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

August 24, 2018 12 – 1 p.m.
Overview
Senate Bill 871 and Portland’s 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 Portland’s new ordinance apply?
• Applies to all structures with 1-4 dwelling units and detached accessory structures on such sites, regardless of zone (accessory structure is anything over 200 square feet, up to 3,000 sq. ft.)

When did it take effect?
• July 1, 2018
General Requirements

• Demolition Manager (DM) must be designated for the project
• Must have a Demolition Plan for dust and site control
• Can’t conduct mechanical demolition activities if wind speed exceeds 25 MPH
• Subsequent building permits on the site won’t be issued until demo permit is final
Demolition Manager (DM)

- Person designated by property owner responsible for implementing and overseeing Demolition Plan
- Must have required asbestos certification (accredited asbestos inspector, certified asbestos worker, or certified asbestos supervisor) and must be on-site during all mechanical demolition and deconstruction activities (unless Comprehensive Asbestos Inspection and Testing, along with complete abatement, done before demo work commences – see Admin Rules 2.4 www.portlandoregon.gov/bds/article/689676)
- Must have lead-based paint certifications (or have such certified person on site during demo activities)
- Is a “responsible party” in terms of enforcement

Helpful links

- Asbestos Training Providers
- Lead-Based Paint Certification Requirement for Contractors Performing Demolitions
- Lead-Based Paint Training Courses
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

Dust Suppression

• Wetting Site

Debris Containment

• Keep water and demolition debris from leaving demolition site
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:
  o Remove all exterior painted surfaces
  o Wet materials during deconstruction
  o Monitor wind speed

• Must still comply with the following:
  o Horizontal and vertical plastic protection during deconstruction
  o Wet mechanically transferred and loaded materials
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 or a hazardous materials professional, or provide evidence of an open BDS Code Compliance Case with supporting documentation of the structure’s condition and reasons why it is unsafe to remove exterior painted materials
Three required inspections for all covered demos

• First inspection: pre-demo (IVR 200)
• Second inspection: during demo (IVR 205)
• Third inspection: post demo (IVR 210)
Permitting Services
Intake, submittal, and processing requirements *prior* to inspections

- Application
- Intake
- Review
- Issuance
Intake Requirements for Demolition Permits

**Always Required for SB 871 Demos:**

1. Building Permit Application
2. Asbestos Survey
3. Asbestos Survey Coversheet Form
4. Demolition Plan Form –
5. 4 sets of complete line drawings, drawn to scale
6. Erosion Control Plan – [Simple Site Form](#) OK if lot is flat and other criteria listed on form is met.
7. [Disclaimer for Existing On-site Sewage Disposal System](#)
Intake Requirements for Demolition Permits

For additional information please visit the BDS Residential Demolition page:

https://www.portlandoregon.gov/BDS/38150

**Sometimes Required for Demos:**

1. Asbestos Close Out Letter – Required if asbestos is found
2. **SB 871 Acknowledgement Form**
3. ASN Form – Required if asbestos is found, see asbestos survey cover sheet page 2 for more information.
4. **Intent to Demolish Form** – Required for demo of one and two family structures ( SFR or Duplex )
5. Lead Paint Testing Report – Required if claiming no lead paint is present for structure built prior to 1978
7. **Future Fill and Compaction Form** – Required if basement cavity will be retained for future structure.
SB 871 Acknowledgement Form

Determining if SB 871 Ordinance Applies
Asbestos Survey and Cover Sheet Form

www.portlandoregon.gov/bds/article/690137
Demolition Plan Form

www.portlandoregon.gov/bds/article/690134

9. Notification and Posting. All demolitions that are subject to the provisions of this Section 24.55.205 must comply with the notification requirements in Subsection 24.55.200.D.2. All such sites must also be posted with a sign during demolition activities that meets the requirements of Portland City Code Subsection 10.30.020 B.8.a. and includes the name and telephone number of the Demolition Manager, in addition to the information required in Subsection 10.30.020 B.8.a.


2. Posted notice. Not more than 2 weeks nor less than 72 hours before demolition activity commences, the applicant must post door hangers provided by the Bureau of Development Services on all properties within 500 feet of the site to be demolished. The notice must contain all of the following information.

a. Name and phone number of the Demolition Manager.
b. Notice that the site has been proposed for demolition,
c. The demolition permit number,
d. The approximate date demolition activity will commence,
e. Contact information of the agencies that regulate asbestos and lead-based paint,
f. Contact information for the applicant,
g. Recommended safety information for surrounding properties, such as closing windows and keeping children away from the site, and
h. The location where more information is available.
How do I get door hangers for posted demolition notice?

- BDS will give them to you when you apply for a demolition permit. If you need more, you can print them from our website or visit the DSC.

Where do I post the door hangers?

