

**Key to Identifying Changed Text:**

~~Deleted Text~~

New/inserted text

~~Text deleted from one location~~ - and moved to another location

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DIVISION 248**

**ASBESTOS REQUIREMENTS**

**340-248-0005**

**Applicability**

OAR 340-248-0010 through 340-248-~~0290~~0280 applies to asbestos milling, manufacturing, fabricating, abatement, disposal, or any situation where a potential for exposure to asbestos fibers exists.

Stat. Auth.: ORS 468.020, ORS 468A.025, ORS 468A.135 & ORS 468A.745

Stats. Implemented: ORS 468A.700 - ORS 468A.760

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

**340-248-0010**

**Definitions**

The definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and 340-200-0020, the definition in this rule applies to this division.

(1) "Accredited inspector" means a person that has completed training, ~~and~~ received accreditation and maintains valid accreditation under 40 CFR Part 763 Subpart E, Appendix C (Model Accreditation Plan), Section B (Initial Training), Subsection 3 (Inspector), ~~(1994)~~.

(2) "Accredited trainer" means a provider of asbestos abatement training courses authorized by ~~the Department~~DEQ to offer training courses that satisfy requirements for worker and supervisor training.

(3) "Adequately wet" means to sufficiently mix or penetrate asbestos-containing material or asbestos-containing waste material with liquid to prevent the release of particulate asbestos materials. An asbestos-containing material or asbestos-containing waste material is not adequately wetted if visible emissions originate from that material. Precipitation is not an appropriate method for wetting asbestos-containing material or asbestos-containing waste material.

(4) "Agent" means an individual who works on an asbestos abatement project for a contractor but is not an employee of the contractor.

(5) "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite ~~and~~ tremolite.

(6) "Asbestos abatement project" means any demolition, renovation, repair, construction or maintenance activity of any public or private facility that involves the repair, enclosure, encapsulation, removal, salvage, handling, or disposal of any asbestos-containing material with the potential of releasing asbestos fibers from asbestos-containing material into the air.

(7) "Asbestos manufacturing operation" means the combining of commercial asbestos, or in the case of woven friction products, the combining of textiles containing commercial asbestos, with any other material(s) including commercial asbestos, and the processing of this combination into a product as specified in OAR 340-248-0210(3).

(8) "Asbestos-containing material" means any material containing more than one-percent asbestos by weight.

(9) "Asbestos-containing waste material" means any waste that contains or is potentially contaminated with asbestos-containing material. Asbestos-containing waste material includes, but is not limited to:

(a) Waste asbestos tailings or any commercial asbestos;

(b) Waste generated by a source subject to OAR 340-248-0205 through 340-248-0280~~340-248-0290~~;

(c) Filters from control equipment devices;

(d) Bags or containers that previously contained commercial asbestos; and

(e) Asbestos abatement project waste including:

(A) Disposable equipment and clothing;

(B) Material used to establish a negative pressure enclosure;

(C) Demolition or renovation debris;

(D) HEPA filters; and

(E) Any other asbestos abatement project waste that cannot be decontaminated.

~~(910)~~ "Asbestos mill" means any facility engaged in the conversion or any intermediate step in the conversion of asbestos ore into commercial asbestos.

~~(1011)~~ "Asbestos tailings" mean any solid waste product of asbestos mining or milling operations that contains asbestos.

~~(1112)~~ "Asbestos waste generator" means any person performing an asbestos abatement project, the owner or operator of a demolition or renovation activity, or any owner or operator of a source or facility subject to OAR 340-248-0005 through 248-~~0290-0280~~ whose act or process generates asbestos-containing waste material.

~~(1313)~~ "Asbestos waste shipment record" means the shipment document, required to be originated and signed by the asbestos waste generator; used to track and substantiate the disposition of asbestos-containing waste material.

~~(1414)~~ "Certified supervisor" means a person who has a current Oregon supervisor certification card.

~~(1515)~~ "Certified worker" means a person who has a current Oregon worker certification card.

~~(1616)~~ "Contractor" means a person that undertakes for compensation an asbestos abatement project for another person. As used in this ~~D~~division, "compensation" means wages, salaries, commissions and any other form of remuneration paid to a person for personal services.

~~(1717)~~ "Commercial asbestos" means asbestos that is produced by extracting asbestos from asbestos ore.

~~(18) "Commission" means the Environmental Quality Commission.~~

(18) "Cutting" means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

~~(1919)~~ "Demolition" means the wrecking or removal of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

~~(20) "Department" means the Department of Environmental Quality.~~

~~(21) "Director" means the Director of the Department of Environmental Quality.~~

~~(22) "EPA" means the U.S. Environmental Protection Agency.~~

~~(23)~~(20) "Fabricating" means any processing (e.g., cutting, sawing, drilling) of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites (field fabricating) for the construction or restoration of facilities. In the case of friction products, fabricating includes bonding, debonding, grinding, sawing, drilling, or other similar operations performed as part of fabricating.

~~(24)~~(21) "Facility" means all or part of any public or private building, structure, installation, equipment, vehicle, or vessel, including but not limited to ships.

~~(25)~~(22) "Friable asbestos material" means any asbestos-containing material that when dry can be crumbled, pulverized, or reduced to powder by hand pressure ~~can crumble, pulverize or reduce to powder when dry~~ or by the forces expected to act upon the material in the course of demolition, renovation, or disposal.

~~(26)~~(23) "Glove bag" means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials.

~~(27)~~(24) "Grinding" means to reduce to powder or small fragments and includes mechanical chipping or drilling.

~~(28)~~(25) "HEPA filter" means a high efficiency particulate air filter capable of filtering 0.3 micron particles with 99.97 percent efficiency.

~~(29)~~(26) "In poor condition" means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.

~~(30)~~(27) "Inactive asbestos-containing waste disposal site" means any disposal site for asbestos-containing waste where the operator has allowed ~~the Department's~~ DEQ's solid waste permit to lapse, has gone out of business, or no longer receives asbestos-containing waste.

~~(31)~~(28) "Interim storage of asbestos-containing waste material" means the storage of asbestos-containing waste material that meets the packaging requirements of OAR chapter 340, Division 248 and has been placed ~~in a container~~ outside a regulated area until transported to a ~~n-authorized permitted disposal site~~ landfill permitted to receive such waste.

~~(32)~~(29) "Installation" means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator, or under the control of owners or operators of demolition or renovation activities that are under common control.

(2930) "Licensed" means a contracting entity has met ~~the Department's~~ DEQ's training and experience requirements to offer and perform asbestos abatement projects and has a current asbestos abatement contractor license. For purposes of this definition, a license is not a permit subject to OAR chapter 340, division 216 or 218.

(31) "Leak-tight" means that neither solids (including dust) nor liquids can escape or spill out.

~~(3032)~~ "Negative pressure enclosure" means a barrier surrounding the area of asbestos abatement comprised of a plastic with a minimum thickness of 6 mil ~~any enclosure of an asbestos abatement project area where the air pressure outside the enclosure is greater than the air pressure inside the enclosure and the air inside the enclosure is changed at least four times an hour by exhausting it~~ exhausting through a HEPA filter exhaust system measured by an attached and functioning manometer or similar device and resulting in a negative pressure environment of -0.02 inches of water column. The barrier must cover all gaps in the area surrounding the asbestos abatement including but not limited to doorways, windows, HVAC systems, drains, plumbing, and other gaps.

~~(3133)~~ "Nonfriable asbestos material" means any asbestos-containing material that is not friable. When dry, nonfriable asbestos material cannot be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.

(34) "Occupant" means the individual person(s) that live(s) in a subject private residence.

~~(3235)~~ "Open accumulation" means any accumulation, placement or, ~~including interim storage,~~ of friable asbestos material or asbestos-containing waste material other than material securely ~~enclosed~~ packaged and stored as required by this division.

~~(3336)~~ "Owner or operator of a demolition or renovation activity" means any person who owns, leases, operates, controls or supervises a facility being demolished or renovated and ~~or~~ any person who owns, leases, operates, controls, or supervises ~~the a~~ demolition or renovation operation, ~~or both.~~

~~(3437)~~ "Particulate asbestos material" means any finely divided particles of asbestos material.

~~(3538)~~ "Person" means an individual, public or private corporation, nonprofit corporation, association, firm, partnership, joint venture, business trust, joint stock company, municipal corporation, political sub-division, the state and any agency of the state or any other entity, public or private, however organized.

(39) "Regulated area" means an area that:

(a) Is established by the ~~owner or operator~~ person performing ~~the~~ an asbestos abatement project;

(b) Includes all areas where asbestos abatement work and associated activities are conducted and any adjoining area where any asbestos-containing waste material generated from the project site is securely packaged and stored-;

(c) Restricts access to authorized personnel only; and

(d) Is demarcated with prominent warning signs along the perimeter that state, in bold, all-capital letters and separated as shown here:

“DANGER

ASBESTOS

MAY CAUSE CANCER

ASBESTOS CAUSES DAMAGE TO LUNGS

AUTHORIZED PERSONNEL ONLY”

(3640) "Renovation" means altering in any way one or more facility components. Renovation includes, but is not limited to, the replacement, stripping, or repair of facility components, such as mechanical ventilation systems, pipes, ceilings, walls, flooring, and insulating materials. Operations in which load-supporting structural members are wrecked or removed are excluded.

(41) "Residential building" means ~~(h) Residential buildings include:~~ a site built homes, modular homes constructed off site, mobile homes, condominiums, ~~and duplexes or other-~~ multi-unit residential buildings consisting of four units or less. Except that residential building does not mean

~~A residential building is not~~ any Ffacility that is:

(a) Used by a fire department for training exercises;

(b) Demolished as part of a larger project including but not limited to urban renewal projects, highway construction projects, or property developed~~ment into~~for commercial use, industrial use, or multi-unit residential buildings with more than four units-~~as~~;

(c) Renovated or demolished along with one or more other Ffacilities on the same site by the same owner or operator of a demolition or renovation activity as part of the same project; or

(d) A residential dwelling unit located in a commercial Ffacility.

(37) "Small-scale, short-duration renovating and maintenance activity" means a task for which the removal of asbestos is not the primary objective of the job, including, but not limited to:

(a) Removal of ~~small quantities of~~ asbestos-containing insulation on pipes~~on beams or above ceilings~~;

(b) ~~Replacement of an asbestos-containing gasket on a valve~~Removal of small quantities of asbestos-insulation on beams or above ceilings;

(c) ~~Installation or removal of a small section of wallboard~~Replacement of an asbestos-containing gasket on a valve;

(d) ~~Removal of asbestos-containing thermal system insulation not to exceed amounts greater than those that can be contained in a single glove bag~~Installation or removal of a small section of drywall; or

(e) ~~Minor repairs to damaged thermal system insulation that does not require removal~~Installation of electrical conduits through or proximate to asbestos-containing materials;

(f) ~~Repairs to asbestos-containing wallboard~~;

(g) ~~Installation of electrical conduits through or proximate to asbestos-containing materials~~;

(h) ~~Repairs, involving encapsulation, enclosure, or removal, of small amounts of friable asbestos material in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement. Such work may not exceed amounts greater than those that can be contained in a single prefabricated mini enclosure. Such an enclosure must conform spatially and geometrically to the localized work area, in order to perform its intended containment function.~~

(3842) "Structural member" means any load-supporting member of a facility, such as beams and load-supporting walls; or any non-supporting member, such as ceilings and non-load-supporting walls.

(39) ~~"Survey" means to conduct a detailed inspection of a building, structure, or facility for the presence of asbestos-containing material. The survey must be conducted by an accredited inspector and include sampling of materials suspected to contain asbestos, analysis of those samples to determine asbestos content, and evaluation of the materials in order to assess their condition.~~

(4043) "Training Day" means a day of classroom instruction that consists of at least seven hours of actual classroom instruction and hands-on practice.

(44) "Visible emissions" means any emissions that are visually detectable without the aid of instruments.

[Publications: Publications referenced are available from the agency.]

