



State of Oregon Department of Environmental Quality

# Oregon Environmental Quality Commission Meeting

May 19-20, 2022

## Rulemaking, Action Item C Asbestos Fees 2022

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## **DEQ Recommendation to the EQC**

DEQ recommends that the Environmental Quality Commission adopt the proposed rules in Attachment A as part of Chapter 340 of the Oregon Administrative Rules.

### **Language of Proposed EQC Motion:**

*“I move that the commission adopt the proposed rule amendments in Attachment A as part of Chapter 340 of the Oregon Administrative Rules.”*

# Introduction

## Short Summary of Proposed Rule Changes

DEQ proposes rules to increase asbestos program fees sufficient to generate a \$300,000 annual increase in revenue and restore adequate funding for DEQ's administration of Oregon's asbestos program. The proposed rules would achieve the \$300,000 needed to fund the program by increasing:

- abatement project notification fees;
- worker and supervisor certification fees;
- licensing fees; and
- training provider accreditation fees.

## Background for This Rulemaking

The asbestos program is necessary to ensure the safety of people and the environment. This fee increase is one way to ensure the asbestos program will continue, and that asbestos is being handled and disposed of safely.

## Oregon's Asbestos Program

- Regulates the handling, removal and disposal of asbestos containing materials
- Provides inspections of notified asbestos projects
- Responds to complaints by inspecting unnotified projects and other areas of concern
- Provides technical assistance to the public and contractors
- Reviews applications and provides licensing for asbestos abatement contractors
- Provides training provider accreditation, including review of applications and course materials, for asbestos worker and supervisor certification course
- Provides the cards for certified asbestos workers and supervisors
- Reviews all asbestos abatement project notifications for completeness and accuracy of information
- Operates and provides technical assistance for the Your DEQ Online asbestos platform

## History of Asbestos Fee Increases

- The asbestos program is 100 percent supported by fees collected through project notifications, contractor licensing, worker and supervisor certification, and training provider accreditation.
- The last fee increase for notifications occurred in 2007.
- The last fee increase for certifications, accreditations and licensing occurred in 1992.

## Affected Parties

The proposed fee increase would:

- Directly affect licensed asbestos abatement contractors,
- Directly affect certified asbestos workers and supervisors.
- Directly affect accredited asbestos training providers, and
- Indirectly affect homeowners and property owners when asbestos abatement is required prior to renovation or demolition.

## **Outreach Efforts, Public Involvement and Stakeholder Involvement**

Outreach includes:

- Jan. 4, 2022, GovDelivery email to all DEQ asbestos, rulemaking and public notice subscribers
- Jan. 12, 2022, email to stakeholders advising of GovDelivery
- Jan. 18, 2022, Fiscal Advisory Committee meeting including a 20-minute timeframe for the public to provide informal feedback
- Jan. 27, 2022, email to fiscal advisory committee members
- Feb. 9, 2022, email to stakeholders including all current abatement contractors and training providers

## **Statement of Need**

### **What need would the proposed rule address?**

The asbestos program serves multiple important purposes. In addition to implementing federal requirements for asbestos, the program ensures asbestos abatement projects are performed safely and that asbestos containing materials are handled and disposed of properly. The program protects the public from airborne asbestos, a known human carcinogen.

The asbestos program is completely funded by fees. These include project notifications, abatement contractor licensing, worker and supervisor certification, and training provider accreditation. The last increase in notification fees occurred in 2007, and the last increase in licensing, certification and accreditation fees occurred in 1992. Regulations have become more complex increasing the demand for technical assistance, and the number of notifications submitted has grown by approximately 250 percent since 2015. This fee increase is essential to maintain a program that provides oversight and protection for the public and asbestos abatement professionals.

Approval of this fee increase will allow the asbestos program to maintain current service levels, operating in a way that protects public and worker health by providing technical assistance, collaborating with local, state, and federal agencies, conducting abatement project inspections, and investigating and addressing violations that endanger public health.

### **How would the proposed rule address the need?**

An increase in asbestos fees sufficient to generate an additional \$300,000 annually would ensure adequate funding for DEQ's administration of Oregon's asbestos program through July 2026.

### **How will DEQ know the rule addressed the need?**

The rule will have addressed the need if the proposed increase in fees allow the asbestos program to balance its budget and maintain current service levels.

# Rules Affected, Authorities, Supporting Documents

## Lead Division

Air Quality Division

## Program or Activity

Asbestos Program

## Chapter 340 Action

Amend - OAR				
340-248-0180	340-248-0260			

Statutory Authority - ORS				
468.020	468.065	468 & 468A		

Statutes Implemented - ORS				
468A.745	468.020	468A.025		

## Legislation

HB5017, Policy Option Package 114, March 2021

## Fee Analysis

These proposed rules would increase existing fees. EQC authority to act on the proposed fees is ORS 468A, 468.020, and 468A.025.

### Brief Description of Proposed Fees

DEQ proposes to increase fees associated with the Asbestos Program sufficient to generate an additional \$300,000 in revenue annually. This includes an increase in notification, licensing, certification and accreditation fees.

### Reasons

The proposed fees would address the legislatively approved changes to DEQ's budget. Policy Option Package 114, approved in the 2021 legislative session, authorizes an additional \$300,000 in revenue annually to sustain the increased costs of the asbestos program.

The proposed fees would address increased program and staff costs. Asbestos notification fees were last raised in 2007, and licensing, certification and accreditation fees were last raised in 1992.

The proposed fees would allow the asbestos program to maintain current service levels and protect the public and worker health by providing technical assistance, conducting abatement project inspections, and investigating and addressing violations that endanger public health.

### Fee Proposal Alternatives Considered

DEQ considered the following alternatives:

- No fee increase, which does not allow DEQ to maintain current service levels.
- Increase all asbestos fee categories across-the-board to reach the targeted \$300,000 revenue increase. This would increase all fees 23 percent to 27 percent.
- Increase asbestos fees selectively to reach the targeted \$300,000 revenue increase. This would increase notification fees by 20 percent, and increase licensing, certification, and accreditation fees by 70 percent.
- A phased-in increase of fees, beginning January 2023.
- Raising notification fees selectively, only raising the larger-sized projects (2,600 linear feet or 1,600 square feet and larger).

