

FAIRLINGTON VILLAGES, A CONDOMINIUM ASSOCIATION
POLICY RESOLUTION NO. PR 08/03/22

***ASBESTOS TESTING AND ABATEMENT WHEN REMOVING, REPLACING OR
DISTURBING CERTAIN FINISHED SURFACES (AS AMENDED)***

WHEREAS Virginia Code Title 55.1 Section 1956 (B) of the Virginia Condominium Act allows the Board of Directors to exercise power assigned to the "unit owners' association" by the Act, to the extent permitted by the By-Laws of the Unit Owners Association;

WHEREAS, Article III, Section 2, of the By-Laws assigns the Board of Directors with "all of the powers and duties necessary for the administration of the affairs of the Condominium," and further states that the Board may do all such acts and things as are not by the Act or by the By-Laws directed to be exercised and done by the Unit Owners Association;

WHEREAS, Article XV, Section 1 of the By-Laws states that unit owners shall be prohibited "to make any change or otherwise alter (including any alteration in color) in any manner whatsoever the exterior of any condominium unit...or to make any change or alteration within any condominium unit which will alter the structural integrity of the building or otherwise affect the property, interest or welfare of any other unit owner," without plans and specifications reviewed and approved by the Board of Directors or by an architectural control committee designated by it;

WHEREAS, the Association contracted with Consolidated Engineering Services (CES) in 1997 to perform a survey of suspect asbestos-containing ceiling material collected from randomly selected units and common areas throughout the community, which survey concluded that asbestos above the regulatory limit (e.g. currently National Emission Standards for Hazardous Air Pollutants, Title 40 CFR, Part 61, Subpart M - NESHAP) was not detected in the random samples of ceiling material collected and as such, were not regulated as asbestos containing material under NESHAP or any other government regulation;

WHEREAS, in the intervening twenty-five (25) years since the study by CES in 1997, not only has more come to be known about the long-term harmful effects of exposure to asbestos containing material, but also vast improvements to the testing and evaluation procedures used to detect the presence of asbestos fibers;

THEREFORE, BE IT RESOLVED, the Board of Directors determines that requests to allow renovation, alteration and or modification to the interior of units which disturb certain finished surfaces described with more particularity below are subject to Article XV, Section 1 of the By-Laws and shall only be considered subject to a Variance Request; and

THEREFORE, BE IT FURTHER RESOLVED that implementation of this policy shall be delayed for at least ten (10) days after the date on which a copy of this policy, along with an Open Letter explaining the reasoning and rationale behind, it is mailed USPS postage prepaid, or otherwise delivered to the principal unit owner(s) of record; and

THEREFORE, BE IT FURTHER RESOLVED that the following policy be, and is hereby, adopted and shall govern the review, vetting and approval by the Board of Directors, or its designated architectural control committee, of any Variance contemplating the removal, replacement, or disturbance of certain finished surfaces in, on, about or within the Units of Fairlington Villages in which asbestos fibers have previously been found to exist. Policy will take effect 10 days after sending a letter of explanation to all owners and


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POLICY

1. Renovations contemplated to a unit that impact building materials that are suspect for containing asbestos that could release fibers from the matrix of those building materials require a licensed asbestos inspector to test for the presence of asbestos *in each of the rooms in which the renovations are contemplated, or in which a likelihood of disturbing certain finished surfaces containing those building materials exists (Subject Areas)*. Such renovations include, but are not limited to: (1) removal of *original* vinyl flooring, (2) removal any flooring mastic manufactured prior to 1982, (3) removal and or replacement of older attic thermal system insulation (e.g. vermiculite), or that (4) Impact/disturb ceilings containing a popcorn finish, or ceilings finished with joint compound manufactured prior to 1982 (regardless of popcorn finish) in any manner (scraping the texture, cutting holes for recess lightning, drilling, putting drywall over it, etc.) or (5) Cut or otherwise disturb drywall finished with joint compound manufactured prior to 1982. A copy of the findings of the test shall be attached as an exhibit to a Variance *prior to its submission*.
2. Unit Owners shall be responsible for selecting an asbestos inspector to test for the presence of asbestos who is properly licensed by the state and is capable of complying fully with the monitoring program established by NESHAP [e.g., reporting testing results to the VA Department of Environmental Quality (DEQ) and/or the Federal Environmental Protection Agency (EPA)].
3. In the event that testing confirms that asbestos *is not present* in the Subject Areas, and in the further event that all other requirements and conditions precedent to completing a Variance Request for the submission to the Board of Directors, or its designated architectural control committee, have been completed, the Variance Request shall be accepted for processing by the Management Team.
4. In the event that testing confirms asbestos *is present* in the Subject Areas, the Unit Owner shall be required to arrange for its abatement and removal by a licensed asbestos contractor, employing industry best practices and standards, in full compliance with the monitoring program established by NESHAP and to re-test for the presence of asbestos following abatement and removal. Sampling should be conducted to confirm that the abated work area(s) have met final clearance and re-occupancy criteria under all Federal, State, and local regulations.
5. In the event that retesting of the Subject Areas confirms that it meets final clearance and re-occupancy criteria under all Federal, State, and local regulations, and in the further event that all other requirements and conditions precedent to completing a Variance Request for the submission to the Board of Directors, or its designated architectural control committee, have been completed, the Variance Request shall be complete and accepted for processing by Management.

ATTEST:


Secretary


President

Date August 3, 2022

Date August 3, 2022

Moved by Katherine Lankford

Second by Philip Brown

VOTE 7-0-1

Approved (X) Disapproved ()
Submitted by: Management