~~Stat. Auth.: ORS 468 & ORS 468A~~ Stat. Auth.: [ORS 468.020, ORS 468A.025, ORS 468A.135 & ORS 468A.745](#)

~~Stats. Implemented: ORS 468A.700~~ Stats. Implemented: [ORS 468A.700 - ORS 468A.760](#)

Hist.: DEQ 10-1988, f. & cert. ef. 5-19-88 (and corrected 6-3-88); DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90); DEQ 18-1991, f. & cert. ef. 10-7-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95; DEQ 96, f. 9-2-75, ef. 9-25-75; DEQ 22-1982, f. & ef. 10-21-82; DEQ 9-1988, f. 5-19-88, cert. ef. 6-1-88 (and corrected 6-3-88); DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90 & 7-8-91); DEQ 18-1991, f. & cert. ef. 10-7-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1993, f. & cert. ef. 11-4-93; Renumbered from 340-025-0455; DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 15-1995, f. & cert. ef. 6-16-95; DEQ 22-1995, f. & cert. ef. 10-6-95]; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0020, 340-032-5590; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

## **Asbestos Licensing and Certification Requirements**

### **340-248-0100**

#### **Applicability**

(1) OAR 340-248-0005 through 340-248-0180:

(a) Apply to asbestos contractor licensing, worker and supervisor certification, asbestos abatement trainer accreditation, and ~~the Department's~~ [DEQ's](#) administration and enforcement;

(b) Apply to any asbestos abatement project; and

(c) Provide training, licensing, and certification standards for implementation of OAR 340-248-0205 through 340-248-0280, Emission Standards and Procedural Requirements for Asbestos.

(2) OAR 340-248-0100 through 340-248-0180 do not apply to:

(a) An asbestos abatement project exempted by OAR 340-248-0250(2)(a); and

(b) Persons performing vehicle brake and clutch maintenance or repair.

~~Stat. Auth.: ORS 468.065, ORS 468A.745 & ORS 468A.750~~ Stat. Auth.: [ORS 468.020, ORS 468A.025, ORS 468A.135 & ORS 468A.745](#)

~~Stats. Implemented: ORS 468A.745~~ Stats. Implemented: [ORS 468A.700 - ORS 468A.760](#)

Hist.: DEQ 10-1988, f. 5-19-88, cert. ef. 5-19-88 (and corrected 6-3-88); DEQ 18-1991, f. & cert. ef. 10-7-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1993, f. & cert. ef. 11-4-93; DEQ 19-1994, f. 9-6-94, cert. ef. 10-1-94; DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0010; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

## **340-248-0110**

### **General Provisions**

- (1) Any person performing an asbestos abatement project must be certified, unless exempted by OAR 340-248-0100(2).
- (2) An owner or operator [of a demolition or renovation activity of a facility](#) may not allow any persons other than ~~those~~-employees of the ~~facility~~-owner or operator [of a demolition or renovation activity](#) who are appropriately certified or ~~a~~-licensed asbestos abatement contractors to perform an asbestos abatement project in or on that facility.
- (3) Any contractor that performs an asbestos abatement project must be licensed by ~~the Department~~[DEQ](#) under the provisions of OAR 340-248-0120.
- (4) Any person acting as the supervisor for any asbestos abatement project must be certified by ~~the Department~~[DEQ](#) as a supervisor under the provisions of OAR 340-248-0130.
- (5) Any person engaged in or working on any asbestos abatement project must be certified by ~~the Department~~[DEQ](#) as a worker or a supervisor under the provisions of OAR 340-248-0130.
- (6) A certified supervisor is required to be present on each asbestos abatement project other than a small-scale short-duration [renovating and maintenance](#) activity.
- (7) Each training provider for asbestos abatement certification must be accredited by ~~the Department~~[DEQ](#) under the provisions of OAR 340-248-0140.
- (8) Each person licensed, certified, or accredited by ~~the Department~~[DEQ](#) under the provisions of this ~~D~~ivision must comply with OAR 340-248-0005 through 340-248-~~0290-0280~~ and maintain a current address on file with ~~the Department~~[DEQ](#). Failure to comply with this paragraph will subject such persons to suspension or revocation of license, certification, or accreditation.

(9) ~~The Department~~ DEQ may require training providers to ask applicants to provide their social security number and to retain records of those numbers for ~~the~~ Department DEQ's use in identifying and tracking workers and supervisors. Trainers must notify each applicant that providing their social security number is voluntary and explain how ~~the Department~~ DEQ proposes to use the social security number.

(10) A regional air pollution authority which has been delegated authority under OAR 340-244-0020(2) may inspect for and enforce against violations of licensing and certification regulations. A regional air pollution authority may not approve, deny, suspend or revoke a training provider accreditation, contractor license, or worker certification, but may refer violations to ~~the Department~~ DEQ and recommend denials, suspensions, or revocations.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.707

Hist.: DEQ 10-1988, f. & cert. ef. 5-19-88 (and corrected 6-3-88); DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90); DEQ 18-1991, f. & cert. ef. 10-7-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1993, f. & cert. ef. 11-4-93; DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0030; DEQ 1-2002, f. & cert. ef. 2-4-02

### **340-248-0120**

#### **Contractor Licensing**

(1) Any contractor performing an asbestos abatement project must be licensed by ~~the~~ Department DEQ.

(2) Application for licenses must be submitted on forms prescribed by ~~the~~ Department DEQ and must be accompanied by the following:

(a) Documentation that the contractor, or the contractor's employee representative, is a certified supervisor;

(b) Certification that the contractor has read and understands the applicable Oregon and federal rules and regulations on asbestos abatement and agrees to comply with the rules and regulations;

(c) A list of all certificates or licenses, issued to the contractor by any other jurisdiction, that have been suspended or revoked during the past year, and a list of any asbestos-related enforcement actions taken against the contractor during the past year;

(d) A list of additional project supervisors for asbestos abatement projects and their certification numbers;

(e) A summary of all asbestos abatement projects conducted by the contractor during the past 12 months; and

(f) A license application fee.

(3) ~~The Department~~DEQ will review the application for completeness. If the application is incomplete, ~~the Department~~DEQ will notify the applicant in writing of the deficiencies.

(4) ~~The Department~~DEQ will deny, in writing, a license to a contractor who has not satisfied the license application requirements.

(5) ~~The Department~~DEQ will issue a license to the applicant after the license is approved.

(6) A license is valid for a period of 12 months but will be extended pending ~~the Department~~DEQ's review of a renewal application provided the renewal application is filed with ~~the Department~~DEQ no later than 60 days before the expiration date of the contractor's license.

(7) Renewals:

(a) License renewals must be applied for in the same manner as required for the initial license;

(b) For renewal, the contractor or employee representative must have a valid certified supervisor card; and

(c) The complete renewal application must be submitted no later than 60 days before the license expiration date.

(8) ~~The Department~~DEQ may suspend or revoke a license if the licensee:

(a) Fraudulently obtains or attempts to obtain a license; ~~or~~

(b) Fails at any time to satisfy the qualifications for a license; ~~or~~

(c) Fails to meet any applicable state or federal standard relating to asbestos abatement; ~~or~~

(d) Permits an untrained or uncertified worker to work on an asbestos abatement project; ~~or~~

(e) Employs a worker who fails to comply with applicable state or federal rules or regulations relating to asbestos abatement; ~~or~~

(f) Fails to make current certification cards readily available at worksites for inspection by ~~the Department~~ [DEQ](#); or

(g) Fails to pay delinquent application fees, notification fees, or civil penalty assessments.

(9) A contractor whose license has been revoked may reapply for a license after demonstrating to ~~the Department~~ [DEQ](#) that the cause of the revocation has been resolved.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.707

Hist.: DEQ 10-1988, f. & cert. ef. 5-19-88 (and corrected 6-3-88); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0040; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

### **340-248-0130**

#### **Certification**

(1) Any persons working on an asbestos abatement project must be either an ~~an Oregon~~ certified supervisor or certified worker. A certified supervisor may work as a certified worker without having separate certification as a worker.

(2) Application for Certification -- General Requirements:

(a) Any person wishing to become a certified supervisor or relying on prior training, as provided in OAR 340-248-0160 must apply to ~~the Department~~ [DEQ](#), through the training provider, for certification.

(b) Any person applying for worker certification without prior training and any certified worker taking a refresher course must apply directly to the accredited training provider using ~~Department~~ [DEQ](#)-approved forms.

(3) An application to be a certified supervisor must include:

(a) Documentation that the applicant has successfully completed the supervisor-level training and examination as specified in OAR 340-248-0150 ~~and the Department~~ [DEQ's Asbestos Training Guidance Document](#); and

(b) Documentation that the applicant has: [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.](#)

~~(A) Been certified as a worker and has at least three months of asbestos abatement experience, including time on powered air purifying respirators and experience on at least five separate asbestos abatement projects; or~~

~~(B) Successfully completed certified worker training and six months of general construction, environmental or maintenance supervisory experience demonstrating skills to independently plan, organize and direct personnel in conducting an asbestos abatement project. The Department will determine if an applicant's experience satisfies those requirements.~~

(4) An application to be a certified worker must include documentation that the applicant has successfully completed the level of training and examination as specified in OAR 340-248-0150, ~~and the Department~~DEQ's Asbestos Training Guidance Document.

(5) A typed certification card and a certificate of course completion will be issued by the training course provider to an applicant who has fulfilled the requirements of certification.

(6) Certification at all levels is valid for one year after the date of issue.

(7) Annual Recertification:

(a) Previously certified Oregon workers and supervisors must apply through the training provider to take recertification refresher courses;

(b) Applicants for re-certification must possess a valid certification card in order to take the refresher course;

(c) All certified supervisors and workers must complete an annual recertification course during the three months before the expiration date of their certification card. A certified supervisor or worker may reinstate certification by taking the appropriate refresher course up to one year after the expiration date of the current Oregon certification card. After that time, such persons must take the initial course to be recertified.

(8) A current worker certification card must be readily available for inspection by ~~the~~ DepartmentDEQ at each asbestos abatement project for each worker or supervisor engaged in asbestos abatement activities.

(9) Suspensions and Revocations: ~~The Department~~DEQ may suspend or revoke a person's certification if the person:

(a) Fails to comply with state or federal asbestos abatement regulations; ~~or~~

(b) Performs asbestos removal without having physical possession of a current certification card; ~~or~~

(c) Permits the use or duplication of one's certification card or certificate by another; ~~or~~

(d) Obtains certification from a training provider that does not have ~~the~~ ~~Department~~ DEQ's or the EPA's approval to offer training for the particular discipline; or

(e) Fails to pay delinquent application fees, or civil penalties.

(10) A person whose certification has been revoked may not apply for recertification until 12 months after the revocation date.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468.020 & ORS 468A.025

Hist.: DEQ 10-1988, f. & cert. ef. 5-19-88 (and corrected 6-3-88); DEQ 9-1989(Temp), f. & cert. ef. 6-7-89; DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90); DEQ 18-1991, f. & cert. ef. 10-7-91; DEQ; DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95; DEQ 26-1995, f. & cert. ef. 12-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0050; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

### **340-248-0140**

#### **Training Provider Accreditation**

(1) General:

(a) Any person may apply to become an Oregon accredited asbestos training provider under this ~~D~~division.

(b) Only training providers accredited by ~~the Department~~ DEQ may offer training in Oregon to satisfy the certification requirements contained in this ~~D~~division.

(c) ~~The Department~~ DEQ will accredit each individual training course.

(d) Course instructors must have academic credentials, demonstrated knowledge, prior training, or field experience in their respective training roles.

(e) Training course providers must permit representatives of ~~the Department~~ DEQ or its designee to attend, evaluate and monitor any training course without charge. ~~The Department~~ DEQ is not required to give advance notice of its inspection. ~~The Department~~ DEQ may suspend or withdraw approval of a training course based upon the grounds specified in OAR 340-248-0140(4).

(f) All initial worker and supervisor certification training, or initial refresher training involving persons wishing to be certified in Oregon using prior training from an EPA approved accreditation or certification course, must take place in Oregon.