At the recommendation of the Fiscal Advisory Committee, a phased-in increase of fees was considered. In this case the fees would increase in January 2023 instead of July 2022. This would result in drastically higher fees in 2023 to meet the \$300,000 annual target, reverting to the designed across-the-board increase in 2024 and forward. DEQ rejected this approach.

Another approach considered at the recommendation of the committee was raising only the fees for larger sized notification projects, as these are typically performed by larger businesses. Due to the infrequent nature of large asbestos abatement projects, this is not a

reliable source of revenue for the asbestos program. This approach was also rejected by the DEQ.

The committee agreed that Option 1, as described above as an across-the-board increase in fees, is the most desirable path forward. It will lessen the impact on asbestos workers and supervisors who often pay for their certification without the aid of their employer.

**Fee Payer**

Fee payers are asbestos abatement contractors, certified asbestos workers and supervisors, and accredited asbestos training providers.

Fee payers may also include homeowners and/or property owners who are indirectly affected when hiring asbestos abatement contractors.

**Affected Party Involvement in Fee-Setting Process**

DEQ convened a Fiscal Advisory Committee including appointees representing a variety of industries directly and indirectly affected by the proposed fee increase. That committee met on Jan. 18, 2022, to discuss ways to employ the fee increase to allow DEQ to generate the required revenue.

**Summary of Impacts**

Impacts to asbestos fees include increasing

- Notification fees by 26 percent,
- Certification fees by 26 percent,
- Licensing fees by 27 percent, and
- Accreditation fees by 23 percent.

<b>Asbestos Fees</b>		
<b>Notification Fee</b>	<b>Current Fee</b>	<b>Increased Fee</b>
Friable (Annual)	\$750	\$945
Non-Friable (Annual)	\$500	\$630
Non-Friable	\$100	\$126
<40 Linear Ft.	\$100	\$126
40-249 Linear Ft.	\$200	\$252
250-1,299 Linear Ft.	\$400	\$504
1,300-2,599 Linear Ft.	\$525	\$662
2,600-4,999 Linear Ft.	\$900	\$1,134
5,000-9,999 Linear Ft.	\$1,050	\$1,323
10,000-25,999 Linear Ft.	\$1,700	\$2,142
26,000-259,999 Linear Ft.	\$2,800	\$3,528
>260,000 Linear Ft.	\$3,500	\$4,410
<b>Worker and Supervisor Cards</b>	<b>Current Fee</b>	<b>Increased Fee</b>

Initial Worker Certification	\$45	\$57
Refresher Worker Certification	\$45	\$57
Initial Supervisor Certification	\$65	\$82
Refresher Supervisor Certification	\$65	\$82
<b>Abatement Contractor License</b>	<b>Current Fee</b>	<b>Increased Fee</b>
New Contractor License	\$1,000	\$1,270
Contractor License Renewal	\$1,000	\$1,270
Contractor License Modification	\$1,000	\$1,270
<b>Training Provider Accreditation</b>	<b>Current Fee</b>	<b>Increased Fee</b>
Initial Worker Training	\$320	\$394
Refresher Worker Training	\$320	\$394
Initial Supervisor Training	\$320	\$394
Refresher Supervisor Training	\$320	\$394

### Current and Proposed Fee Information

Current Fees		
Program costs covered by fees	\$1,192,457	100%
Program costs covered by General Fund	\$0	0%
Fee Last Changed	2007 (Notifications), 1992 (Licensing, Certification, Training Provider Accreditation)	

Proposed Fees		
Expected change in revenue (+/-)	\$300,000	~25%
Main GF required by statute/rule to fund program	\$0	0%
Proposed fee allows General Fund replacement	\$0	0%
Expected effective date	July 1, 2022	

Transactions and Revenue*				
Biennium	Number of transactions	Number of fee payers	Impact on revenue (+/-)	Total revenue (+/-)
FY2021	5472	5472	\$0	\$1,192,457
Next FY**	5472	5472	\$300,000	\$1,498,427

\*This table's data is approximate. Some transactions in the asbestos program cover multiple purchases (i.e., multiple worker or supervisor cards purchased at once). Most abatement contractors submit multiple notifications annually, so the number of payers may not be accurate. The number of transactions does not necessarily reflect the number of payers.

\*\*The total revenue for the next fiscal year assumes the same revenue as FY2021, with the additional revenue from factoring in the fee increase.

# Statement of Fiscal and Economic Impact

## Fiscal and Economic Impact

An increase in asbestos notification fees, certification fees, accreditation fees, and licensing fees would affect approximately 72 licensees, six training providers, and 1,222 certificate holders directly. This increase would increase program revenue by \$300,000 annually in the 2023-2025 biennium.

## Statement of Cost of Compliance

### State Agencies

Federal and state agencies should not be affected by this fee increase rulemaking unless they employ asbestos staff or require asbestos abatement work in an agency building.

### Local Governments

Local government should not be affected by this fee increase rulemaking unless they employ asbestos staff or require asbestos abatement work in a government building.

### Public

The proposed rules may affect the public indirectly. Homeowners, property owners, and facility owners/operators hire asbestos abatement contractors to perform asbestos abatement projects during renovation or demolition activities.

### Large Businesses - Businesses with More than 100 Employees

Most asbestos abatement contractors and training providers are small businesses, however there are some that employ more than 100 individuals. Those businesses will be directly affected by the asbestos notification fee increase, worker and supervisor certification fee increase, licensing fee increase, and in some cases, the training provider accreditation fee increase.

Large businesses who require asbestos abatement may be affected indirectly by the increase of asbestos fees. Because training providers and asbestos abatement contractors will be required to pay higher fees, these entities may increase prices to offset costs.

### Small Businesses – Businesses with 100 or Fewer Employees

Most asbestos abatement contractors are small businesses. The increase in worker and supervisor certification fees, licensing fees, and notification fees will affect them directly. Most accredited asbestos training providers are also small businesses, and the increase of training provider fees will affect them directly.

Small businesses who require asbestos abatement may be affected indirectly by the increase of asbestos fees. Because training providers and asbestos abatement contractors will be required to pay higher fees, these entities may increase prices to offset costs.

### ORS 183.336 Cost of Compliance Effect on Small Businesses

**1. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.**

Based on the list of existing licensed asbestos abatement contractors and accredited asbestos training providers, 76 small businesses will be subject to the fee increase.

