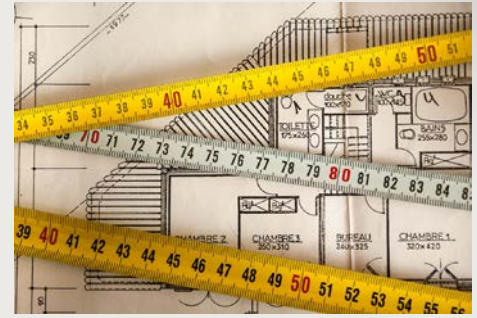
# Intake



## Demolition Plan

- Name and contact information for Demolition Manager (DM)
- Techniques and equipment to control dust and debris
- Anticipated timeframe for demolition
- Description of site control measures, including sediment and erosion control measures (information currently required on BDS “Simple Site Erosion Control Requirements Form”)
- Monitoring process that will be followed on site before, during and after demo activities

# Intake



## Demolition Plan Cont'd

- Details of pedestrian protection (where required)
- Description of how site will be secured against unauthorized access
- Erosion and sediment control measures required by Title 24.55, Title 10, Chapter 17.39, Erosion & Sediment Control Manual, Source Control Manual, and any other City regulations governing erosion, sediment control, stormwater control or wastewater generation

# Intake

## New and current demo notification requirements

- Post door hangers on properties within 300 feet of project, instead of 10 surrounding properties
- Post door hangers two weeks – 72 hours before work commences, instead of no sooner than 5 days before
- Post site with sign provided by site development inspector

## 1-2 dwellings units

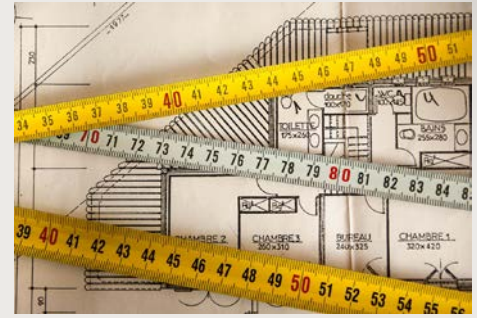
- Will no longer need Certification Regarding Asbestos and LBP
- BDS will still provide written notice mailed to surrounding properties within 150 feet
- Demo delay still applies in addition to the new requirements

## Additional structures covered by requirements

- Accessory structures on sites with 1-4 dwelling units over 200 square feet
- Properties with 3-4 dwelling units, including mixed-use

## 3-4 dwelling units or if not residential designation

- No delay and no mailed notice
- Need to post properties within 300 feet



# Plan Review & Pre-Demolition Inspection



## Plan Review

- Site Development Inspector will review all documentation submitted during plan review, including Demolition Plan

## Pre-Demolition Inspection – First Inspection

- Pre-Demolition site assessment (pre-demolition inspection) will include:
  - Reviewing Demolition Plan to ensure plan appropriate for site
  - Confirming person with asbestos and LBP certifications will be on-site during demolition activities
  - Providing posters for posting site/erosion control info
  - Reviewing “lead hazard reduction” requirements with DM
  - Ensuring DM has wind monitor
  - Getting date(s) of demo; if don’t have them, then inform DM need date at least 24 hours before work commences
  - Notify DM again that permit for new construction on site will not be issued until final inspection completed and approved

# Demolition Inspection (During Demo)



## Second inspection will confirm:

- Demo Plan being properly implemented and maintained
- Dust suppression and other site control equipment described in Demo Plan are on site
- Accredited asbestos inspector is onsite during all activities and contractor has LBP cert
- Lead hazard reduction (partial deconstruction) – all painted exterior non-structural surfaces are removed and plastic is placed to 10 feet horizontally or via vertical containment
- Dust suppression – wet materials to prevent dust from leaving site
- Wind speed does not exceed 25 MPH
- Containment of demo debris onsite (erosion and sediment control measures set forth in Demo Plan)
- Cover demo debris while stored on site



# Post-Demolition Inspection



## **Third inspection will verify:**

- That site grading has been completed
- Permanent soil stabilization measures in place [if planning to apply for building permit for replacement structure(s) within short period of time, can have temporary measures]
- Premises are secured as detailed in Demo Plan



# Enforcement



## Stop work order

Same as existing process in [City Code 3.30.080](#)

## Correction notice

Cite provisions violated and required correction(s) to bring project into compliance

# Enforcement



## Citation

- If violation for which a correction notice has been issued is not corrected, or if the same responsible party is found to have violated any provision of the ordinance on a different project, BDS can issue a citation

## Responsible party can include:

- property owner
- person authorized to act on owner's behalf
- Demo Manager
- “Any person causing or contributing to a violation” of the ordinance
- Discretion of inspector on who will be cited as “responsible party”

# Enforcement



## Fines

- 1<sup>st</sup> offense: \$5,000
- 2<sup>nd</sup> offense: \$10,000
- 3<sup>rd</sup> offense: \$15,000

# Next Steps



- Administrative Rules
- Implementation
- DEQ Asbestos rules
  - DEQ has other rules governing asbestos (e.g. transportation and disposal of asbestos-containing materials)
  - DEQ will require asbestos survey for renovations in fall 2018



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## Questions?

Thank you for attending BDS's  
Lunch & Learn Presentation