



State of Oregon Department of Environmental Quality

Proposed Asbestos Rule Changes, Crosswalk

Asbestos 2018 Rulemaking
Nov. 29, 2017

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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 are posted on the DEQ [website](#) for this rulemaking. The table below describes substantial or complex draft rule changes that will be discussed at the Nov. 29, 2017 Rulemaking Advisory Committee meeting.

Suggested change	Reason/Issues
340-248-0010 Definitions	
“Asbestos-containing waste material”	Definition expanded for clarity using language moved from 340-248-0270 Work Practices into definition.
“Cutting,” “Glove bag,” “In poor condition,” “Installation,” “Leak-tight,” and “Visible emissions”	These definitions are newly added to the rules to clarify the terms as they are used in the rules. The definitions come from NESHAP. Minor edits were made to some definitions for clarity.
“Friable asbestos material” and “Nonfriable asbestos material”	Changes to the definitions add clarity for practical application.
“Negative pressure enclosure”	Changes clarify requirements.
“Regulated area”	Term added to the Definitions section to clarify the requirements when used in the rules. Uses some language from OSHA rules 1910.1001(i)(4)(ii)(A).
“Residential building”	Moves some language from 340-248-0260 Notifications to Definitions. Clarifies requirements.

Suggested change	Reason/Issues
“Small-scale, short duration <u>renovating and maintenance activity</u> ”	Changes term and definition to mirror ORS 468A.707(3).
340-248-0120 Contractor Licensing	
Rule (6) A license is valid for a period of 12 months but will be extended pending DEQ's review of a renewal application provided the renewal application is filed with <u>DEQ no later than 60 days</u> before the expiration date of the contractor's license.	Change eliminates inconsistency in requirements, but does not add new requirements.
340-248-0130 Certification	
Rule (b) Documentation that the applicant has <u>been certified as a worker and has at least one year of asbestos abatement experience, including time on powered air purifying respirators and experience on at least ten separate friable asbestos abatement projects.</u>	Change combines language in former (A) and (B) of this section. The change increases worker experience from three (3) months to at least one (1) year and requires asbestos-specific experience instead of general contracting work.
340-248-0240 Asbestos Inspection Requirements for Oregon Title V Operating Permit Program Sources	
Section adds renovation where applicable.	Change clarifies existing rule that applies to renovations and demolitions.
340-248-0250 Asbestos Abatement Project Exemption	
(2)(c) Renovation activities at residential buildings with four or fewer dwelling units are exempt from the provisions of OAR 340-248-0270(1).	Change removes survey exemption for residential renovations. See DEQ background paper and Advisory Committee meeting notes from Sept. 28, 2017.
Rule (2)(f) Adds exemption from the survey requirement in 340-248-0270 for this rule.	Change clarifies that a survey is not required for this rule.
Rule (3) Moved to 340-248-0270(6) Asbestos Abatement Work Practices and Procedures	Change clarifies requirements as Asbestos Abatement Work Practices and Procedures, not Exemption.
340-248-0260 Asbestos Abatement Notification Requirements	
Clarifies in (1) that notification fees are non-refundable.	Current rules do not provide language to provide or not to provide refunds for notification fees. DEQ policy has been to provide refunds for notifications, but at a cost to DEQ great than the cost of the majority of refund amounts requested.
Current rules (1)(f) – moved to end of section in (9).	Move supports application of this rule to the entire section and the language changes clarify rule requirements.
Rule (1)(h) Moved to Definitions (44) “Residential buildings.”	The current rule is a Definition instead of a notification requirement.

Suggested change	Reason/Issues
New rule (8)	The change adds requirements for when a refund is requested.
340-248-0270 Asbestos Abatement Work Practices and Procedures	
Adds new language in (3) for survey and survey requirements.	See DEQ background paper and Advisory Committee meeting notes from Sept. 28, 2017.
New (5) is formerly 340-248-0270(4)(b).	Change clarifies requirements. Additionally, omits certain work practice.
Rule (6) comes from Asbestos Abatement Project Exemptions 340-248-0250(3)	Moved from Asbestos Abatement Project Exemptions to Work Practices and Procedures.
Rule (7) is formerly 340-248-0270(4)(h).	Move supports application of this rule to the entire section and the language changes clarify rule requirements.
Rule (8) moves (a)(A) to Definitions (39) “Regulated area” and uses language from OR OSHA	Change adds requirements to the term “regulated area” in Definitions to clarify meaning when the term is used in Work Practices and Procedures.
Moves current (8)(b) to 340-248-0270(5)	Change moves current rule to support application of rule to entire section.
Rule (8)(e)(F) Adds new language	Change clarifies when a negative pressure enclosure is not required.
New (8)(i) is 340-248-0270(4)(i) in current rules.	Change moves rule and adds requirements.
340-248-0280 Friable Asbestos Disposal Requirements	
Section name change: Friable Asbestos Disposal Requirements	Change reflects this section as being both friable and nonfriable by deleting Friable.
Section uses term “asbestos-containing waste material”	Change to “asbestos-containing waste material” to include both friable and nonfriable as appropriate, and is similar to other state rule examples.
Rule (2) simplifies by moving around the language.	Change clarifies requirements by combining the former language in (2) and (2)(b).
Rule (3) adds “renovation”	The section applies to both demolition and renovation asbestos projects.
Section replaces “permitted disposal site” to replace “waste disposal” and “landfill” where applicable.	“Waste disposal” and “landfill” are used interchangeably in current rules. The change provides consistency in terms used in rule by replacing the previous terms with “permitted disposal site.”
340-248-0290 Nonfriable Disposal Requirements	
Removes entire section	See DEQ background paper and Advisory Committee meeting notes from Sept. 28, 2017.