- 71 asbestos abatement contractors
- Five accredited asbestos training providers

**2. Projected reporting, recordkeeping, and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.**

The proposed rules should not require any additional administrative activities. All affected parties already have systems in place to comply with the proposed fee increase.

**3. Projected equipment, supplies, labor, and increased administration required for small businesses to comply with the proposed rule.**

The proposed rules will not require any additional resources. There should be no changes to administration requirements to comply with the proposed fee increase.

**4. Describe how DEQ involved small businesses in developing this proposed rule.**

The FAC included representatives from a variety of asbestos industry types, including contractors, inspectors, training providers, local government agencies, and community organizations.

**Documents Relied on for Fiscal and Economic Impact**

Document title	Document location
List of Accredited Training Providers	DEQ Headquarters Office 700 NE Multnomah St. Suite 600 Portland, OR 97232
List of Licensed Asbestos Abatement Contractors	DEQ Headquarters Office 700 NE Multnomah St. Suite 600 Portland, OR 97232

**Advisory Committee Fiscal Review**

DEQ appointed a Fiscal Advisory Committee for this rule development.

As ORS 183.33 requires, DEQ asked for the committee’s recommendations on

- Whether the proposed rules would have a fiscal impact,
- The extent of the impact, and
- Whether the proposed rules would have a significant adverse impact on small businesses; if so, then how DEQ can comply with ORS 183.540 reduce that impact.

The committee reviewed the draft fiscal and economic impact statement, and its findings are stated in the notes dated January 18, 2022. The committee determined the proposed rules would not have a significant adverse impact on small businesses in Oregon.

Even without a significant impact, as ORS 183.333 and 183.540 require, the committee considered how DEQ could reduce the rules' fiscal impact on small business by:

- Establishing differing compliance or reporting requirements or timetables for small business;
- Clarifying, consolidating, or simplifying the compliance and reporting requirements under the rule for small business;
- Utilizing objective criteria for standards;
- Exempting small businesses from any or all requirements of the rule; or
- Otherwise establishing less intrusive or less costly alternatives applicable to small business.

This fee increase rulemaking does not alter compliance or reporting requirements or standards. Small businesses cannot be exempt from the fee increase, however DEQ considered any options to lessen the impact of the increase.

At the recommendation of the committee, a phased in increase of fees was considered. In this case the fees would increase in January 2023 instead of July 2022. This would result in drastically higher fees in 2023 to meet the \$300,000 annual target, reverting to the designed across-the-board increase in 2024 and forward, thus this approach was rejected by DEQ.

Another approach considered at the recommendation of the committee was raising only the fees for larger sized notification projects, as these are typically performed by larger businesses. Due to the infrequent nature of large asbestos abatement projects, this is not a reliable source of revenue for the asbestos program, thus this approach was also rejected by the DEQ.

The committee agreed that Option 1, as described above as an across-the-board increase in fees, is the most desirable path forward. It will lessen the impact on asbestos workers and supervisors, who often pay for their certification without the aid of their employer.

## **Housing Cost**

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would influence the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

DEQ determined the proposed rules might influence development costs. A vacant parcel would not be affected, but a parcel with required demolition would be affected as the standing structure may be subject to the asbestos regulations in OAR 340-248. Property owners may be subjected to the potentially increased costs due to fee increase for the asbestos abatement service provider. Any estimate of possible financial impact would be speculative because individual abatement contractors set their own pricing for services.

## **Racial Equity**

DEQ determined that the increase of fees may affect racial equity in the state. Many certified asbestos workers and certified asbestos supervisors are BIPOC. Frequently, asbestos workers and supervisors are responsible for their own certification fees. To minimize the impact of the fee increase, DEQ, in agreement with the Fiscal Advisory Committee, chose the option with the lower, one-time increase for certifications.

## **Federal Relationship**

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so. The proposed rules are not different from or in addition to federal requirements.

# Land Use

## Considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide landuse planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
  - Resources, objects, or areas identified in the statewide planning goals, or
  - Present or future land uses identified in comprehensive plans.

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. The plan describes the programs that DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

<b>Goal</b>	<b>Title</b>
5	Natural Resources, Scenic and Historic Areas, and Open Spaces
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarine Resources
19	Ocean Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

## Determination

DEQ determined that these proposed rules do not affect land use under OAR 340-018-0030 or DEQ’s State Agency Coordination Program.

## **EQC Prior Involvement**

DEQ shared prior information about this rulemaking with the EQC. Information was included in the Director's report to the EQC at the Feb. 3, 2022, meeting.

# Advisory Committee

## Background

DEQ convened a Fiscal Advisory Committee. The committee included representatives from a variety of asbestos industry types, including contractors, inspectors, training providers, local government agencies, and community organizations. The committee met once on Jan. 18, 2022, and the meeting information is located at the [Asbestos Fees 2022 rulemaking web page](#).

The committee members were:

Rulemaking Name Advisory Committee		
Name	Title	Affiliation
Glenn Traeger	Homeowner	Public
Beth Benton	Division Manager	City of Portland Bureau of Development Services
Tim Lenihan	Field Investigator and Compliance Specialist	Oregon Construction Contractors Board
Bob Gordon	Abatement Division Manager	GDSI
Raegan Conroy	Training Program Manager	PBS Engineering and Environmental, Inc.
Paul West	Owner/Operator	Safety Directions, LLC
David Fawcett	President	Coleman Creek Consulting, Inc.
Rosa Martinez	President	Professional Minority Group, Inc.
Garry Penning	Manager	Rogue Disposal & Recycling, Inc.

## Meeting Notifications

To notify people about the advisory committee’s activities, DEQ

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
  - Rulemaking
  - Asbestos Issues
  - DEQ Public Notices
- Sent a one-time notice to all asbestos contractors and training providers to describe how to sign up for advisory committee meeting notices, and people who signed up for the advisory committee bulletin.

- Added advisory committee announcements to DEQ's calendar of public meetings at [DEQ Calendar](#).

## **Committee Discussions**

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the committee reviewed the charter, discussed several fee increase scenarios, and stressed the importance of minimizing the impact to small businesses.