(g) ~~The Department~~ DEQ may require accredited training providers to pay a fee to cover the reasonable travel expenses for one ~~Department~~ DEQ representative to audit for compliance with this ~~D~~ivision any accredited refresher course that is not offered in the State of Oregon. This fee is an addition to the standard accreditation application fee.

(2) Application for Accreditation:

(a) Applications for accreditation must be submitted to ~~the Department~~ DEQ in writing on forms provided by ~~the Department~~ DEQ and include the information required by this section:

(A) Name, address, telephone number of the firm, individual(s), or sponsors conducting the course, including the name under which the training provider intends to conduct the training;

(B) The type of course(s) for which approval is requested;

(C) A detailed course outline showing topics covered and the amount of time given to each topic, and includes working with asbestos-substitute materials, fitting and using respirators, use of glove -bag, donning protective clothing and constructing a decontamination unit, the number of students to be accommodated; the number of instructors; and the amount of time for hands-on skill training;

(D) A copy of the course manual, instructor notebooks and all printed material to be distributed in the course;

(E) A description of teaching methods to be employed, including description of audio-visual materials to be used. Upon ~~the Department~~ DEQ's request the applicant must provide copies of the materials. Any audio-visual materials provided to ~~the Department~~ DEQ will be returned to the applicant;

(F) A description of the hands-on facility to be utilized including protocol for instruction;

(G) A description of the equipment that will be used during classroom lectures and hands-on training;

(H) A list of all personnel involved in course preparation and presentation and a description of the background, special training and qualification of each, as well as the subject matter covered by each;

(I) A copy of each written examination to be given including the scoring methodology to be used in grading the examination; and a detailed statement about the development and validation of the examination;

(J) A list of the tuition or other fees required;

(K) A sample of the certificate of completion;

(L) A description of the procedures and policies for re-examination of students who do not successfully complete the training course examination;

(M) A list of any states or accrediting systems that approve the training course;

(N) A description of student evaluation methods (other than written examination to be used) associated with the hands-on skill training and course evaluation methods used by students;

(O) Any restriction on attendance such as class size, language, affiliation, or target audience of class;

(P) A description of the procedure for issuing replacement certification cards to workers who were issued a certification card by the training provider within the previous 12 months and whose cards have been lost or destroyed;

(Q) Any additional information or documentation ~~the Department~~[DEQ](#) may require in order to evaluate the adequacy of the application; and

(R) The accreditation application fee.

(b) The training provider must retain a copy of the application materials listed above for at least three years. Such applications must be made available for inspection by ~~the Department~~[DEQ](#) or its designees upon request.

(c) Application for initial training course accreditation and course materials must be submitted to ~~the Department~~[DEQ](#) at least 45 days before the requested approval date.

(d) Upon approval of an initial or refresher asbestos training course, ~~the Department~~[DEQ](#) will issue a certificate of accreditation. The certificate is valid for one year from the date of issuance.

(e) Application for renewal of accreditation must follow the procedures described for the initial accreditation. In addition, course instructors must demonstrate that they have maintained proficiency in their instructional specialty and adult training methods during the 12 months before renewal.

(3) Training Provider Administrative Tasks. Accredited training providers must perform the following as a condition of accreditation:

(a) Administer the training course only to those persons who have been approved by ~~the Department~~DEQ, or have surrendered their expired certification cards to the trainer and others who are otherwise qualified according to these rules. Such persons may take the examination to complete the training course.

(b) Issue a numbered certificate and a photo certification card to each student who successfully passes the training course examination and meets all other requirements for certification. Each certificate and photo certification card must include:

(A) A unique certificate number;

(B) Name of certified person;

(C) Training course completed;

(D) Dates of the training course;

(E) Date of the examination;

(F) An expiration date of one year after the date upon which the person successfully completed the course and examination;

(G) The name, address, and telephone number of the training provider that issued the certificate; and

(H) A statement that the person receiving the certificate has completed the requisite training for asbestos certification as specified in OAR-340-248-0130.

(c) Provide ~~the Department~~DEQ with advance payment for each certificate to be issued.

(d) Utilize and distribute to all class participants, as part of the course information, ~~or~~ training aides furnished by ~~the Department~~DEQ.

(e) Provide ~~the Department~~DEQ with a monthly class schedule at least one week before the schedule begins. Notification must include time and location of each course.

Training providers must obtain approval from ~~the Department~~DEQ before any class taking place that is not on ~~their~~ the provider's monthly schedule, and if the trainer wishes to hold a class with less than one week advanced notice.

(f) Training Providers must comply with the following recordkeeping requirements:

(A) Maintain the training records required by this subsection for a minimum of three years and make them readily available for inspection by ~~the Department~~[DEQ](#) or its designee.

(B) Retain copies of all instructional materials used during each classroom course.

(C) Retain copies of all instructor resumes and instructor approvals issued by either ~~the Department~~[DEQ](#) or US EPA.

(D) Document the following information for each accredited course:

(i) The date the exam was given;

(ii) Training course for which the exam was given;

(iii) The name of the exam proctor;

(iv) The name and score of each person taking the exam and a single copy of the exam;

(v) Attendance record;

(vi) Course evaluation form; and

(vii) The names of the instructors for each part of the course offered.

(E) Maintain records of certificates issued to students, including the following information:

(i) Name, address, telephone number, social security number of person receiving the certificate;

(ii) Certificate number given to each person;

(iii) Photograph of each person;

(iv) Discipline for which the certificate was given; and

(v) Dates of training and certificate expiration.

(F) If a training provider is not accredited or ceases to give asbestos worker certification training, the training provider must notify and allow ~~the Department~~[DEQ](#) to take possession of the records for lawful disposition.

(G) Submit certification class information to ~~the Department~~[DEQ](#) within 30 days after the end of each training class or as directed by ~~the Department~~[DEQ](#).

(g) Notify ~~the Department~~ DEQ before issuing a replacement certification card.

(h) Have a current accreditation certificate at the training location.

(4) Denial, Suspension or Revocation of Accreditation. ~~The Director~~ DEQ may deny, suspend, or revoke an application or current accreditation for any of the reasons contained in this section. ~~The Department~~ DEQ will issue a notice of denial, suspension, or revocation specifying the reasons for the action and any conditions that must be met before the certificate will be issued or reinstated. Applicants may appeal the Director's determination by requesting a contested case hearing pursuant to the provisions of OAR chapter 340 division 11. The following are considered grounds for denial, revocation or suspension:

(a) Misrepresenting the extent of a training course's approval by a State or the EPA; ~~or~~

(b) Failing to submit required information or notifications in a timely manner; ~~or~~

(c) Failing to report to ~~the Department~~ DEQ any change in staff or program which substantially deviates from the information contained in the application; ~~or~~

(d) Failing to maintain requisite records; ~~or~~

(e) Falsifying accreditation records, instructor qualifications, or other accreditation information; ~~or~~

(f) Failing to adhere to the training standards and requirements of this ~~D~~ division; ~~or~~

(g) Failing to comply with the administrative tasks and any other requirement of this ~~D~~ division; ~~or~~

(h) Providing concurrent training for either initial or refresher courses for supervisors and asbestos workers; ~~or~~

(i) Failing to pay delinquent application fees, notification fees, or civil penalties; or

(j) ~~The Department may suspend or withdraw a training course's approval if a~~ An approved training course instructor or other person with supervisory authority over the delivery of training violates any other asbestos regulations administered by ~~the Department~~ DEQ, EPA or any other government agency ~~ies~~.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468.020 & ORS 468A.025

Hist.: DEQ 10-1988, f. & cert. ef. 5-19-88 (and corrected 6-3-88); DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95; DEQ 26-1995, f. & cert. ef. 12-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0060; DEQ 1-2002, f. & cert. ef. 2-4-

02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

### 340-248-0150

#### General Training Standards

(1) The training provider must limit each class to a maximum of 25 participants unless ~~the Department~~ [DEQ](#) grants an exception in writing. The student to instructor ratio for hands-on training must be equal to or less than ten to one (10:1). To apply for an exception allowing class size to exceed 25, the course sponsor must submit the following information in writing to ~~the Department~~ [DEQ](#) and receive approval before expanding the class size:

- (a) The new class size limit;
- (b) The teaching methods and techniques for training the proposed larger class;
- (c) The protocol for conducting the written examination; and
- (d) Justification for a larger class size.

(2) Course instructors must have academic credentials, demonstrated knowledge, prior training, or field experience in their respective training roles.

(3) ~~The Department~~ [DEQ](#) may require any accredited training provider to use examinations developed by ~~the Department~~ [DEQ](#) in lieu of the examinations offered by the training provider.

(4) Courses of instruction required for certification must be specific for each of the certificate categories and must be in accordance with ~~the Department~~ [DEQ](#)'s requirements. The course instruction must be presented through a combination of lectures, demonstrations, and hands-on practice.

(5) Courses requiring hands-on training must provide participants actual experience performing tasks associated with asbestos abatement. Demonstrations not involving individual participation are unacceptable as a substitute for hands-on training.

(6) Any person seeking certification as a supervisor must successfully complete an accredited training course of at least five training days [by a DEQ accredited training provider](#). ~~that satisfies the elements contained in the Department~~ [DEQ Asbestos Training Guidance Document](#). The training course must include lectures, demonstrations, at least 14 hours of hands-on training, individual respirator fit testing, course review, and a written examination consisting of multiple choice questions. To successfully complete the course, the candidate must attend the lectures and

demonstrations, fully participate in the hands-on training, and achieve a passing score on the closed book examination.

(7) Any person seeking certification as a worker must successfully complete an accredited training course of at least four training days by a DEQ accredited training provider. ~~as outlined in the Department DEQ Asbestos Training Guidance Document.~~ The training course must include lectures, demonstrations, at least 14 hours of actual hands-on training, individual respirator fit testing, course review, and an examination of multiple choice questions. To successfully complete the course, the candidate must attend the lectures and demonstrations, fully participate in the hands-on training, and achieve a passing score on the closed book examination.

(8) Refresher training consists of one training day for certified supervisors and workers. The refresher courses must include a review of key areas of initial training, and updates, ~~and an examination of multiple choice questions as outlined in the Department DEQ Asbestos Training Guidance Document.~~ To successfully complete the course, the candidate must attend the course, fully participate in any hands-on training, and achieve a passing score on the closed book examination.

~~[Publications: Publications referenced are available from the agency.]~~

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 10-1988, f. & cert. ef. 5-19-88 (and corrected 6-3-88); DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0070; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

### **340-248-0160**

#### **Prior Training**

A candidate may rely on successful completion of a training course accredited by a governmental agency other than ~~the Department DEQ~~ to satisfy the training and examination requirements of OAR 340-248-0130 and 340-248-0140 if all of the following conditions are met:

(1) ~~The Department DEQ~~ determines that the course and examination requirements are equivalent to or exceed the requirements of OAR 340-248-0130 and 340-248-0140 ~~and the Department DEQ's Asbestos Training Guidance Document~~ for the level of certification sought or ~~the Department DEQ~~ has a reciprocity agreement with the other jurisdiction.

(2) To qualify for a refresher course and certification, prior training must have occurred during the two years preceding the date the applicant applies to ~~the Department DEQ~~.

Applicants must have a current certification from EPA or an equivalent certification from another state when applying under this section.

~~[Publications: Publications referenced are available from the agency.]~~

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 10-1988, f. & cert ef. 5-19-88 (and corrected 6-3-88); DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90); DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0080; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

### **340-248-0170**

#### **Reciprocity**

~~The Department~~ DEQ may develop reciprocity agreements with other jurisdictions regarding all activities under this ~~D~~ division.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 10-1988, f. & cert ef. 5-19-88 (and corrected 6-3-88); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0090

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

#### **Fees**

(1) ~~The Department~~ 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 for a one-year accreditation to provide a course for training asbestos supervisors;

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

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

(d) The Asbestos Abatement Project Notification fees ~~as required in~~ 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.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 10-1988, f. & cert. ef. 5-19-88 (and corrected 6-3-88); DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90); DEQ 18-1991, f. & cert. ef. 10-7-91; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 19-1994, f. 9-6-94, cert. ef. 10-1-94; DEQ 15-1995, f. 6-16-95, cert. ef. 7-1-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-033-0100; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

## **Asbestos Emission Standards and Procedural Requirements**

### **340-248-0205**

#### **General Provisions**

(1) No person may openly accumulate friable asbestos material or asbestos-containing waste material.

