



State of Oregon Department of Environmental Quality

Proposed Asbestos Rule Changes, Crosswalk

Asbestos 2018 Rulemaking
 March 20, 2018

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The Oregon Department of Environmental Quality is reviewing asbestos rules in Oregon Administrative Rule 340 Division 248 under the authority of Oregon Revised Statute 468A.700-.760. This review provides stakeholders and DEQ with an opportunity to evaluate and clarify regulations and standards for asbestos-related activities, where a potential for exposure to asbestos fibers exists.

Proposed rule changes for this rulemaking are posted on the DEQ [website](#). The table below describes substantial or complex draft rule changes that will be discussed at the Mar.20, 2018, Rulemaking Advisory Committee meeting.

Suggested change	Action
340-248-0010 Definitions	
340-248-0010(26) "Friable asbestos material" means any asbestos-containing material that when dry can be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, transportation , or disposal.	Added "transportation."
340-248-0010(33) "Nonfriable asbestos material" means any asbestos-containing material that when dry can be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, transportation , or disposal.	Added "transportation."
340-248-0205 General Provisions	
340-248-0205(4) The content of asbestos in any asbestos-containing material must be determined using the method specified by the Environmental Protection Agency as listed in EPA/600/R-93/116, July 1993, "Method for the Determination of Asbestos in Bulk Building	Updated EPA reference. Added "Bulk samples shall not be composited for analysis."

Suggested change	Action
Materials" or another substantially similar method approved by the Department. Bulk samples shall not be composited for analysis.	
340-248-0250 Asbestos Abatement Project Exemption	
340-248-0250(6) Disposal sites permitted by OAR 340 division 93 through OAR 340 division 96 are exempt from managing nonfriable asbestos-containing material in accordance with 340-248-0280 if the nonfriable asbestos containing material is first discovered by the permitted disposal site on its tipping floor or within the permitted facility's transfer container, comingled with putrescible waste, and the management of the nonfriable asbestos containing material in accordance with 340-248-0280 would present an immediate risk to health and safety. A disposal site that manages its waste under this subpart must immediately notify the final permitted disposal site, as applicable, and notify DEQ within 24 hours of discovering nonfriable asbestos containing material on its tipping floor or in its transfer container.	Added new language related to disposal of asbestos-containing material.
340-248-0260 Asbestos Abatement Notification Requirements	
<p>340-248-0260(8) Notification fee refunds. DEQ will consider a refund of a notification fee only as provided in this section. A request for a refund of fees must be made in writing to DEQ, and must be submitted prior to the original start date of the project. 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 paid by the requester 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:</p> <ul style="list-style-type: none"> (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 	<p>Deleted draft rule language for non-refundable notification fees.</p> <p>Added draft rule language to clarify requirements for notification fee refunds.</p>

Suggested change	Action
at the project site, such as lab results, or when material was assumed to be asbestos-containing and treated as such in order to avoid survey and lab costs, a depiction of the material.	
340-248-0270 Asbestos Abatement Work Practices and Procedures	
340-248-0270(3)(c) The testing of each sample collected under subsections (a) and (b) by a laboratory with proficiency demonstrated by participation in a nationally recognized testing program, or a bulk asbestos proficiency analysis testing program, or an equivalent testing program to determine whether it is asbestos-containing material;	<p>Added laboratory accreditation draft rule language.</p> <p>The draft rule provides two options for demonstration of laboratory proficiency of either a nationally recognized testing program, or a bulk asbestos proficiency analysis-testing program.</p>
340-248-0270(3)(d)(E) Description of the facility or area surveyed, including its past, current, and future use , area square footage, approximate construction date, and number of floors; Discussion: The future use in terms of residential demo is the only time the future use is necessary. Originally, DEQ wanted to know this information because demos did not have a survey. Going forward, residential demolitions and renovations.	Removed “future use” from rule and notifications.
340-248-0270(8)(h) Visible emissions are not allowed during any asbestos abatement activities, except within a negative air pressure enclosure.	Deleted “air” for consistency in definition for “negative pressure enclosure”
340-248-0280 Friable Asbestos Disposal Requirements	
340-248-0280(8)(C)(ii) 29 CFR 1926.1101(k)(8) (2013)	Updated OSHA reference from the previous reference of 29 CFR 1926.1101(k)(6) (1994).
340-248-0280(8)(a)(A) ... three years to match 340-248-0280(9)(c).	Changed recordkeeping timeline in 340-248-0280(8)(a)(A) to three years to match 340-248-0280(9)(c) for consistency.