

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and
Availability of Additional Documents and Information**

PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ASBESTOS AIRBORNE TOXIC CONTROL MEASURE FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS.

Public Hearing Date:	July 27, 2001
Public Availability Date:	December 19, 2001
Deadline for Public Comment:	January 15, 2002

At a public hearing held on July 27, 2001, the California Air Resources Board (the Board) considered a proposed Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations ("Asbestos ATCM": section 93105, title 17, California Code of Regulations (CCR)). The proposed ATCM is described in detail in the Initial Statement of Reasons released to the public on June 8, 2001.

At the hearing, the Board approved the Asbestos ATCM, with certain modifications to the originally proposed language. Following is a summary of the modifications:

- The phrase "naturally-occurring asbestos" was removed from subsection (c)(1);
- Language was added to subsection (c) stating that If a method is developed to accurately demonstrate that property located in a geographic ultramafic rock unit has no detectable asbestos in the area to be disturbed, then the ARB Executive Officer shall propose to the Board for adoption a regulatory amendment allowing the method to be utilized, as appropriate, to obtain an exemption from the ATCM requirements;
- Various modifications were made to the requirements for road construction and maintenance in subsection (d). These modifications provide more flexibility by specifying additional options for dust mitigation measures, speed limits, and track-out control. A performance standard is also specified that is similar to the "property line" standard specified in subsections (e)(1)(B) and (f)(1)(B)2.;
- Two new definitions were added to subsection (i);
- Language was modified throughout the ATCM for consistency and clarity.

In the interests of completeness, staff has also added to the rulemaking record and invites comments on the following additional documents and information:

Coleman, R.G., 1971, Petrologic and Geophysical Nature of Serpentine, Geological Society of America Bulletin, v. 82, pp. 897-917;

Springer, R.K., 1974, Contact Metamorphic Ultramafic Rocks in the Western Sierra Nevada Foothills, California, Journal of Petrology v. 15 pp. 179-181;

Day, H.W., Moores, E.M., and Tuminas, A.C., Structure and tectonics of the northern Sierra Nevada, Geological Society of America Bulletin, v. 96, pp. 436 and 447;

Clark, L.D., 1964, Stratigraphy and Structure of Part of the Western Sierra Nevada Metamorphic Belt, California, U.S. Geological Survey Professional Paper 410, pp. 7 and 42;

Schreier, H., 1989, Asbestos in the Natural Environment, Studies in Environmental Science 37, Elsevier, Amsterdam, pp. 32-33 and 36-37;

Harben, P.W., and Bates, R.L., Industrial Minerals Geology and World Deposits, Industrial Minerals Division, Metal Bulletin Plc, London, pp 1-8 and 181-183;

Labotka, T.C., and Albee, A.L., 1979, Serpentinization of the Belvidere Mountain Ultramafic Body, Vermont: Mass Balance and Reaction at the Metasomatic Front, Canadian Minerologist, v. 17, pp 831-845; and

Frye, Keith, ed. Encyclopedia of Mineralogy, Encyclopedia of Earth Sciences, Volume IVB, Hutchinson Ross Publishing Company, Shrodsburg, Pennsylvania, pp 27-30.

By this notice, the modified regulation and additional documents and information are being made available for public comment prior to final action by the Board's Executive Officer. Attached to this notice is Board Resolution 01-28 (Enclosure 1), which approves the regulatory action. The text of the modified regulatory language is appended to the resolution as Enclosure 2. Deletions to the originally proposed language are shown in ~~strike-out~~ and additions to the originally proposed language are underlined.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section 93105, title 17, CCR, after making the modified regulatory language available for a supplemental written comment period of at least fifteen (15) days, provided that the Executive Officer consider such written comments as may be submitted during the period, make such modifications as may be appropriate in light of the comments received, and present the regulations to the Board for further consideration if he determines that this is warranted.

Written and e-mail comments on the proposed modifications shown in Enclosure 2 must be received no later than **the deadline for public comment January 15, 2002**, in order to be considered by the Executive Officer prior to final action. Written comments must be addressed to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, California 95812. E-mail comments must be addressed to asbesto2@listserv.arb.ca.gov.

Enclosures