# Public Engagement

## Public Notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing by

- On Feb. 28, 2022, filing notice with the Oregon Secretary of State for publication in the March 2022 Oregon Bulletin;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at the [Asbestos Fees 2022 rulemaking web page](#);
- Emailing approximately 22,321 interested parties on the following DEQ lists through GovDelivery:
  - Rulemaking
  - Asbestos Issues
  - DEQ Public Notices
- Emailing approximately 75 stakeholders on the asbestos contractors and training providers mailing lists.
- Emailing the following key legislators required under [ORS 183.335](#):
  - Sen. President Courtney
  - Speaker Rayfield
  - Sen. Lieber
  - Rep. Marsh
- Emailing advisory committee members.
- Posting on the DEQ event calendar: [DEQ Calendar](#)

## Public Hearing

DEQ held one public hearing. DEQ received zero comments at the hearing. Later sections of this document include a summary of the four comments received during the open public comment period, DEQ's responses, and a list of the commenters. Original comments are on file with DEQ.

## Presiding Officers' Record

### Hearing 1

Date	March 18, 2022
Place	Virtual meeting via Zoom
Start Time	3 p.m.
End Time	3:47 p.m.
Presiding Officer	Hillarie Sales

### Presiding Officer's Report

The presiding officer convened the hearing, summarized procedures for the hearing, and explained that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to sign the registration list, or if attending by phone, to indicate their intent to present comments. The presiding officer advised all attending parties interested in receiving future information about the rulemaking to sign up for GovDelivery email notices.

As Oregon Administrative Rule 137-001-0030 requires, the presiding officer summarized the content of the rulemaking notice.

No person presented any oral testimony or written comments.

# Summary of Public Comments and DEQ Responses

## Public Comment Period

DEQ accepted public comment on the proposed rulemaking from March 1, 2022, until 4 p.m. on March 22, 2022.

For public comments received by the close of the public comment period, the following organizes comments including commenter name and affiliation. DEQ's response follows the comment. All comments are also on file with DEQ.

DEQ did not change the proposed rules in response to comments.

## Comments Received by Close of Public Comment Period

The following is the full collection of public comments about the proposed rules submitted by the March 22, 2022, deadline.

### Comment 1

#### **Holly Hansen, Affiliation unknown**

“Given the known health hazard and how easy it is for contractors to tear down a building without proper permit? I wish the detection of scofflaws was more robust and that unscrupulous contractors could not just go bankrupt to avoid the the law and open a new company am sure there needs to be more public protection than we got but this should have been happening years ago when there were so many tear downs we are a bit late unintended consequences?”

#### ***DEQ Response***

Thank you for your comment. DEQ did not respond to this comment as it is out of scope with the rulemaking. The rule proposal is specifically addressing a fee increase for the asbestos program which allows DEQ inspectors to continue work, including inspections of demolitions and renovations throughout the state.

### Comment 2

#### **BJ Hutchins, Affiliation: IQA Oregon**

“Good afternoon,

It is hard to comment on the proposed rule without fully understanding the current financial state and its related deficiencies and in my experience “adequate funding” can be rather subjective. Is there an expenditures report, detailed P&L, or something other that we can review and that justifies the increase in fees and the need to generate additional revenue?”

#### ***DEQ Response***

Thank you for your comment. The rulemaking team prepared a fiscal advisory statement that is available on the rulemaking website:

<https://www.oregon.gov/deq/rulemaking/Pages/asbestosfees2022.aspx>. This statement provides a detailed fee analysis, including the reasons for the proposed increase, fee alternatives considered and a summary of impacts. DEQ also appointed a fiscal advisory

committee to review the fiscal impact statement and to assist DEQ to determine impacts on small business. Committee findings are noted in the fiscal impact statement. Communications about the FAC meeting were sent by GovDelivery and email. GovDelivery email or text updates can be accessed by signing up at this link: [https://public.govdelivery.com/accounts/ORDEQ/subscriber/new?topic\\_id=ORDEQ\\_254](https://public.govdelivery.com/accounts/ORDEQ/subscriber/new?topic_id=ORDEQ_254)

### **Comment 3**

**Joy Kingsbury, Affiliation: Joy Kingsbury Real Estate**

“A fee by any other name is a tax. Fees, licenses, permits, levy’s, all taxes. Oregon is so heavily taxed and fee’d at this point that my old home, Nevada, is looking darn good to me now. Keep piling them on and fewer people will be here to pay, or, there will be a lot more poor people. You asked.”

### ***DEQ Response***

Thank you for your comment. This legislatively approved fee increase provides the asbestos program the ability to continue the work of protecting the environment and everyone living in Oregon. The asbestos program is funded solely by fees which must be raised for the program to continue.

### **Comment 4**

**Frank Semonious, Affiliation unknown**

“That’s a no from me. The more it costs, the more incentive to hide it from you.”

### ***DEQ Response***

DEQ considered this comment but did not change the proposal in response to it. DEQ understands that increased costs can be strenuous. These fees were approved by the Oregon legislature and the program must continue with the fee increase to continue the program work.

## Implementation

### Notification

The proposed rules would become effective upon filing on approximately July 1, 2022. DEQ would notify affected parties by:

- GovDelivery email
- Email to each asbestos abatement contractor
- Email to each asbestos training provider
- Update on the Asbestos Program websites

### Systems

Website - <https://www.oregon.gov/deq/Hazards-and-Cleanup/Pages/Asbestos-Information.aspx>

## **Five-Year Review**

### **Requirement**

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

### **Exemption from Five-Year Rule Review**

The Administrative Procedures Act exempts all of the proposed rules from the five-year review because the proposed rules would:

- Amend or repeal an existing rule. ORS 183.405(4).
- Implement legislatively approved fee changes. ORS 183.405(5)(c).

## **Accessibility Information**

You may review copies of all documents referenced in this announcement at:  
Oregon Department of Environmental Quality  
700 NE Multnomah St., Ste. 600  
Portland, OR, 97232

To schedule a review of all websites and documents referenced in this announcement, call  
Hillarie Sales, Portland, OR, 503-863-4644.

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov).



State of Oregon Department of Environmental Quality

# Asbestos Fees 2022

## Draft Rules – Edits Highlighted

### Key to Identifying Changed Text:

~~Strikethrough: Deleted Text~~

Underline: New/inserted text

### Division 248 ASBESTOS REQUIREMENTS

#### 340-248-0180

#### Licensing and Certification Requirements: Fees

(1) DEQ may assess the following fees to provide revenues to operate the asbestos control program.