(2) Contractors working on asbestos abatement projects at secure facilities must ensure that all security clearance requirements are completed before asbestos abatement projects at secure facilities start so ~~Department~~ that DEQ inspectors may gain immediate access to perform required asbestos project inspections.

(3) No person may engage in ~~Any asbestos-containing material that is subjected to sanding, grinding, sawing, or abrading of asbestos-containing material unless during such activity the material is~~ must be handled and disposed of as friable asbestos material as provided in this division.

(4) The content of asbestos in any asbestos-containing material must be determined using the method specified in 40 CFR Part 763 Subpart E, Appendix E, Section 1, Polarized Light Microscopy or another method approved by ~~the Department~~ DEQ.

Stat. Auth.: ORS 468.020, ORS 468A.025, ORS 468A.135 & ORS 468A.745

Stats. Implemented: ORS 468A.700 - ORS 468A.760

Hist.: DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

### **340-248-0210**

#### **Asbestos Requirements for Mills, Roadways and Parking lots, and Manufacturing Operations**

(1) Emission standard for asbestos mills. No person may cause or allow to be discharged into the atmosphere any visible emissions, including fugitive emissions, from any asbestos milling operation except as provided under OAR 340-248-0275(2) Air Cleaning. For purposes of this rule, the presence of uncombined water in the emission plume is not a violation of the visible emission requirement. Outside storage of asbestos materials is not part of an asbestos mill operation. The owner or operator of an asbestos mill must meet the following requirements:

(a) Monitor each potential source of asbestos emissions from any part of the mill facility, including air cleaning devices, process equipment, and buildings that house equipment for material processing and handling, at least once each day, during daylight hours, for visible emissions to the outside air during periods of operations. The monitoring must be by visual observation of at least 15 seconds duration per source of emissions.

(b) Inspect each air cleaning device at least once each week for proper operation and for changes that signal the potential for malfunction including, to the maximum extent possible without dismantling other than opening the device, the presence of tears, holes, and abrasions in filter bags and for dust deposits on the clean side of bags. For air cleaning devices that cannot be inspected on a weekly basis, submit to ~~the~~ [Department DEQ](#), revise as necessary, and implement a written maintenance plan to include, at a minimum, a maintenance schedule and recordkeeping plan.

(c) Maintain records of the results of visible emissions monitoring and air cleaning device inspections using a format approved by ~~the~~ [Department DEQ](#) and including the following information:

(A) Date and time of each inspection;

(B) Presence or absence of visible emissions;

(C) Condition of fabric filters, including presence of any tears, holes, and abrasions;

(D) Presence of dust deposits on clean side of fabric filters;

(E) Brief description of corrective actions taken, including date and time; and

(F) Daily hours of operation for each air cleaning device.

(d) Furnish upon request, and make available at the affected facility during normal business hours for inspection by ~~the Department~~ [DEQ](#), all records required under this section.

(e) Retain a copy of all monitoring and inspection records for at least two years.

(f) Submit a copy of visible emission monitoring records to ~~the Department~~ [DEQ](#) quarterly. The quarterly reports must be postmarked by the 30th day following the end of the calendar quarter.

(g) Asbestos-containing waste material produced by any asbestos milling operation must be disposed of according to OAR 340-248-0280 ~~and 0290~~.

(2) Roadways and Parking Lots. No person may construct or maintain, or allow to be constructed or maintained a roadway with asbestos tailings or asbestos-containing waste material on that roadway, unless (for asbestos tailings):

(a) It is a temporary roadway on an area of asbestos ore deposits (asbestos mine); ~~or~~

(b) It is a temporary roadway at an active asbestos mill site and is encapsulated with a resinous or bituminous binder. The encapsulated road surface must be maintained at least once per calendar year or within 12 months of road construction to prevent dust emissions; or

(c) It is encapsulated in asphalt concrete meeting the specifications contained in Section 401 of **Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-85, 1985**, or their equivalent.

(3) Manufacturing. No person may cause or allow to be discharged into the atmosphere any visible emissions, except as provided in OAR 340-248-0275(2), from any building or structure in which manufacturing operations utilizing commercial asbestos are conducted, or directly from any such manufacturing operations if they are conducted outside buildings or structures, or from any other fugitive emissions. All asbestos-containing waste material produced by any manufacturing operation must be disposed of according to OAR 340-248-0280 ~~and 0290~~. Visible emissions from boilers or other points not producing emissions directly from the manufacturing operation and having no possible asbestos material in the exhaust gases are not a violation of this rule. The presence of uncombined water in the exhaust plume is not a violation of the visible emission requirements:

(a) Applicability. Manufacturing operations subject to this rule are as follows:

(A) The manufacture of cloth, cord, wicks, tubing, tape, twine, rope, thread, yarn, roving, lap, or other textile materials;

(B) The manufacture of cement products;

- (C) The manufacture of fire proofing and insulating materials;
  - (D) The manufacture of friction products;
  - (E) The manufacture of paper, millboard, and felt;
  - (F) The manufacture of floor tile;
  - (G) The manufacture of paints, coatings, caulks, adhesives, or sealants;
  - (H) The manufacture of plastics and rubber materials;
  - (I) The manufacture of chlorine, using asbestos diaphragm technology;
  - (J) The manufacture of shotgun shell wads;
  - (K) The manufacture of asphalt concrete; and
  - (L) Any other manufacturing operation that results or may result in the release of asbestos material to the ambient air.
- (b) The owner or operator of the manufacturing operation must monitor each potential source of asbestos emissions from any part of the manufacturing facility, including air cleaning devices, process equipment, and buildings housing material processing and handling equipment. Monitoring must be done at least once each day during daylight hours for visible emissions to the outside air during periods of operation and be by visual observation of at least 15 seconds duration per source of emissions.
- (c) The owner or operator of the manufacturing operation must inspect each air cleaning device at least once each week for proper operation and for changes that signal the potential for malfunctions, including, to the maximum extent possible without dismantling other than opening the device, the presence of tears, holes, and abrasions in filter bags and for dust deposits on the clean side of bags. For air cleaning devices that cannot be inspected on a weekly basis, submit to ~~the Department~~[DEQ](#), revise as necessary, and implement a written maintenance plan to include, at a minimum, a maintenance schedule and recordkeeping plan.
- (d) The owner or operator of a manufacturing operation must maintain records of the results of visible emission monitoring and air cleaning device inspections using a format approved by ~~the Department~~[DEQ](#) and including the following information:
- (A) Date and time of each inspection;
  - (B) Presence or absence of visible emissions;
  - (C) Condition of fabric filters, including presence of any tears, holes and abrasions;

(D) Presence of dust deposits on clean side of fabric filters;

(E) Brief description of corrective actions taken, including date and time; and

(F) Daily hours of operation for each air cleaning device.

(e) The owner or operator of a manufacturing operation must furnish upon request, and make available at the affected facility during normal business hours for inspection by ~~the Department~~ [DEQ](#), all records required under this section.

(f) The owner or operator of a manufacturing operation must retain a copy of all monitoring and inspection records for at least two years.

(g) The owner or operator of a manufacturing operation must submit quarterly a copy of the visible emission monitoring records to ~~the Department~~ [DEQ](#) if visible emissions occurred during the report period. Quarterly reports must be postmarked by the 30th day following the end of the calendar quarter.

(h) Asbestos-containing waste material produced by any asbestos manufacturing operation must be disposed of according to OAR 340-248-0280 ~~or 340-248-0290~~.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 96, f. 9-2-75, ef. 9-25-75; DEQ 22-1982, f. & ef. 10-21-82; DEQ 9-1988, f. 5-19-88 (and corrected 6-3-88), ef. 6-1-88; DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90 & 7-8-91); DEQ 8-1990, f. 3-13-90, cert. ef. 4-23-90; DEQ 18-1991, f. & cert. ef. 10-7-91; Section (4)(a) - (d) renumbered to 340-025-0466; Section (5)(a-d) renumbered to 340-025-0467; Sections (6) - (12) renumbered to 340-025-0468; Sections (13) - (15) renumbered to 340-025-0469; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1993, f. & cert. ef. 11-4-93; Renumbered from 340-025-0465; DEQ 15-1995, f. & cert. ef. 6-16-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5600; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

### **340-248-0220**

#### **Reporting Requirements for Asbestos Sources Using Air Cleaning Devices**

(1) New sources covered by this rule must submit the requested information 90 days before initial startup. ~~Existing sources covered by this rule must comply by March 1, 1996.~~ Changes in the information provided to ~~the Department~~ [DEQ](#) must be submitted within 30 days after the change.

(2) Sources covered by OAR 340-248-0210(1) Mills, 340-248-0210(3) Manufacturing, 340-248-0275(4) Fabricating, and 340-248-0230 Asbestos to Nonasbestos Conversion Operations, must provide the following information to ~~the Department~~DEQ:

(a) A description of the emission control equipment used for each process; ~~and~~

(b) If a fabric filter device is used to control emissions:

(A) The airflow permeability in m<sup>3</sup>/min/m<sup>2</sup> (ft<sup>3</sup>/min/ft<sup>2</sup>) if the fabric filter device uses a woven fabric, and, if the fabric is synthetic, whether the fill yarn is spun or not spun; and

(B) If the fabric filter device uses a felted fabric, the density in g/m<sup>2</sup> (oz/yd<sup>2</sup>), the minimum thickness in millimeters (inches), and the airflow permeability in m<sup>3</sup>/min/m<sup>2</sup> (ft<sup>3</sup>/min/ft<sup>2</sup>); ~~and~~.

(c) If a HEPA filter is used to control emissions, the certified efficiency.

(3) Sources covered by this rule and subject to OAR 340-248-0280(1) through 340-248-0280(9) ~~or 340-248-0290~~ must submit the following information:

(a) A brief description of each process that generates asbestos-containing waste material;

(b) The average volume of asbestos-containing waste material disposed of, measured in m<sup>3</sup>/day (yd<sup>3</sup>/day);

(c) The emission control methods used in all stages of waste disposal; and

(d) The type of disposal site or incineration site used for ultimate disposal, the name of the site operator, and the name and location of the disposal site.

(4) Sources covered by this rule and subject to OAR 340-248-0280(10) ~~or~~ 340-248-0280(11) ~~or 340-248-0290~~ must provide the following information:

(a) A brief description of the site; and

(b) The method or methods used to comply with the standards, or alternative procedures used.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 26-1995, f. & cert. ef. 12-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5604; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

### **340-248-0230**

#### **Asbestos to Nonasbestos Conversion Operations**

(1) 40 CFR Part 61.155 (~~July 1, 2001~~) is by this reference adopted and incorporated herein.

(2) The following substitutions are made in 40 CFR Part 61.155:

(a) "Administrator" means "Department";

(b) §61.150 means OAR 340-248-0280;

(c) §61.152 means OAR 340-248-0270(~~136~~)(1);

(d) §61.154 means OAR 340-248-0280;

(e) §61.154(e) means OAR 340-248-0280(10)(a)(C)-(G);

(f) §61.154(f) means OAR 340-248-0280(10)(b).

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 26-1995, f. & cert. ef. 12-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99,  
Renumbered from 340-032-5605; DEQ 1-2002, f. & cert. ef. 2-4-02

### **340-248-0240**

#### **Asbestos Inspection Requirements for Oregon Title V Operating Permit Program Sources**

This rule applies to renovation and demolition activities at major sources subject to the Oregon Title V Operating Permit program as defined in OAR 340-200-0020.

