



SPRING 2016

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## NO, NOT ALL ASBESTOS HAS BEEN BANNED!

I've been asked many times why an asbestos survey is needed on newer buildings prior to renovation or demolition since "asbestos was banned years ago". Actually, you can still buy asbestos containing building products at your local store.



### What is banned?

- In 1973, EPA banned spray-applied surfacing asbestos-containing material for fireproofing/insulating purposes.
- In 1975, EPA banned installation of asbestos pipe insulation and asbestos block insulation on facility components, such as boilers and hot water tanks, if the materials are either pre-formed (molded) and friable or wet-applied and friable after drying.
- In 1978, EPA banned spray-applied surfacing materials for purposes not already banned.
- In 1977, the Consumer Product Safety Commission (CPSC) banned the use of asbestos in artificial fireplace embers and wall patching compounds.
- In 1989, the EPA issued a final rule under Section 6 of Toxic Substances Control Act (TSCA) banning most asbestos-containing products. **However, in 1991, this rule was vacated and remanded by the Fifth Circuit Court of Appeals. As a result, most of the original ban on the manufacture, importation, processing, or distribution in commerce for the majority of the asbestos-containing products originally covered in the 1989 final rule was overturned.**

### What can you still buy even today?

The manufacture, importation, processing and distribution in commerce of these products, as well as some others not listed, are not banned;

- Cement corrugated sheet
- Cement flat sheet
- Clothing
- Pipeline wrap
- Roofing felt
- Vinyl floor tile
- Cement shingle
- Millboard
- Cement pipe
- Automatic transmission components
- Clutch facings
- Friction materials
- Disk brake pads
- Drum brake linings
- Brake blocks
- Gaskets

- Non-roofing coatings
- Roof coatings

Therefore, if renovations are planned for your facility, the contractor should confirm that the replacement materials do not contain asbestos. Source: [US EPA](#)

## NOTICE OF APPLICATION PERIOD FOR ADVANCED CLEANUP (AC) PROGRAM



The Advanced Cleanup (AC) Program refers to petroleum contaminated sites that are scored below the priority funding score for remediation, which is currently 30. Owners can submit an application to waive their site score and qualify for remedial funds without waiting for remedial funding to occur if they contribute a 25 percent minimum. The 25 percent contribution can be demonstrated by using risk-based corrective action procedures if 20 or more sites are bundled.

The Department of Environmental Protection (Department) will have an Advanced Cleanup (AC) Application period beginning May 1, 2016 and ending at 5:00 pm on June 30, 2016. Applications for individual sites or bundled sites will be accepted. For this application period, the Department will allocate up to \$15 million.

Any questions or additional comments regarding the AC program can be referred to Environmental Administrator Ken Busen at (850) 245-8745 or via email: [Kenneth.Busen@dep.state.fl.us](mailto:Kenneth.Busen@dep.state.fl.us)

## SMALL QUANTITY GENERATORS OF HAZARDOUS WASTE ARE REQUIRED TO DEVELOP A MODIFIED CONTINGENCY PLAN AND EMERGENCY PROCEDURES



These requirements are intended to ensure that your employees are adequately prepared to handle hazardous waste and to respond to any emergencies that might arise. A Small Quantity Generator (SQG) is a business/facility that generates between 100 and 1,000 kg (220 - 2,200 pounds) of hazardous waste in a calendar month.

### Contingency Plans and Emergency Procedures Requirements:

- An emergency coordinator must be on-site or on call at all times;
- Next to the telephone, post the name and phone number of the emergency coordinator, the location of fire extinguishers and spill control material, and the phone number of the fire department;
- Ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures;

- The designated emergency coordinator must respond to any emergencies that arise;
- When an emergency occurs that is serious enough to warrant help from the fire department (or if you have knowledge of a hazardous waste spill that could threaten the public health or the environment), you must:
  - √ Notify the Division of Emergency Management State Warning Point with Department of Community Affairs, 1-800-320-0519.
  - √ File a report with the appropriate FDEP district office.
  - √ Notify the National Response Center, 1-800-424-8802.

#### Preparedness and Prevention Requirements:

- Maintain and operate your business to minimize the possibility of fire, explosion, or any unplanned release of hazardous waste into the environment;
- Be equipped with a telephone or similar communication device to summon help;
- Have fire extinguishers and spill control equipment on hand. This equipment must be tested and maintained to assure proper functioning;
- All persons involved in the handling of hazardous waste must have immediate access to either internal or external alarm or communication equipment;
- Maintain sufficient aisle space to allow the unobstructed movement of personnel and equipment in case of an emergency;
- Familiarize police, fire departments, state emergency response teams and hospitals with types of waste handled by your facility.

[Learn more....](#)

## WHAT IS THE ENVIRONMENTAL RESOURCE PERMIT (ERP) PROGRAM?



The Environmental Resource Permitting (ERP) Program regulates activities involving the alteration of surface water flows. This includes new activities in uplands that generate stormwater runoff from upland construction, as well as dredging and filling in wetlands and other surface waters.

Environmental Resource Permit applications are processed by either the Department or one of the state's water management districts (WMD). The ERP Program is in effect throughout the State.

#### What Needs a Permit?

The ERP program regulates virtually all alterations to the landscape that exceed permitting thresholds or that are not otherwise exempt by statute or rule from regulation. Surface water management systems include activities involving the construction, alteration, operation, maintenance or repair, removal, and abandonment of dams, impoundments, reservoirs, appurtenant works, and works, which includes dredging and filling in wetlands and other surface waters (including isolated wetlands) and alterations of uplands. This includes: clearing; grading; paving; erection, alteration, or removal of structures; and new or altered stormwater management systems; all of those are generally referred to as surface water management systems.

Certain permitting thresholds do exist, specific to each WMD, and exemptions from permitting also exist by statute and rule. For example, most routine, customary agricultural, silvicultural, floricultural, and horticultural activities do not require a permit as long as alterations are not for the sole or predominant purpose of impounding or obstructing surface waters.

Certain activities have been exempted by statute and/or rule from the need for regulatory permits; most of these exemptions are established in Section 403.813(1), F.S. Examples of exempt activities (by no means inclusive) include:

- \* Construction of small, private docks, maintenance dredging, repair and replacement of seawalls, and installation of new seawalls and rip rap in artificial waters;
- \* Construction, repair, and replacement of certain private docking facilities below certain size thresholds;
- \* Maintenance dredging of existing navigational channels and canals;

- \* Construction and alteration of boat ramps within certain size limits;
- \* Construction, repair, and replacement of seawalls and rip rap in artificial waters;
- \* Repair and replacement of docks, seawalls, culverts, and other structures; and
- \* Certain agricultural activities.

[Learn More](#)

## SGF ENVIRONMENTAL CONSULTANTS

*Serving the State of Florida*

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