(a) Contractor Licenses: A non-refundable license application fee of \$1000 for a one-year Asbestos Abatement Contractor license;

(b) Worker and Supervisor Certifications: A non-refundable application fee of \$65 for a one-year certification as an asbestos supervisor and \$45 for a one-year certification as an asbestos worker;

(c) Training Provider Accreditation: A non-refundable accreditation application fee of:

(A) ~~\$320~~\$394 for a one-year accreditation to provide a course for training asbestos supervisors;

(B) ~~\$320~~\$394 for a one-year accreditation to provide a course for training asbestos workers; and

(C) ~~\$320~~\$394 each for a one-year accreditation to provide a course for refresher training for Oregon asbestos certification.

(d) Asbestos Abatement Project Notification fee required under OAR 340-248-0260.

(2) Requests for waiver of fees must be made in writing to the Director, on a case-by-case basis, and be based upon financial hardship. Applicants for waivers must describe the reason for the request and certify financial hardship. The Director may waive part or all of a fee.

**Statutory/Other Authority:** ORS 468 & 468A

**Statutes/Other Implemented:** ORS 468A.745

**History:**

[DEQ 195-2018, amend filed 11/15/2018, effective 11/15/2018](#)

DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03

DEQ 1-2002, f. & cert. ef. 2-4-02

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0100

DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95

DEQ 19-1994, f. 9-6-94, cert. ef. 10-1-94

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 18-1991, f. & cert. ef. 10-7-91

DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90)

DEQ 10-1988, f. & cert ef. 5-19-88 (and corrected 6-3-88)

**340-248-0260**

**Emission Standards and Procedural Requirements: Asbestos Abatement Notification Requirements**

(1) Except as provided under OAR 340-248-0250, written notification of an asbestos abatement project must be submitted to DEQ on a DEQ-approved form, accompanied by the appropriate fee. The notification must be submitted by the facility owner or operator, the owner or operator of a demolition or renovation activity, or by the contractor as required by sections (2) through (5) of this rule, except as provided in sections (6), (7), and (8). A notification revision must be submitted by the facility owner or operator, the owner or operator of a demolition or renovation activity, or the contractor in accordance with section (10) of this rule.

(2) DEQ must receive notifications as specified in section (5) of this rule and the project notification fee at least 10 days before beginning a friable asbestos abatement project and at least five days before beginning a nonfriable asbestos abatement project.

(a) The project notification fee is:

(A) ~~\$100-126~~ for each project that will abate less than 40 linear feet or 80 square feet of asbestos-containing material, is at a residential building, or is a nonfriable asbestos abatement project not subject to paragraph (K).

(B) ~~\$200-252~~ for each project that will abate more than or equal to 40 linear feet or 80 square feet but less than 260 linear feet or 160 square feet of asbestos-containing material.

(C) ~~\$400-504~~ for each project that will abate more than or equal to 260 linear feet or 160 square feet, and less than 1300 linear feet or 800 square feet of asbestos-containing material.

(D) ~~\$525-662~~ for each project that will abate more than or equal to 1300 linear feet or 800 square feet, and less than 2600 linear feet or 1600 square feet of asbestos-containing material.

(E) ~~\$900~~1,134 for each project that will abate more than or equal to 2600 linear feet or 1600 square feet, and less than 5000 linear feet or 3500 square feet of asbestos-containing material.

(F) ~~\$1,050~~1,323 for each project that will abate more than or equal to 5000 linear feet or 3500 square feet, and less than 10,000 linear feet or 6000 square feet of asbestos-containing material.

(G) ~~\$1,700~~2,142 for each project that will abate more than or equal to 10,000 linear feet or 6000 square feet, and less than 26,000 linear feet or 16,000 square feet of asbestos-containing material.

(H) ~~\$2,800~~3,528 for each project that will abate more than or equal to 26,000 linear feet or 16,000 square feet, and less than 260,000 linear feet or 160,000 square feet of asbestos-containing material.

(I) ~~\$3,500~~4,410 for each project that will abate more than 260,000 linear feet or 160,000 square feet of asbestos-containing material.

(J) ~~\$750~~945 for annual notifications for friable asbestos abatement projects that will abate 40 linear feet or 80 square feet or less of asbestos-containing material.

(K) ~~\$500~~630 for annual notifications for nonfriable asbestos abatement projects performed at schools, colleges, and facilities.

(b) Project notification fees must accompany the project notification form. Notification has not occurred until DEQ receives the completed notification form and appropriate fee.

(c) DEQ may waive the 10-day and the five-day notification requirement in section (2) of this rule in emergencies that directly affect human life, health, and property. This includes:

(A) Emergencies where there is an imminent threat of loss of life or severe injury;

(B) Emergencies where the public is potentially exposed to air-borne asbestos fibers; and

(C) Emergencies where significant property damage will occur if repairs are not made immediately.

(d) DEQ may waive the 10-day and the five-day notification requirement in section (2) of this rule for asbestos abatement projects that were not planned, resulted from unexpected events, and will cause damage to equipment or impose unreasonable financial burden if not performed immediately. This includes the non-routine failure of equipment.

(e) In either subsection (c) or (d) of this section persons responsible for such asbestos abatement projects must submit an emergency or unexpected event abatement request to DEQ before starting work or by 9:00 am of the next working day if the work was performed on a weekend, evening, or holiday. The request must include a copy of the completed and

appropriate notification form. Notification as specified in section (5) of this rule and the appropriate fee must be submitted to DEQ within three days of starting emergency or unexpected event asbestos abatement projects.

(f) The duration of an asbestos abatement notification may not exceed one year beyond the original starting date. The project starting and completion date provided in a notification for an asbestos abatement project must be commensurate with the amount of asbestos-containing material involved. If a project exceeds one year in duration, a new notification must be provided as described in this rule, including payment of a new notification fee.

(3) The facility owner or operator, the owner or operator of a demolition or renovation activity, or the contractor may submit annual notification for friable asbestos abatement projects where no more than 40 linear or 80 square feet of asbestos-containing material is removed at each project. Friable asbestos abatement projects subject to an annual notification may be conducted at multiple facilities by a single licensed asbestos contractor, or at a facility that has a centrally controlled asbestos operation and maintenance program where the facility owner uses appropriately trained and certified personnel to remove asbestos. The contractor owner or operator must submit the notification as follows:

(a) Establish eligibility for use of this notification procedure with DEQ prior to use.