(1) To determine applicability of ~~the Department~~DEQ's asbestos regulations, the owner or operator of a renovation or demolition project must thoroughly survey, using an accredited inspector, the affected area for the presence of asbestos, including nonfriable asbestos. A copy of that survey report must remain on site during any demolition or renovation activity.

(2) For demolition or renovation projects where no asbestos-containing material is present, written notification must be submitted to ~~the Department~~DEQ on an approved form. The notification must be submitted by the owner or operator of a demolition or renovation activity or by the demolition or renovation contractor as follows:

(a) Submit the notification, as specified in section (3) of this rule, to ~~the~~ [Department DEQ](#) at least ~~ten~~ 10 days before beginning any demolition project.

(b) Failure to notify ~~the~~ [Department DEQ](#) before any changes in the scheduled starting or completion dates or other substantial changes renders the notification of demolition void.

(3) The following information must be provided for each notification of demolition or renovation:

(a) Name, address, and telephone number of the person conducting the demolition or renovation;

(b) Contractor's Oregon demolition license number, if applicable;

(c) Certification that no asbestos was found during the predemolition asbestos survey and that if asbestos-containing material is uncovered during demolition the procedures found in OAR 340-248-0250 through 340-248-~~0290~~ 0280 will be followed;

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

(A) The age and present and prior use of the facility; and

(B) Address or location of the scheduled demolition project;

(e) Major source owner or operator name, address and phone number;

(f) Scheduled starting and completion dates of demolition work; and;

(g) Any other information requested on ~~the~~ [Department DEQ](#) form.

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 20-1993(Temp), f. & cert. ef. 11-4-93; DEQ 13-1994, f. & cert. ef. 5-19-94; DEQ 24-1994, f. & cert. ef. 10-28-94; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5610; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

**340-248-0250**

**Asbestos Abatement Project Exemptions**

(1) Any person who conducts or provides for the conduct of an asbestos abatement project must comply with the provisions of OAR 340 division 248 except as provided in this rule.

(2) The following asbestos abatement projects are exempt from certain provisions of this ~~D~~ivision ~~as listed in this Section~~:

(a) Asbestos abatement conducted inside a single private residence is exempt from OAR 340-248-0110 through 340-248-0180, 340-248-0210 through 340-248-0240 and 340-248-0260 through 340-248-0270 if the residence is occupied by the owner and the owner occupant is performing the asbestos abatement work.

(b) Asbestos abatement conducted outside of a single private residence by the owner is exempt from the notification requirements contained in OAR 340-248-0260, if the residence is not a rental property, a commercial business, or intended to be demolished.

~~(c) Renovation activities at residential buildings with four or fewer dwelling units are exempt from the provisions of OAR 340-248-0270(1).~~

~~(d)~~ Demolition ~~or~~ renovation activities at residential buildings with four or fewer dwelling units, that were constructed after January 1, 2004, are exempt from the provisions of OAR 340-248-0270(1).

~~(e)~~ Demolition ~~or~~ renovation activities at residential buildings with four or fewer dwelling units are exempt from the provisions of OAR 340-248-0270(1) if all of the materials at the affected facility are treated, removed, handled, managed, transported and disposed of as friable asbestos-containing material.

~~(f)~~ Projects involving the removal of mastics and roofing products that are fully encapsulated with a petroleum-based binder and are not hard, dry, or brittle are exempt from OAR 340-248-0110 through 340-248-0280 provided the materials are not made friable.

~~(g)~~ Projects involving the removal of less than three square feet or three linear feet of asbestos-containing material are exempt from OAR 340-248-0110 through 340-248-0180, ~~and~~ the notification requirements in 340-248-0260, and the survey requirements in 340-248-0270, provided that the removal of asbestos is not the primary objective, is part of a needed repair operation, and the methods of removal comply with OAR 437-003-1926.1101 Asbestos, paragraph (g) Methods of Compliance, in Division 3 Construction, Subdivision Z Toxic and Hazardous Substances. OAR 437 division 3 "Construction" Subsection Z and 29 C.F.R. 1926.1101(g) (1998). Asbestos abatement projects may not be subdivided into smaller sized units in order to qualify for this exemption.

~~(h)~~ Projects involving the removal of asbestos-containing materials that are sealed from the atmosphere by a rigid casing are exempt from OAR 340-248-0110 through 340-248-~~0280~~0275, provided the casing is not broken or otherwise altered such that

asbestos fibers could be released during removal, handling, and transport to an authorized disposal site.

~~(3) Any person who removes non friable asbestos containing material not exempted under OAR 340-248-0250(2) must comply with the following:~~

~~(a) Submit asbestos removal notification and the appropriate fee to the Department DEQ Business Office on a Department form in accordance with OAR 340-248-0260.~~

~~(b) Remove nonfriable asbestos materials in a manner that ensures the material remains nonfriable.~~

~~(c) A nonfriable asbestos abatement project is exempt from the asbestos licensing and certification requirements under OAR 340-248-0100 through 340-248-0180. The exemption ends whenever the asbestos containing material becomes friable.~~

(4) Emergency fire-fighting is not subject to this division.

(5) Asbestos-containing waste material that is handled and disposed of in compliance with a solid waste permit issued pursuant to under ORS chapter 459 is not subject to OAR 340-248-0205(1).

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 96, f. 9-2-75, ef. 9-25-75; DEQ 22-1982, f. & ef. 10-21-82; DEQ 9-1988, f. 5-19-88 (and corrected 6-3-88), ef. 6-1-88; DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90 & 7-8-91); DEQ 8-1990, f. 3-13-90, cert. ef. 4-23-90; DEQ 18-1991, f. & cert. ef. 10-7-91, Section (1)(a) - (d) renumbered from 340-025-0465(4)(a) - (d); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1993, f. & cert. ef. 11-4-93, Renumbered from 340-025-0466; DEQ 19-1994, f. 9-6-94, cert. ef. 10-1-94; DEQ 15-1995, f. & cert. ef. 6-16-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5620; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03; DEQ 11-2015(Temp), f. 12-10-15, cert. ef. 1-1-16 thru 6-28-16; DEQ 3-2016, f. & cert. ef. 4-21-16

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

#### **Asbestos Abatement Notification Requirements**

Except as provided for in OAR 340-248-0250, written notification of any asbestos abatement project must be provided to ~~the Department~~ DEQ on a form prepared by and available from ~~the Department~~ DEQ, accompanied by the appropriate non-refundable notification 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 in accordance with one of the procedures specified in sections (1), (2), ~~or~~ (3) or (4) of this

rule except as provided in sections (5), (6), ~~or~~ and (7). A notification revision must be submitted by the facility owner or operator, by the owner or operator of a demolition or renovation activity, or by the contractor in accordance with section (8) of this rule.

(1) ~~Submit the n~~Notifications as specified in section (4) of this rule and the project non-refundable notification fee must be received by ~~to the Department~~DEQ at least ~~ten~~10 days before beginning any friable asbestos abatement project and at least five days before beginning any non-friable asbestos abatement project.

(a) The project non-refundable notification fee is:

(A) \$100 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 non-friable asbestos abatement project not subject to paragraph (K).

(B) \$200 for each project that will abate more~~greater~~ 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 for each project ~~greater~~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 for each project ~~greater~~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 for each project ~~greater~~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 for each project that will abate more ~~greater~~ 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 for each project that will abate more ~~greater~~ 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 for each project that will abate more ~~greater~~ 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 for each project that will abate more ~~greater~~ than 260,000 linear feet or 160,000 square feet of asbestos-containing material.

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

(K) \$500 for annual notifications for non-friable asbestos abatement projects performed at schools, colleges, and facilities.

(b) Project non-refundable notification fees must accompany the project notification form. Notification has not occurred until the completed notification form and appropriate ~~notification~~ fee is received by ~~the Department~~ DEQ.

(c) ~~The Department~~ DEQ may waive the ~~ten~~ 10-day ~~and the five-day~~ notification requirement in section (1) 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; ~~or~~ and

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

(d) ~~The Department~~ DEQ may waive the ~~ten~~ 10-day ~~and the five-day~~ notification requirement in section (1) 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 notify the Department DEQ by telephone before commencing 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. In any case, notification as specified in section (4) of this rule and the appropriate non-refundable fee must be submitted to ~~the Department~~ DEQ within three days of commencing emergency or unexpected event asbestos abatement projects.

~~(f) Failure to notify the Department before any changes in the scheduled starting or completion dates or other substantial changes will render the notification void.~~

~~(g)~~ The duration of the an asbestos abatement project 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 shall 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 non-refundable notification fee. ~~If an asbestos project equal to or greater than 2,600 linear feet or 1,600 square feet continues for more than one year from the original start date of the project a new notification and fee must be submitted annually thereafter until the project is complete.~~

~~(h) Residential buildings include: site built homes, modular homes constructed off site, mobile homes, condominiums, and duplexes or other multi-unit residential buildings consisting of four units or less.~~

(2) An owner or operator of a demolition or renovation activity or contractor may submit ~~An~~ annual notification for ~~small-scale~~ friable asbestos abatement projects. ~~This notification may be used only for projects~~ where no more than 40 linear or 80 square feet of asbestos-containing material is removed at each project. ~~The small-scale f~~ 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. Submit the notification as follows:

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

(b) ~~Maintain on file with the Department a general asbestos abatement plan. The plan~~ The notification must contain the information specified in subsections (4)(a) through (4)(i) of this rule to the extent possible.

(c) Provide to ~~the Department~~ DEQ on a Department 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 (4)(i) through (4)(l) of this rule for each project; ~~a description of any significant variations from the general asbestos abatement plan; and a description of asbestos abatement projects anticipated for the next quarter when possible.~~

(d) Provide to ~~the Department~~ 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 non-refundable fee prior to use of this notification procedure.

(f) Failure to provide payment for use of this notification procedure will void the ~~general asbestos abatement plan~~ notification and each subsequent abatement project will be individually assessed a project non-refundable notification fee.

(3) Annual non-friable asbestos abatement projects may only be performed at schools, colleges, and facilities where the removal work is done by certified asbestos abatement workers. Submit the notification as follows:

(a) Establish eligibility for use of this notification procedure with ~~the Department~~[DEQ](#) prior to use.

(b) ~~Maintain on file with the Department a general non friable asbestos abatement plan. The plan~~[The notification](#) must contain the information specified in subsections (4)(a) through (4)(i) of this rule to the extent possible.

(c) Provide to ~~the Department~~[DEQ on a Department](#)[DEQ form](#), a summary report of all non-friable 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 (4)(i) through (4)(l) of this rule for each project, ~~a description of any significant variations from the general asbestos abatement plan, and a list describing the non friable asbestos abatement projects anticipated for the next quarter, when possible.~~

(d) Submit project notification and [non-refundable](#) fee prior to use of this notification procedure.

(e) Failure to provide payment for use of this notification procedure will void the ~~general non friable asbestos abatement plan~~[notification](#) and each subsequent non-friable abatement project will be individually assessed a project [non-refundable](#) notification fee.

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

(4) 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 non-friable asbestos abatement projects, the name of the supervising person that meets Oregon OSHA's competent person qualifications as required in [29 CFR 1926.1101\(b\)](#), ~~adopted by reference under OAR 437-003-0001 (25).~~~~(OAR 437, division 3 "Construction," Subdivision Z, 1926.1101(b) "Competent person," (2/10/1994).~~

(c) Method of asbestos abatement to be employed.

(d) Procedures to be employed to insure compliance with OAR 340-248-0270 through 340-248-~~0290~~[0280](#).

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

(f) Name and address or location of the permitted disposal site~~waste 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 ~~age~~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) ~~Facility owner or operator~~ Full name, address, and phone number of, and the same information for the owner or operator of a demolition or renovation activity, if different than the facility owner or operator.

(j) ~~Scheduled starting~~ Starting and completion dates of asbestos abatement work. ~~and of the demolition or renovation project.~~

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

(l) Amount of asbestos containing material to be abated; linear feet; or square feet; ~~thickness.~~

(m) For facilities described in OAR 340-248-0270(~~87~~)(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) Any other information requested on the ~~Department~~ DEQ form.