- On properties within 300’ of the demolition site. BDS will send a map and list of properties to the permit applicant and demolition manager after the permit is taken in for review.

When do I post the door hangers?

- Not more than 2 weeks and not less than 72 hours before demolition activity begins. (Demolition activity cannot begin until after the permit is issued.)
Asbestos Survey Location

• Asbestos surveys are available for public view on www.portlandmaps.com
Overview - Inspections

• Demolition Plan
• Inspections
• Best Management Practices
• Enforcement and Appeals
Demolition Plan - Filling in the Blanks

• Description of Existing Buildings
• Site Controls
• Containment
• Spray Method
• Monitoring Process
Example:

- Single family residence
- 2 story
- 2,000 sq. ft.
- Built in 1968
- Painted wood siding and trim
- Painted wood framed windows and doors
Site Controls

Expected Start Date ________________________________

Estimated Number of Days to Complete Demolition ________________________________

Containment- Horizontal / Vertical and Horizontal (describe):

**Horizontal**
- East, West, and South Perimeter- >10 ft. - Horizontal Containment – Mirafi 160 Nonwoven geotextile
- North Perimeter – <10 ft. - Horizontal– Mirafi 160 Nonwoven geotextile (Hor.)

**Vertical**
- North Perimeter – Row Cover Deluxe .5 oz fabric
Lead and Asbestos Certified Demo Manager will be on site during all mechanical demolition activities.

During demolition the DM will monitor the structure for any suspect ACM that may have been missed during the abatement.

During lead containing materials removal the demo manager will ensure proper containment and clean up procedures are used.

Prior to beginning mechanical demolition and debris movement (loading, stockpiling, etc.) , the Demo Manager will check the wind speed and document the date, time, and readings in the erosion and sediment control logbook. The wind speed will be checked and documented regularly any time dust generating activities are taking place. If at any time the wind speed is documented to be > 25 mph all dust generating activities will be halted until a reading of < 25mph is recorded.

The Demo Manager will monitor the site for visible emissions during dust generating activities using EPA Method 22 as guidance. If arrant dust is seen at any time during dust generating activities the Demo Manager will cease the activity and prescribe the appropriate corrective action (e.g. increase wetting, pause in activity, etc.) and document the information in the erosion and sediment control logbook.
• All exterior building surfaces and equipment to be wetted directly prior to beginning of demolition and as needed throughout.
• Vertical containment material will be dampened to assist in arrant dust containment.
• Stockpiled material will be wetted as needed.
• Stockpiled materials will be wetted prior to transferring to drop boxes.

**Equipment:**
• Pressure Washer - 3000 PSI @ 4gpm
• Nozzle: Mi-T-M 4.0 Orifice Pressure Washer Spray Multi-Nozzle Tip
Inspection Process

• IVR 200 - Pre Construction
• IVR 205 – Interim
• IVR 210 – Permanent Measures
• Final inspections
  ✓ IVR 999 performed by Building Inspector.
  ✓ Other inspections may be required too)
#200 – Pre-Construction

The purpose of the preconstruction inspection is to:

• Review the Demolition Plan with the contractor and the Demolition Manager to ensure that all parties are aware of City of Portland site control measure and Erosion and Sediment Control Manual requirements

• Photo document the on-site inspector credentials,

• Review the ESCP/Simple Site Form

• Ensure that initial ALBP site controls are in place, items to be inspected are:
  • temporary erosion, sediment and pollutant control measures
  • wind speed meter
  • watering / dust suppression system
  • Soil/dust protection – Vertical and or horizontal 6-mil plastic sheeting or approved geotextile
  • Debris containment - covered containers, plastic sheeting
  • Signage is posted

• Establish the date/time for the #205 interim inspection
#205 - Interim

Interim inspections can be conducted in response to correction notices, inspector concerns, rainfall events, site phasing, or just as a routine check up on site progress. The purpose of an interim inspection is to:

• Ensure that demo plan (lead hazard reduction techniques, site pollutant controls, wind monitoring, and erosion and sediment control bmps) is being followed
• Ensure that dust suppression techniques are sufficient and not creating runoff
• Ensure the ESCP is being followed
• Verify that the any contaminated materials and stockpiles are properly contained
• Verify that appropriate corrections/revisions are being made to the ESCP and Demolition Plan as needed
• Verify that the responsible party is conducting and documenting inspections, deficiencies, and corrective actions as required.
#210 - Permanent Measures

The purpose of the final inspection is to:

• Ensure that a combination of plants, mulch, sod, matting, erosion control blankets, and permanent structures that will provide long-term soil stabilization are put in place. When the development is being conducted in phases, this inspection shall occur after permanent measures have been installed for each phase

• Ensure that all temporary lead hazard reduction bmps have been removed

• Ensure that all public discharge points are clear of pollutants

• Ensure that all site debris has been removed
Best Management practices

- Signage
- Removal of all painted exterior surfaces / Containment
- Wetting
- Wind Speed Monitoring
- Erosion and sediment controls
The site must also be posted during demolition and ground-disturbing activities with a sign provided by BDS with the name and telephone number of the Demolition Manager included. BDS Site Development Inspectors will provide the sign to the Demolition Manager.
Removal of painted exterior surfaces

• The removed painted exterior material must be placed in “6 mil plastic and deposited in a covered container.”