(b) The notification must contain the information specified in subsections (5)(a) through (5)(i) of this rule to the extent possible.

(c) Provide to DEQ on a DEQ form a summary report of all asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter. The summary report must include the information specified in subsections (5)(i) through (5)(l) of this rule for each project.

(d) Provide to DEQ, upon request, a list of asbestos abatement projects that are scheduled or are being conducted at the time of the request.

(e) Submit project notification and fee prior to use of this notification procedure.

(f) Failure to provide payment for use of this notification procedure will void the notification and each subsequent abatement project will be individually assessed a project notification fee.

(4) Annual nonfriable asbestos abatement projects may only be performed at schools, colleges, and facilities where certified asbestos abatement workers perform the removal work. Submit the notification as follows:

(a) Establish eligibility for use of this notification procedure with DEQ prior to use.

(b) The notification must contain the information specified in subsections (5)(a) through (5)(i) of this rule to the extent possible.

(c) Provide to DEQ on a DEQ form, a summary report of all nonfriable asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter. The summary report must include the information specified in subsections (5)(i) through (5)(l) of this rule for each project.

(d) Submit project notification and fee before using this notification procedure.

(e) Failure to provide payment for use of this notification procedure will void the notification and DEQ will individually assess each subsequent nonfriable abatement project a project notification fee.

(f) Provide to DEQ, upon request, a list of nonfriable asbestos abatement projects that are scheduled or are being conducted at the time of the request.

(5) The following information must be provided for each notification:

(a) Name, phone number, and address of person conducting asbestos abatement project.

(b) The Oregon asbestos abatement contractor's license number and certification number of the supervisor for the asbestos abatement project or, for nonfriable asbestos abatement projects, the name of the supervising person that meets Oregon OSHA's competent person qualifications as required in 29 C.F.R. 1926.1101(b), adopted by reference under OAR 437-003-0001(25).

(c) Method of asbestos abatement to be employed.

(d) Procedures to be employed to insure compliance with OAR 340-248-0270 through 340-248-0280.

(e) Names, addresses, and phone numbers of waste transporters.

(f) Name and address or location of the permitted disposal site where the asbestos-containing waste material will be deposited.

(g) Description of asbestos disposal procedure.

(h) Description of building, structure, facility, installation, vehicle, equipment, or vessel to be demolished or renovated, including:

(A) The construction or manufacture date, and the present and prior use of the facility; and

(B) Address or location where the asbestos abatement project is to be accomplished, including building, floor, and room numbers.

(i) Full name, address, and phone number of the owner or operator of a demolition or renovation activity.

(j) Starting and completion dates of asbestos abatement work.

(k) Description of the asbestos-containing material, type of asbestos, percent asbestos, and location of the asbestos-containing material.

(l) Amount of asbestos-containing material to be abated: linear feet or square feet.

(m) For facilities described in OAR 340-248-0270(8)(f) provide the name, title and authority of the State or local government official who ordered the demolition, date the order was issued, and the date demolition is to begin.

(n) Other information requested on the DEQ form.

(6) The project notification fees specified in this section will be increased by 50% when an asbestos abatement project is commenced without filing a project notification, submittal of a notification fee, or when notification is provided less than 10 days or five days prior to commencement of work, as applicable, under subsections (2)(c) and (d) of this rule.

(7) DEQ may waive part or all of a notification fee, on a case-by-case basis, based upon financial hardship. Requests for waiver of fees must be made in writing to DEQ. Applicants for waivers must describe the reason for the request and certify financial hardship.

(8) Subject to OAR 340-200-0010(3), a regional authority may adopt project notification fees for asbestos abatement projects in different amounts than are set forth in this rule. The regional authority will base the fees on its costs in carrying out the delegated asbestos program. The regional authority may collect, retain, and expend such project notification fees for asbestos abatement projects within its jurisdiction.

(9) Notification fee refunds. DEQ will consider a refunding a notification fee only as this section provides. A request for a refund of fees must be made in writing to DEQ, and must be submitted prior to the project's original start date. DEQ will not consider a refund request that does not include all required information described in this section. If DEQ receives a complete request for refund under this section, then DEQ may refund the notification fee the requestor paid if it determines that a refund is warranted based on the reason the refund is requested. Requests for refunds must include the following written information and documentation:

(a) A description of the reason that a refund is requested;

(b) A copy of the original notification and the most recent revision;

(c) Proof that the requester was awarded the contract for the project prior to submitting the notification to DEQ;

(d) Verification of payment to DEQ; and

(e) Proof that asbestos-containing material or asbestos-containing waste material was present at the project site, such as laboratory results, or when material was assumed to be asbestos-containing and treated as such in order to avoid survey and laboratory costs, a depiction of the material.

(10) DEQ must receive notification revisions before changes are made to the start date or completion date of the project or immediately upon discovery that other changes to the project notification form are necessary. A notification of a revision under this section must indicate that it is a revised notification.

**Statutory/Other Authority:** ORS 468 & 468A

**Statutes/Other Implemented:** ORS 468.020 & 468A.025

**History:**

[DEQ 195-2018, amend filed 11/15/2018, effective 11/15/2018](#)

DEQ 9-2007, f. 11-21-07, cert. ef. 11-30-07

DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03

DEQ 1-2002, f. & cert. ef. 2-4-02

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5630

DEQ 26-1995, f. & cert. ef. 12-6-95

DEQ 15-1995, f. & cert. ef. 6-16-95

DEQ 19-1994, f. 9-6-94, cert. ef. 10-1-94

DEQ 18-1993, f. & cert. ef. 11-4-93, Renumbered from 340-025-0467

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 18-1991, f. & cert. ef. 10-7-91, Renumbered from 340-025-0465(5)(a) - (d)

DEQ 8-1990, f. 3-13-90, cert. ef. 4-23-90

DEQ 4-1990, f. & cert. ef. 2-7-90

DEQ 9-1988, f. 5-19-88, cert. ef. 6-1-88

DEQ 22-1982, f. & cert. ef. 10-21-82

DEQ 96, f. 9-2-75, cert. ef. 9-25-75



State of Oregon Department of Environmental Quality

# Asbestos Fees 2022

## Draft Rules – Edits Incorporated

### Division 248 ASBESTOS REQUIREMENTS

#### **340-248-0180**

#### **Licensing and Certification Requirements: Fees**

(1) DEQ may assess the following fees to provide revenues to operate the asbestos control program.