(5) The project non-refundable notification fees specified in this section will be increased by 50% when an asbestos abatement project is commenced without filing ~~of~~ a project notification, ~~or~~ submittal of a non-refundable notification fee or when notification is provided ~~of~~ less than ~~ten~~ 10-days or five-days prior to commencement of work, as applicable, is provided under subsections (1)(c) and (d) of this rule.

(6) ~~The Director~~ DEQ may waive part or all of a non-refundable notification fee. ~~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. Requests for waiver of fees must be made in writing to the Director DEQ. Applicants for waivers must describe the reason for the request and certify financial hardship.

(7) ~~Pursuant to ORS 468A.135~~ 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 fees will be based upon the costs of the regional authority 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.

(8) DEQ may refund part or all of a non-refundable notification fee, on a case-by-case basis, if the request is due to unforeseeable circumstances and based upon financial hardship. Requests for refunds must describe the reason for the request and certify financial hardship. Requests must be made in writing to DEQ and must be submitted prior to the original start date of the project.

(a) Requests for refunds must include the following written information and documentation:

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

(B) Proof that the requester was awarded the contract for the job; and

(C) Verification of payment to DEQ.

~~(9) (f) Failure to notify the Department DEQ before any changes in the scheduled starting or completion dates or other substantial changes will render the notification void.~~ Notification revisions must be received by DEQ before any 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.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468.020 & 468A.025

Hist.: DEQ 96, f. 9-2-75, ef. 9-25-75; DEQ 22-1982, f. & ef. 10-21-82; DEQ 9-1988, f. 5-19-88 (and corrected 6-3-88), ef. 6-1-88; DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90 & 7-8-91); DEQ 8-1990, f. 3-13-90, cert. ef. 4-23-90; DEQ 18-1991, f. & cert. ef. 10-7-91, Renumbered from 340-025-0465(5)(a) - (d); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1993, f. & cert. ef. 11-4-93, Renumbered from 340-025-0467; DEQ 19-1994, f. 9-6-94, cert. ef. 10-1-94; DEQ 15-1995, f. & cert. ef. 6-16-95; DEQ 26-1995, f. & cert. ef. 12-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5630; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03; DEQ 9-2007, f. 11-21-07, cert. ef. 11-30-07

**340-248-0270**

**Asbestos ~~Abatement~~ Work Practices and Procedures**

(1) Except as OAR 340-248-0250 provides, prior to performing a demolition or renovation activity on a facility or an installation, the owner or operator of a facility must have an accredited inspector thoroughly survey the affected facility, or part of the facility where the demolition or renovation operation will occur, for the presence of asbestos-containing material, including nonfriable asbestos material.

(2) The owner or operator of a facility that requires a survey under OAR 340-248-0270(1) must send a copy of the ~~Asbestos survey~~ Survey report ~~Report~~ to ~~the department~~ DEQ upon request by ~~the department~~ DEQ and keep a copy of the survey report onsite at the ~~facility~~ Facility during any demolition or renovation activity.

(3) The survey required by OAR 340-248-0270(1) must include all of the following, unless the owner or operator of the facility will treat all material as presumed to be asbestos-containing material and will remove all of it in compliance with the requirements of this division as if it were friable asbestos-containing material:

(a) Collection of samples of all materials suspected of being asbestos-containing materials, unless the material is presumed to be asbestos-containing material, including at least one bulk sample for each homogeneous material suspected of being asbestos-containing material;

(b) For sprayed or troweled on surfacing materials, collection of at least three (3) random bulk samples for each homogeneous area;

(c) The testing of each sample collected under subsections (a) and (b) by a laboratory to determine whether it is asbestos-containing material;

(d) An Asbestos Survey Report that contains the following:

(A) The date or dates that the asbestos survey was performed;

(B) The phone number and a copy of the certificate of each accredited inspector that performed a survey;

(C) Project site address and location where the survey was performed;

(D) Name and phone number of the owner or operator of the facility where the asbestos survey was performed;

(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;

(F) The purpose of the asbestos survey, for example, whether it is for a project involving pre-demolition, renovation, removal of asbestos-containing material due to damage from fire, water, or other purpose;

(G) Detailed description of any limitation of the asbestos survey, for example an inaccessible area; and

(H) A table listing all of the homogeneous materials sampled and identified as asbestos-containing material or presumed asbestos-containing materials. The table must include the following for each material:

(i) The percent asbestos and type of asbestiform, as determined by the laboratory that analyzes the sample;

(ii) A description of the material color, texture, and pattern;

(iii) The location of the material;

(iv) A description of the material condition as in good condition or in poor condition;

(v) The identification of the material as friable or nonfriable; and

(vi) The approximate quantity of the material.

(I) A recommendation of a response action that complies with the requirements of division 248; and

(J) A complete copy of the laboratory report. The minimum requirements for the laboratory report include:

(i) Laboratory name, address, and phone number;

(ii) Unique sample analysis identification number;

(iii) Bulk sample analysis results showing asbestos content;

(iv) Name of the analyst; and

(v) Completed chain of custody for the samples.

~~(34)~~ For demolitions or renovations of residential buildings, ~~the department~~ DEQ may approve, on a case-by-case basis, requests to waive the asbestos survey requirement of OAR 340-248-0270(1). The owner or operator of the residential building must submit a written request to ~~the department~~ DEQ, along with supporting documentation that demonstrates to ~~the department's~~ DEQ's satisfaction that a survey is not warranted. The owner or operator of the residential building must obtain ~~the department's~~ DEQ's written approval waiving the asbestos survey requirement prior to any demolition or renovation activity. The owner or operator of the residential building must maintain as readily available at the demolition or renovation site a copy of ~~the department's~~ DEQ's written approval under this rule.

(5) Upon discovery of asbestos-containing materials or asbestos-containing waste materials found during demolition, renovation or after an emergency or unexpected event such as, but not limited to, an event that causes fire, water, or wind damage, the owner or operator of a demolition or renovation activity or the owner or operator performing the emergency response must:

(a) Stop work immediately;

~~(b) Notify DEQ immediately of the occurrence;~~

(b) Keep the exposed asbestos-containing materials and asbestos-containing waste material, adequately wet and cover with 6 mil plastic or equivalent at all times until a licensed asbestos abatement contractor begins removal activities in compliance with this division; and

(c) Have the licensed asbestos abatement contractor remove, handle, and dispose of all friable asbestos-containing material, and asbestos-containing waste material as friable asbestos-containing material.

(36) Any person who removes non-friable asbestos-containing material not exempted under OAR 340-248-0250(2) must comply with the following:

(a) Submit asbestos removal notification and the appropriate fee to the ~~Department~~DEQ Business Office on a Department form in accordance with OAR 340-248-0260.

(b) Remove nonfriable asbestos materials in a manner that ensures the material remains nonfriable.

(c) A nonfriable asbestos abatement project is exempt from the asbestos licensing and certification requirements under OAR 340-248-0100 through 340-248-0180. The exemption ends whenever the asbestos-containing material becomes friable.

(7) Before a facility is demolished by intentional burning, all asbestos-containing material must be removed and disposed of in accordance with OAR 340-248-0010 through 340-248-0280.

(48) Except as OAR 340-248-0250 provides-, any person who conducts or provides for the conduct of an asbestos abatement project must employ the following procedures:

(a) The asbestos abatement project must be conducted inside a regulated area. ~~that is:~~

~~(A) Restricted access to authorized personnel only; and~~

~~(B) Demarcated with prominent warning signs along the perimeter that state:~~

DANGER

ASBESTOS

MAY CAUSE CANCER

ASBESTOS CAUSES DAMAGE TO LUNGS

AUTHORIZED PERSONEL ONLY

(a) ~~Remove a~~ All asbestos-containing materials must be removed as part of the asbestos abatement project before any other demolition or renovation activity begins that would break up, dislodge, or disturb the materials or preclude access to the materials for subsequent removal. Asbestos-containing materials need not be removed if:

(A) They are on a facility component that is encased in concrete or other similar material and are adequately wetted whenever exposed during demolition or renovation; or

(B) They were not discovered before demolition or renovation and cannot be removed because of unsafe conditions as a result of the demolition or renovation.

~~(b) Upon discovery of asbestos-containing materials found during demolition, an event that causes the owner or operator of a demolition or renovation activity or the owner or operator performing the demolition response must:~~

~~(A) Stop demolition work immediately;~~

~~(B) Notify the Department DEQ immediately of the occurrence;~~

~~(C) Keep the exposed asbestos-containing materials and any asbestos-contaminated waste material adequately wet at all times until a licensed asbestos abatement contractor begins removal activities in compliance with this division;~~

~~(D) Have the licensed asbestos abatement contractor remove and dispose of the asbestos-containing waste material.~~

(~~e~~c) Asbestos-containing materials must be adequately wetted when they are being removed. In renovation, maintenance, repair, and construction operations, where wetting would unavoidably damage equipment, ~~or~~ is incompatible with specialized work practices; or presents a safety hazard, adequate wetting is not required if the owner or operator of a demolition or renovation activity:

(A) Obtains prior written approval from ~~the Department~~ DEQ for dry removal of asbestos-containing material;

(B) Keeps a copy of ~~the Department~~ DEQ's written approval available for inspection at the work site;

(C) Adequately wraps or encloses any asbestos-containing material during handling to avoid releasing fibers; and

(D) Uses a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the asbestos abatement project.

(d) When a facility component covered or coated with asbestos-containing materials is being taken out of the facility as units or in sections, the owner or operator of a demolition or renovation activity:

(A) Must ~~A~~ adequately wet any asbestos-containing materials exposed during cutting or disjointing operation;

(B) Must ~~C~~ carefully lower the units or sections to ground level, not dropping them or throwing them; and

(C) May leave Asbestos-containing materials ~~do not need to be removed from~~ in large facility components such as reactor vessels, large tanks, and steam generators, but excluding beams, if the following requirements are met:

(i) The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the ~~regulated~~ asbestos-containing material; and

(ii) The component is encased in leak-tight wrapping; and

(iii) The leak-tight wrapping is labeled according to OAR 340-248-0280(2)(b) during all loading and unloading operations and during storage.

(e) For friable asbestos materials being ~~removed or stripped~~ abated:

(A) Adequately wet the materials to ensure that they remain wet until they are disposed of in accordance with OAR 340-248-0280;

(B) Carefully lower the materials to the floor, not dropping or throwing them;

(C) With prior written approval from ~~the Department~~ DEQ, transport the materials to the ground via dust-tight chutes or containers if they have been removed or stripped above ground level and were not removed as units or in sections.;

(D) Enclose the area where friable asbestos materials are to be abated ~~removed~~ with a negative pressure enclosure prior to and during abatement unless written approval for an alternative is granted by ~~the Department~~ DEQ.;

(E) Install ~~A~~ minimum of one viewing window ~~will be installed~~ in all enclosures, including negative pressure enclosures, in accordance with the following:

(i) Each viewing window must be a minimum of two feet by two feet and be made of a material that will allow a clear view inside the enclosure; ~~and~~;

(ii) For large enclosures, including negative pressure enclosures, install one viewing window for every 5,000 square feet of area when spatially feasible; ~~and~~;

(F) A negative pressure enclosure is not required for abatement of friable asbestos-containing material when:

(i) Abating asbestos-containing petroleum-based roofing products or cement asbestos roofing; or

(ii) Abating a total project amount of asbestos-containing material that may be contained in a single glove bag.

(f) Any person that demolishes a facility under an order of the State of Oregon or a local governmental agency, issued because the facility is structurally unsound and in danger of imminent collapse must comply with the following:

(A) Obtain written approval from ~~the Department~~ DEQ for an ordered demolition procedure before that demolition takes place; ~~and~~

(B) Send a copy of the order and an asbestos abatement project notification (as described in OAR 340-248-0260) to ~~the Department~~ DEQ before commencing demolition work; ~~and~~

(C) Keep a copy of the order, ~~Department's~~ DEQ's approval, and the notification form at the demolition site during all phases of demolition until final disposal of the project waste at ~~a an authorized landfill~~ permitted disposal site; and

(D) Keep asbestos-containing materials and asbestos ~~contaminated debris~~ containing waste materials adequately wet during demolition and comply with the disposal requirements set forth in OAR 340-248-0280 ~~or 340-248-0290~~ 0280.