• Any material that is stockpiled (not placed in the dumpster or other lined container by the end of the day) must be covered with plastic (not necessarily 6 mil; just sufficient to keep it from blowing away and protect it from the elements).

• The material can either be wrapped in 6 mil plastic, then picked up and placed in the dumpster/debris container, or the material can be placed directly into dumpster/debris container if the dumpster or debris container is fully lined with the 6 mil plastic or thicker before any materials are placed in it.

Photo Credit: TES Environmental Services LTD
Horizontal Containment

To minimize exposure to neighboring properties while the exterior painted materials are being removed, either non-woven geotextile fabric or 6-mil plastic sheeting must be placed at the base of the exterior wall and extend at least 10 feet beyond the perimeter of the structure or work area on the ground.

Photo Credit – Coughlin Service Corp
Vertical Containment

If the structure is too close to the neighboring property line to place horizontal containment, or if preferred over using horizontal containment, vertical containment needs to be attached from the top of the structure to the ground. This can be done by attaching plastic to the gutters or similar method.

Photo Credit – Coughlin Service Corp
Wetting

The structure, equipment, and debris must be wetted with “a water spray sufficient in volume and force to prohibit airborne” dust from leaving the site. When determining the appropriate wetting system, the Demolition Manager will consider the following variables:

- Atmospheric conditions
- Dust and particle size
- Water particle size (water droplets should be similar in size to dust particles)
- Angle, velocity, and flow rate of water

Photo Credit Boss Tek
Wetting
Enforcement Procedures

• Correction Notice / Citation
• Stop Work Order
• Fines
• Appeals
• Tracking Repeat Offenses
Correction Notice / Citation

• The purpose of the citation provisions is to discourage responsible parties from knowingly violating the rules, while allowing those who simply are not aware of the rules to avoid fines.

• A correction notice will be issued to all first-time offenders.

• BDS will issue a Correction Notice stating the provisions violated and how to bring the project into compliance.

• The Site Development Inspector will determine which party(ies) are the responsible parties and may cite any or all of them if they fail to comply with any provision of PCC 24.55.205 on that job or subsequent jobs after that party has previously been issued a correction notice.

• If corrections are not made and the violation(s) continue, BDS may impose additional citations or pursue other enforcement remedies as authorized under 3.30.040, including assessment of Administrative Enforcement Fees.
Stop Work Order

• BDS may issue a stop work order to obtain compliance with PCC 24.55.205, requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. Any activity subject to the stop work order may not resume until BDS gives approval in writing. Details regarding stop work orders are contained in PCC 3.30.080

• Stop Work Orders are subject to administrative fees
Fines

• 1st Offense $5,000
• 2nd Offense $10,000, or as allowed by the fee schedule adopted by the City Council
• 3rd Offense $15,000, or as allowed by the fee schedule adopted by the City Council
• Additional violations after the third offense shall be set at the maximum amount per individual violation allowed by the fee schedule adopted by the City Council.
• Fines must be paid to and received by the Bureau of Development Services – Enforcement Program within 15 calendar days of the date on the citation
• If the citation fine is not paid within 15 calendar days, as specified above, the fine(s) indicated on the citation will double and the
• Administrative Rule- Demolitions Effective: July 1, 2018 Page 19 of 20
• Unpaid citation amount may, at the discretion of the Director, be assessed as a City lien against the property.
Tracking Repeat Offenders

• For the purposes of this rule, the responsible party is the property owner or person authorized to act on the owner’s behalf and any person causing or contributing to a violation of PCC 24.55.205. (demolition manager is a responsible party as discussed above)

• Multiple citations can be issued to the responsible party for continued violations of PCC 24.55.205 and each day of non-compliance may be considered a separate violation.
Appeals

• If the responsible party has received a stop work order or written citation and the responsible party believes the order or citation has been issued in error, the responsible party may request that the order or citation be reviewed by the Director or designee. The responsible party must submit a written request for an Administrative Review within 15 calendar days of the date of the order or citation. An Administrative Review appeal fee, see current BDS Enforcement fee schedule, is due when the written request for an Administrative Review is requested. This fee will only be refunded if it is determined that all of the contested violations were cited in error. A written Administrative Review determination will be served on the responsible party by regular mail.

• The responsible party may appeal the written Administrative Review determination to the City Code Hearings Office in accordance with Chapter 22.10 of the Portland City Code.
Questions?