(a) Contractor Licenses: A non-refundable license application fee of \$1000 for a one-year Asbestos Abatement Contractor license;

(b) Worker and Supervisor Certifications: A non-refundable application fee of \$65 for a one-year certification as an asbestos supervisor and \$45 for a one-year certification as an asbestos worker;

(c) Training Provider Accreditation: A non-refundable accreditation application fee of:

(A) \$394 for a one-year accreditation to provide a course for training asbestos supervisors;

(B) \$394 for a one-year accreditation to provide a course for training asbestos workers; and

(C) \$394 each for a one-year accreditation to provide a course for refresher training for Oregon asbestos certification.

(d) Asbestos Abatement Project Notification fee required under OAR 340-248-0260.

(2) Requests for waiver of fees must be made in writing to the Director, on a case-by-case basis, and be based upon financial hardship. Applicants for waivers must describe the reason for the request and certify financial hardship. The Director may waive part or all of a fee.

**Statutory/Other Authority:** ORS 468 & 468A

**Statutes/Other Implemented:** ORS 468A.745

**History:**

[DEQ 195-2018, amend filed 11/15/2018, effective 11/15/2018](#)

DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03

DEQ 1-2002, f. & cert. ef. 2-4-02

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0100

DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95  
DEQ 19-1994, f. 9-6-94, cert. ef. 10-1-94  
DEQ 4-1993, f. & cert. ef. 3-10-93  
DEQ 18-1991, f. & cert. ef. 10-7-91  
DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90)  
DEQ 10-1988, f. & cert ef. 5-19-88 (and corrected 6-3-88)

### **340-248-0260**

#### **Emission Standards and Procedural Requirements: Asbestos Abatement Notification Requirements**

(1) Except as provided under OAR 340-248-0250, written notification of an asbestos abatement project must be submitted to DEQ on a DEQ-approved form, accompanied by the appropriate fee. The notification must be submitted by the facility owner or operator, the owner or operator of a demolition or renovation activity, or by the contractor as required by sections (2) through (5) of this rule, except as provided in sections (6), (7), and (8). A notification revision must be submitted by the facility owner or operator, the owner or operator of a demolition or renovation activity, or the contractor in accordance with section (10) of this rule.

(2) DEQ must receive notifications as specified in section (5) of this rule and the project notification fee at least 10 days before beginning a friable asbestos abatement project and at least five days before beginning a nonfriable asbestos abatement project.

(a) The project notification fee is:

(A) \$126 for each project that will abate less than 40 linear feet or 80 square feet of asbestos-containing material, is at a residential building, or is a nonfriable asbestos abatement project not subject to paragraph (K).

(B) \$252 for each project that will abate more than or equal to 40 linear feet or 80 square feet but less than 260 linear feet or 160 square feet of asbestos-containing material.

(C) \$504 for each project that will abate more than or equal to 260 linear feet or 160 square feet, and less than 1300 linear feet or 800 square feet of asbestos-containing material.

(D) \$662 for each project that will abate more than or equal to 1300 linear feet or 800 square feet, and less than 2600 linear feet or 1600 square feet of asbestos-containing material.

(E) \$1,134 for each project that will abate more than or equal to 2600 linear feet or 1600 square feet, and less than 5000 linear feet or 3500 square feet of asbestos-containing material.

(F) \$1,323 for each project that will abate more than or equal to 5000 linear feet or 3500 square feet, and less than 10,000 linear feet or 6000 square feet of asbestos-containing material.

(G) \$2,142 for each project that will abate more than or equal to 10,000 linear feet or 6000 square feet, and less than 26,000 linear feet or 16,000 square feet of asbestos-containing material.

(H) \$3,528 for each project that will abate more than or equal to 26,000 linear feet or 16,000 square feet, and less than 260,000 linear feet or 160,000 square feet of asbestos-containing material.

(I) \$4,410 for each project that will abate more than 260,000 linear feet or 160,000 square feet of asbestos-containing material.

(J) \$945 for annual notifications for friable asbestos abatement projects that will abate 40 linear feet or 80 square feet or less of asbestos-containing material.

(K) \$630 for annual notifications for nonfriable asbestos abatement projects performed at schools, colleges, and facilities.

(b) Project notification fees must accompany the project notification form. Notification has not occurred until DEQ receives the completed notification form and appropriate fee.

(c) DEQ may waive the 10-day and the five-day notification requirement in section (2) of this rule in emergencies that directly affect human life, health, and property. This includes:

(A) Emergencies where there is an imminent threat of loss of life or severe injury;

(B) Emergencies where the public is potentially exposed to air-borne asbestos fibers; and

(C) Emergencies where significant property damage will occur if repairs are not made immediately.

(d) DEQ may waive the 10-day and the five-day notification requirement in section (2) of this rule for asbestos abatement projects that were not planned, resulted from unexpected events, and will cause damage to equipment or impose unreasonable financial burden if not performed immediately. This includes the non-routine failure of equipment.

(e) In either subsection (c) or (d) of this section persons responsible for such asbestos abatement projects must submit an emergency or unexpected event abatement request to DEQ before starting work or by 9:00 am of the next working day if the work was performed on a weekend, evening, or holiday. The request must include a copy of the completed and appropriate notification form. Notification as specified in section (5) of this rule and the appropriate fee must be submitted to DEQ within three days of starting emergency or unexpected event asbestos abatement projects.

(f) The duration of an asbestos abatement notification may not exceed one year beyond the original starting date. The project starting and completion date provided in a notification for an asbestos abatement project must be commensurate with the amount of asbestos-containing

material involved. If a project exceeds one year in duration, a new notification must be provided as described in this rule, including payment of a new notification fee.

(3) The facility owner or operator, the owner or operator of a demolition or renovation activity, or the contractor may submit annual notification for friable asbestos abatement projects where no more than 40 linear or 80 square feet of asbestos-containing material is removed at each project. Friable asbestos abatement projects subject to an annual notification may be conducted at multiple facilities by a single licensed asbestos contractor, or at a facility that has a centrally controlled asbestos operation and maintenance program where the facility owner uses appropriately trained and certified personnel to remove asbestos. The contractor owner or operator must submit the notification as follows:

(a) Establish eligibility for use of this notification procedure with DEQ prior to use.