(g) Persons performing asbestos abatement outside of a full negative pressure ~~containment enclosure~~ must obtain written approval from ~~the Department~~ DEQ before using mechanical equipment to remove asbestos-containing material.

~~(h) Before a facility is demolished by intentional burning, all asbestos-containing material must be removed and disposed of in accordance with OAR 340-248-0010 through 340-248-0290.~~

~~(i) None of the operations in section (1) through (4) of this rule may cause any~~ Visible emissions are not allowed during any asbestos abatement activities, except within a negative air pressure enclosure. ~~Any local exhaust ventilation and collection~~

~~system or vacuuming equipment used during an asbestos abatement project, must be equipped with a HEPA filter or other filter of equal or greater collection efficiency.~~

(i) Any exhaust ventilation and collection system, negative air machine, or vacuuming equipment used during an asbestos abatement project must be equipped with a HEPA filter or other filter of equal or greater collection efficiency and must be sealed with a 6 mil plastic or equivalent when not in use.

(j) The Director may approve, on a case-by-case basis, requests to use an alternative to the requirements contained in this rule. The ~~contractor or facility~~ owner or operator of a demolition or renovation activity or the contractor performing the asbestos abatement project must submit a written description of the proposed alternative and demonstrate to the Director's satisfaction that the proposed alternative provides public health protection equivalent to the protection that would be provided by the specific requirement, or that such level of protection cannot be obtained for the asbestos abatement project.

(k) Final Air Clearance Sampling Requirements apply to projects involving more than 160 square feet or 260 linear feet of asbestos-containing material. Before ~~containment~~ the negative pressure enclosure around such an area is removed, the person performing the abatement must have at least one air sample collected. All samples collected -that documents that the air inside the ~~containment~~ negative pressure enclosure has no more than 0.01 fibers per cubic centimeter of air. ~~The air sample(s) collected may not exceed 0.01 fibers per cubic centimeter of air. The Department~~ DEQ may grant a waiver to this section or exceptions to the following requirements upon receiving an advanced written request:

(A) The air clearance samples must be ~~performed~~ collected and analyzed by a party who is National Institute of Occupational Safety and Health (NIOSH) 582 certified and financially independent from the person(s) conducting the asbestos abatement project, other than receiving compensation for undertaking the specific sampling and analysis required in this paragraph;

(B) Before final air clearance sampling is performed the following must be completed:

(i) All visible asbestos-containing material and asbestos-containing waste material must be removed and properly packaged and stored according to the requirements of this section;

(ii) The air and surfaces within the ~~containment~~ negative pressure enclosure must be sprayed with an encapsulant prior to air clearance sampling;

(iii) Air sampling may commence when the encapsulant has settled sufficiently so that the filter of the sample is not clogged by airborne encapsulant; and

(iv) Air filtration units must remain on during the air-monitoring period;:-

(C) Air clearance sampling inside ~~containment~~ negative pressure enclosure areas must be aggressive and comply with the following procedures:

(i) Immediately before starting the sampling pumps, direct exhaust from a minimum one horse power forced air blower against all walls, ceilings, floors, ledges, and other surfaces in the ~~containment~~ negative pressure enclosure;

(ii) Then place stationary fans in locations that will not interfere with air monitoring equipment and ~~then directed~~ the fans toward the ceiling. Use one fan per 10,000 cubic feet of room space;

(iii) Start sampling pumps and sample an adequate volume of air to detect concentrations of 0.01 fibers of asbestos per cubic centimeter according to NIOSH 7400 method;

(iv) When sampling is completed turn off the pump and then the fan(s); and

(v) As an alternative ~~to meeting the requirements of paragraphs (A) through (D) of this subsection,~~ the air clearance sample analysis may be performed according to Transmission Electron Microscopy Analytical Methods prescribed by 40 CFR 763, Appendix A to Subpart E (Interim Transmission Electron Microscopy Analytical Methods); ~~and~~ and

(D) The person performing asbestos abatement projects requiring air clearance sampling must submit the clearance results to ~~the Department~~ DEQ on a ~~Department~~ DEQ form and include all third-party air clearance analysis reports. The clearance results must be received by ~~the Department~~ DEQ within 30 days after the completion date of the asbestos abatement project.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 96, f. 9-2-75, ef. 9-25-75; DEQ 22-1982, f. & ef. 10-21-82; DEQ 9-1988, f. 5-19-88. ef. 6-1-88 (and corrected 6-3-88); DEQ 18-1991, f. & cert. ef. 10-7-91, Renumbered from 340-025-0465(6) - (12); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1993, f. & cert. ef. 11-4-93, Renumbered from 340-025-0468; DEQ 15-1995, f. & cert. ef. 6-16-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5640; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03; DEQ 11-2015(Temp), f. 12-10-15, cert. ef. 1-1-16 thru 6-28-16; DEQ 3-2016, f. & cert. ef. 4-21-16

**340-248-0275**

**Asbestos Standards for Air Cleaning, Spraying, Molded Insulation, and Fabricating**

The following methods must be employed for air cleaning, fabricating, and sprayed-on and molded insulation applications:

(1) Options for Air Cleaning. Rather than meet the no visible emissions requirements of OAR 340-248-0210(1) and (3), owners and operators may elect to use methods specified in Section (2).

(2) Air Cleaning. All persons electing to use air cleaning methods rather than comply with the no visible emission requirements must ~~meet one of the provisions of~~ comply with subsections (a), through (b) and (d) of this section; ~~and all of the requirements specified in subsections (e) and (f) of this section:~~

(a) All persons electing to use air cleaning methods must meet one of the provisions in this subsection:

(A) Fabric filter collection devices must be used, except as provided in subsections (b) and (c) of this section. Such devices must be operated at a pressure drop of no more than four inches (10.16 cm) water gauge as measured across the filter fabric. The air flow permeability, as determined by ASTM Method D737-75, must not exceed 30 ft.<sup>3</sup>/min./ft.<sup>2</sup> (9 m<sup>3</sup>/min./m<sup>2</sup>) for woven fabrics or 35 ft.<sup>3</sup>/min./ft.<sup>2</sup> (11 m<sup>3</sup>/min./m<sup>2</sup>) for felted fabrics with the exception that airflow permeability of 40 ft.<sup>3</sup>/min./ft.<sup>2</sup> (12 m<sup>3</sup>/min./m<sup>2</sup>) for woven and 45 ft.<sup>3</sup>/min./ft.<sup>2</sup> (14 m<sup>3</sup>/min./m<sup>2</sup>) for felted fabrics must be allowed for filtering air emissions from asbestos ore dryers. Each square yard of felted fabric must weigh at least 14 ounces (475 grams per square meter) and be at least 1/16 inch (1.6 mm) thick throughout. Any synthetic fabrics used must not contain fill yarn other than that which is spun;

~~(b)~~ B If the use of fabric filters creates a fire or explosion hazard, ~~the department~~ DEQ may authorize the use of wet collectors designed to operate with a unit contacting energy of at least 40 inches (101.6 cm) of water gauge pressure;

~~(c)~~ C If High Efficiency Particulate Air (HEPA) filters are used to control emissions the certified efficiency must be at least 99.97 percent for particles 0.3 microns or greater; or

~~(d)~~ D ~~The Department~~ DEQ may authorize the use of filtering equipment other than that described in subsection (a), (b), or (c) of this rule if such filtering equipment is satisfactorily demonstrated to provide filtering of asbestos material equivalent to that of the described equipment;

~~(e)~~ b All air cleaning devices authorized by this section must be properly installed, operated, and maintained. Devices to bypass the air cleaning equipment may be used only during upset and emergency conditions, and then only for such time as is necessary to shut down the operation generating the particulate asbestos material;

(~~f~~c) Fabric filters collection devices installed after January 10, 1989 must be easily inspected for faulty bags.

(3) Spraying:

(a) No person may cause or allow to be discharged into the atmosphere any visible emissions from any spray-on application of materials containing more than one percent asbestos on a dry weight basis used to insulate or fireproof equipment or machinery, except as provided in section (2) of this rule. Spray-on materials used to insulate or fireproof buildings, structures, pipes, and conduits must contain less than one-percent asbestos on a dry weight basis. If any city or area of local jurisdiction has ordinances or regulations for spray application materials more stringent than those in this section, the provisions of such ordinances or regulations apply;

(b) Any person intending to spray asbestos materials to insulate or fireproof buildings, structures, pipes, conduits, equipment, or machinery must notify ~~the Department~~ [DEQ](#) in writing 20 days before the spraying operation begins. The notification must contain the following:

(A) Name and address of person intending to conduct the spraying operation;

(B) Address or location of the spraying operation;

(C) The name and address of the owner of the facility being sprayed.

(c) The spray-on application of materials in which the asbestos fibers are encapsulated with a bituminous or resinous binder during spraying and which are not friable after drying is exempted from the requirements of subsections (a) and (b) of this section.

(4) Fabricating. Except as provided in section (2) of this rule no person may cause or allow to be discharged into the atmosphere any visible emissions, including fugitive emissions, from fabricating operations including the following:

(a) Applicability. This section applies to [the following](#) fabricating operations using commercial asbestos:

(A) The fabrication of cement building products;

(B) The fabrication of friction products, except those operations that primarily install asbestos friction materials on motor vehicles; [and](#)

(C) The fabrication of cement or silicate board for ventilation hoods; ovens; electrical panels; laboratory furniture; bulkheads, partitions and ceilings for marine construction; and flow control devices for the molten metal industry.

(b) The owner or operator of a fabricating operation must monitor each potential source of asbestos emissions from any part of the fabricating facility, including air cleaning devices and process equipment for material processing and handling, at least once each day, during daylight hours, for visible emissions to the outside air during periods of operation. The monitoring must be by visual observation of at least 15 seconds duration per source of emissions.

(c) The owner or operator of a fabricating operation must inspect each air cleaning device at least once each week for proper operation and for changes that signal the potential for malfunctions, including to the maximum extent possible without dismantling other than opening the device, the presence of tears, holes, and abrasions in filter bags and for dust deposits on the clean side of bags. For air cleaning devices that cannot be inspected on a weekly basis according to this subsection, submit to the department, revise as necessary, and implement a written maintenance plan to include, at a minimum, a maintenance schedule and recordkeeping plan.

(d) The owner or operator of a fabricating operation must maintain records of the results of visible emission monitoring and air cleaning device inspections using a format approved by ~~the Department~~ [DEQ](#) that includes the following information:

(A) Date and time of each inspection;

(B) Presence or absence of visible emissions;

(C) Condition of fabric filters, including presence of any tears, holes, and abrasions;

(D) Presence of dust deposits on clean side of fabric filters;

(E) Brief description of corrective actions taken, including date and time; and

(F) Daily hours of operation for each air cleaning device.

(e) The owner or operator of a fabricating operation must furnish to DEQ upon request and make available at the affected facility during normal business hours for inspection by ~~the Department~~ [DEQ](#), all records required under this section.

(f) The owner or operator of a fabricating operation must retain a copy of all monitoring and inspection records for at least two years.

(g) The owner or operator of a fabricating operation must submit a copy of the visible emission monitoring records to ~~the Department~~ [DEQ](#) quarterly. The quarterly report must be postmarked by the 30th day following the end of the calendar quarter.

(5) Insulation. No owner or operator of a facility may install or reinstall on a facility component any insulating materials that contain commercial asbestos if the materials

are either molded and friable or wet-applied and friable after drying. The provisions of this section do not apply to insulating materials regulated under section (3) of this rule.