(b) The notification must contain the information specified in subsections (5)(a) through (5)(i) of this rule to the extent possible.

(c) Provide to DEQ on a DEQ form a summary report of all asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter. The summary report must include the information specified in subsections (5)(i) through (5)(l) of this rule for each project.

(d) Provide to DEQ, upon request, a list of asbestos abatement projects that are scheduled or are being conducted at the time of the request.

(e) Submit project notification and fee prior to use of this notification procedure.

(f) Failure to provide payment for use of this notification procedure will void the notification and each subsequent abatement project will be individually assessed a project notification fee.

(4) Annual nonfriable asbestos abatement projects may only be performed at schools, colleges, and facilities where certified asbestos abatement workers perform the removal work. Submit the notification as follows:

(a) Establish eligibility for use of this notification procedure with DEQ prior to use.

(b) The notification must contain the information specified in subsections (5)(a) through (5)(i) of this rule to the extent possible.

(c) Provide to DEQ on a DEQ form, a summary report of all nonfriable asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter. The summary report must include the information specified in subsections (5)(i) through (5)(l) of this rule for each project.

(d) Submit project notification and fee before using this notification procedure.

(e) Failure to provide payment for use of this notification procedure will void the notification and DEQ will individually assess each subsequent nonfriable abatement project a project notification fee.

(f) Provide to DEQ, upon request, a list of nonfriable asbestos abatement projects that are scheduled or are being conducted at the time of the request.

(5) The following information must be provided for each notification:

(a) Name, phone number, and address of person conducting asbestos abatement project.

(b) The Oregon asbestos abatement contractor's license number and certification number of the supervisor for the asbestos abatement project or, for nonfriable asbestos abatement projects, the name of the supervising person that meets Oregon OSHA's competent person qualifications as required in 29 C.F.R. 1926.1101(b), adopted by reference under OAR 437-003-0001(25).

(c) Method of asbestos abatement to be employed.

(d) Procedures to be employed to insure compliance with OAR 340-248-0270 through 340-248-0280.

(e) Names, addresses, and phone numbers of waste transporters.

(f) Name and address or location of the permitted disposal site where the asbestos-containing waste material will be deposited.

(g) Description of asbestos disposal procedure.

(h) Description of building, structure, facility, installation, vehicle, equipment, or vessel to be demolished or renovated, including:

(A) The construction or manufacture date, and the present and prior use of the facility; and

(B) Address or location where the asbestos abatement project is to be accomplished, including building, floor, and room numbers.

(i) Full name, address, and phone number of the owner or operator of a demolition or renovation activity.

(j) Starting and completion dates of asbestos abatement work.

(k) Description of the asbestos-containing material, type of asbestos, percent asbestos, and location of the asbestos-containing material.

(l) Amount of asbestos-containing material to be abated: linear feet or square feet.

(m) For facilities described in OAR 340-248-0270(8)(f) provide the name, title and authority of the State or local government official who ordered the demolition, date the order was issued, and the date demolition is to begin.

(n) Other information requested on the DEQ form.

(6) The project notification fees specified in this section will be increased by 50% when an asbestos abatement project is commenced without filing a project notification, submittal of a notification fee, or when notification is provided less than 10 days or five days prior to commencement of work, as applicable, under subsections (2)(c) and (d) of this rule.

(7) DEQ may waive part or all of a notification fee, on a case-by-case basis, based upon financial hardship. Requests for waiver of fees must be made in writing to DEQ. Applicants for waivers must describe the reason for the request and certify financial hardship.

(8) Subject to OAR 340-200-0010(3), a regional authority may adopt project notification fees for asbestos abatement projects in different amounts than are set forth in this rule. The regional authority will base the fees on its costs in carrying out the delegated asbestos program. The regional authority may collect, retain, and expend such project notification fees for asbestos abatement projects within its jurisdiction.

(9) Notification fee refunds. DEQ will consider a refunding a notification fee only as this section provides. A request for a refund of fees must be made in writing to DEQ, and must be submitted prior to the project's original start date. DEQ will not consider a refund request that does not include all required information described in this section. If DEQ receives a complete request for refund under this section, then DEQ may refund the notification fee the requestor paid if it determines that a refund is warranted based on the reason the refund is requested. Requests for refunds must include the following written information and documentation:

(a) A description of the reason that a refund is requested;

(b) A copy of the original notification and the most recent revision;

(c) Proof that the requester was awarded the contract for the project prior to submitting the notification to DEQ;

(d) Verification of payment to DEQ; and

(e) Proof that asbestos-containing material or asbestos-containing waste material was present at the project site, such as laboratory results, or when material was assumed to be asbestos-containing and treated as such in order to avoid survey and laboratory costs, a depiction of the material.

(10) DEQ must receive notification revisions before changes are made to the start date or completion date of the project or immediately upon discovery that other changes to the

project notification form are necessary. A notification of a revision under this section must indicate that it is a revised notification.

**Statutory/Other Authority:** ORS 468 & 468A

**Statutes/Other Implemented:** ORS 468.020 & 468A.025

**History:**

[DEQ 195-2018, amend filed 11/15/2018, effective 11/15/2018](#)

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DEQ 1-2002, f. & cert. ef. 2-4-02

DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5630

DEQ 26-1995, f. & cert. ef. 12-6-95

DEQ 15-1995, f. & cert. ef. 6-16-95

DEQ 19-1994, f. 9-6-94, cert. ef. 10-1-94

DEQ 18-1993, f. & cert. ef. 11-4-93, Renumbered from 340-025-0467

DEQ 4-1993, f. & cert. ef. 3-10-93

DEQ 18-1991, f. & cert. ef. 10-7-91, Renumbered from 340-025-0465(5)(a) - (d)

DEQ 8-1990, f. 3-13-90, cert. ef. 4-23-90

DEQ 4-1990, f. & cert. ef. 2-7-90

DEQ 9-1988, f. 5-19-88, cert. ef. 6-1-88

DEQ 22-1982, f. & cert. ef. 10-21-82

DEQ 96, f. 9-2-75, cert. ef. 9-25-75