Stat. Auth.: ORS 468.020, ORS 468A.025, ORS 468A.135 & ORS 468A.745

Stats. Implemented: ORS 468A.700 - ORS 468A.760

Hist.: DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

### 340-248-0280

#### **Friable**-Asbestos Disposal Requirements

Work practices and procedures for packaging, storing, transporting, and disposing of ~~friable~~-asbestos-containing waste material: The owner or operator of a facility or an activity covered under the provisions of OAR 340-248-0205 through 340-248-0280 or any other source of ~~friable~~-asbestos-containing waste material must meet the following standards:

(1) There may be no visible emissions to the atmosphere during the collection; processing; packaging; transporting; or deposition of any asbestos-containing waste material. ~~that is generated by a facility.~~

(2) All asbestos-containing waste materials must be either:

~~(a) Processed into nonfriable pellets or other shapes; or a~~Adequately wetted to ensure that they remain wet until delivered to an authorized landfill; ~~and:~~

~~(a)~~Adequately wetted to ensure that they remain wet until delivered to an authorized permitted disposal site permitted to accept such material and packaged in leak-tight containers such as within two plastic bags, each with a minimum thickness of 6 mil., within a fiber or metal drum, or within a similar leak-tight packaging. Containers must be labeled as follows:

~~(a) Processed into nonfriable pellets or other shapes; or~~

~~(b)~~Packaged in leak-tight containers such as within two plastic bags, each with a minimum thickness of 6 mil., or within a fiber or metal drum, within a ~~Containers must be labeled as follows:~~

(A) The name of the asbestos waste generator and the location where the waste was generated; and

(B)(i) A warning label that states the following in bold, all-capital letters and separated as shown here:

**“DANGER**

## Contains Asbestos Fibers

### Avoid Creating Dust

### Cancer and Lung Disease Hazard

### Avoid Breathing Airborne

#### Asbestos Fibers<sup>2</sup>

(ii) Alternatively, warning labels specified by 29 CFR 1926.1101(k)(7) ~~(1994)~~ may be used.

(C) The containers must be labeled prior to removal from the regulated area.

(3) If the asbestos-containing materials are not removed from a facility before demolition or renovation as described in OAR 340-248-0270 ~~(565)~~, adequately wet the asbestos-containing waste material at all times before and after demolition or renovation and keep it wet during handling and loading for transport to an authorized disposal site. Such asbestos-containing waste materials must be transported in lined and leak-tight covered containers for bulk disposal.

(4) The interim storage of asbestos-containing waste material must protect the waste from dispersal into the environment and provide physical security from tampering by unauthorized persons. The interim storage of asbestos-containing waste material is the ~~sole~~ responsibility of the ~~contractor~~, owner or operator of the facility and of the person performing the asbestos abatement project.

(5) All asbestos-containing waste material must be deposited as soon as possible by the asbestos waste generator or transporter at:

(a) A permitted disposal site ~~waste-disposal-site~~ authorized by ~~the Department~~ DEQ to receive asbestos-containing waste material and operated in accordance with this rule; or

(b) A ~~Department~~ DEQ approved site that converts asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of OAR 340-248-0230 Asbestos to Nonasbestos Conversion Operations.

(6) Persons disposing of asbestos-containing waste material must notify the permitted disposal site ~~landfill~~ operator of the type and volume of the waste material and obtain the approval of the permitted disposal site ~~landfill~~ operator before bringing the waste to the disposal site.

(7) For each waste shipment the asbestos waste generator must record the following information ~~must be recorded~~ on a ~~Department~~ DEQ form, provide a copy of the form to the waste transporter, and keep a copy of the form in its records:

(a) Waste Generation:

(A) The asbestos abatement project site name, address, and telephone number of the asbestos waste generator~~;~~

(B) A description of the asbestos-containing waste material and ~~The~~ the number and type of asbestos-containing waste material containers and volume in cubic yards; and

(C) A certification that the information on the ~~the Department~~ DEQ form is accurate and properly describes the generator name and ~~contents of this consignment are carefully and accurately described by proper shipping name and~~ are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highways according to applicable regulations.

(b) Waste Transportation:

(A) The date transported; and

(B) The name, address, and telephone number of the transporter(s).

(c) Waste Disposal:

(A) The name and telephone number of the disposal site operator~~;~~

(B) The name and address or location of the permitted disposal site ~~waste disposal site~~;

(C) The quantity of the asbestos-containing waste material in cubic yards~~;~~

(D) The presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers~~;~~

(E) The date asbestos-containing waste is received at disposal site~~;~~ and

(d) Any other information requested on the ~~Department~~ DEQ form.

(8) For the transportation of asbestos-containing waste material:

(a) The asbestos waste generator must:

(A) Maintain the asbestos waste shipment records for at least two years and ensure that all the information requested on the ~~Department~~ DEQ form regarding waste generation and transportation has been supplied~~;~~

(B) Limit access into loading and unloading area to authorized personnel; and

(C)(+) Mark vehicles, while loading and unloading asbestos-containing waste material, with signs (20 in. x 14 in.) that ~~state~~ comply with either subparagraph (i) or (ii):

(i) State the following in all-capital letters and separated as shown here:

**“DANGER**

**ASBESTOS DUST HAZARD**

**CANCER AND LUNG DISEASE HAZARD**

**Authorized Personnel Only”**

(ii) ~~Alternatively,~~ Use language that conforms to the requirements of 29 CFR 1926.1101(k)(6) (1994) ~~may be used~~.

(b) The waste transporter must:

(A) Immediately notify the permitted disposal site ~~landfill~~ operator upon arrival of the waste at the disposal site and;

(B) Provide a copy of the asbestos waste shipment record to the disposal site owners or operators when the asbestos-containing waste material is delivered to the disposal site.

(9) After initial transport of asbestos-containing waste material the asbestos waste generator must:

(a) Receive a copy of the completed asbestos waste shipment record within 35 days, or determine the status of the waste shipment. A completed asbestos waste shipment record must include the signature of the owner or operator of the designated disposal site;

(b) Receive a copy of the completed asbestos waste shipment record within 45 days, or submit to ~~the Department~~ DEQ a written report including:

(A) A copy of the asbestos waste shipment record when a confirmation of delivery was not received; and

(B) A cover letter signed by the asbestos waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts; and;

(c) Keep asbestos waste shipment records, including a copy signed by the owner or operator of the designated permitted disposal site ~~waste disposal site~~, for at least three years. Make all disposal records available upon request to ~~the Department~~ DEQ. For an asbestos abatement project conducted by a contractor licensed under OAR 340-248-

0120, the records must be retained by the licensed contractor. For any other asbestos abatement project, the records must be retained by the facility owner.

(10) Each owner or operator of an active asbestos-containing [permitted disposal site](#)~~waste disposal site~~ must meet the following standards:

(a) For all asbestos-containing waste material received:

(A) Ensure that off-loading of asbestos-containing waste material is done under the direction and supervision of the [permitted disposal site](#)~~landfill~~ operator or ~~their~~[its](#) authorized agent, and that it is accomplished in a manner that prevents the leak-tight transfer containers from rupturing and prevents the release of visible emissions to the air~~;~~

(B) Ensure that off-loading of asbestos-containing waste material occurs at the immediate location where the waste will be buried and restrict public access to off-loading area until waste is covered in accordance with paragraph (H), of this subsection~~;~~

(C) Maintain asbestos waste shipment records for at least two years and ensure that all information requested on the ~~Department~~[DEQ](#) form regarding waste disposal has been supplied~~;~~

(D) Immediately notify ~~the Department~~[DEQ](#) by telephone, followed by a written report to ~~the Department~~[DEQ](#) the following working day, of the presence of improperly enclosed or uncovered waste. Submit a copy of the asbestos waste shipment record along with the report~~;~~

(E) As soon as possible, and no more than 30 days after receiving the waste, send a copy of the signed asbestos waste shipment record to the asbestos waste generator~~;~~

(F) Upon discovering a discrepancy between the quantity of waste designated on the asbestos waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the asbestos waste generator. Report in writing to ~~the Department~~[DEQ](#) any discrepancy between the quantity of waste designated on the asbestos waste shipment records and the quantity actually received that cannot be reconciled between the asbestos waste generator and the [permitted disposal site](#)~~waste disposal site~~ within 15 days after receiving the waste. Describe the discrepancy and attempts to reconcile it, and submit a copy of the asbestos waste shipment record along with the report. Include the ~~Department~~[DEQ](#) assigned asbestos project number in the discrepancy report~~;~~

(G) Select the waste burial site in an area of minimal work activity that is not subject to future excavation; [and](#)~~;~~

(H) Cover all asbestos-containing waste material deposited at the disposal site with at least 12 inches of soil or six inches of soil plus 12 inches of other waste before running compacting equipment over it, and complete such covering and compaction ~~but~~ no later than the end of the operating day that the waste is received.

(b) Maintain, until site closure, records of the location, depth and area, and quantity in cubic yards of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area.

(c) Excavation or disturbance of asbestos-containing waste material that has been deposited at a ~~permitted disposal site~~ ~~waste disposal site~~ and is covered is considered an asbestos abatement project. The notification for any such project must be submitted as specified in OAR 340-248-0260 except as follows:

(A) Submit the project notification and project notification fee to ~~the Department~~ DEQ at least 45 days before beginning any excavation or disturbance of asbestos-containing waste at the ~~permitted disposal site~~ ~~waste disposal site~~.

(B) State the reason for disturbing the waste.

(C) Explain the procedures for controlling emissions during the excavation, storage, transport and ultimate disposal of the excavated asbestos-containing waste material. ~~The Department~~ DEQ may require changes in the proposed emission control procedures.

(D) State the location of any temporary storage site and the final disposal site.

(d) Upon closure of an active asbestos-containing waste disposal site, each site owner or operator must:

(A) Comply with all the provisions for inactive asbestos-containing waste disposal sites; ~~-~~

(B) Submit to ~~the Department~~ DEQ a copy of records of asbestos waste disposal locations and quantities; ~~-~~ and

(C) Make available during normal business hours and furnish upon request all records required under this section for inspection by ~~the Department~~ DEQ.

(11) The owner or operator of an inactive asbestos-containing waste disposal site must meet the following standards:

(a) Maintain a cover of at least two feet of soil or one foot of soil plus one foot of other waste; ~~-~~

(b) Grow and maintain a cover of vegetation on the area to prevent erosion of the non asbestos-containing cover of soil or other waste materials. In desert areas where

vegetation would be difficult to maintain, a layer of at least three inches of well-graded, nonasbestos crushed rock may be placed and maintained on top of the final cover instead of vegetation;:-

(c) For inactive asbestos waste disposal sites for asbestos-containing tailings, a resinous or petroleum-based dust suppression agent that effectively binds dust to control surface air emissions may be used and maintained to achieve the requirements of subsections (a) and (b) of this section, provided the prior written approval of ~~the Department~~ DEQ is obtained;:-

(d) Excavation or disturbance at any inactive asbestos-containing waste disposal site is an asbestos abatement project. The notification for any such project must be submitted as specified in OAR 340-248-0260, except as follows:

(A) Submit the project notification and project notification fee to ~~the Department~~ DEQ at least 45 days before beginning any excavation or disturbance of asbestos-containing waste disposal site;:-

(B) State the reason for disturbing the waste;:-

(C) Explain the procedures to be used to control emissions during the excavation, storage, transport and ultimate disposal of the excavated asbestos-containing waste material. ~~The Department~~ DEQ may require changes in the proposed emission control procedures to be used; and:-

(D) State the location of any temporary storage site and the final disposal site;:- and

(e) Within 60 days of a site's becoming inactive, request in writing that the ~~Commission~~ EQC issue an environmental hazard notice for the site. This environmental hazard notice will notify in perpetuity any potential purchaser of the property that:

(A) The land has been used for the disposal of asbestos-containing waste material;

(B) The survey plot and record of the location and quantity of asbestos-containing waste disposed of within the disposal site required for active asbestos disposal sites have been filed with the ~~Department~~ DEQ; and

(C) The site is subject to the provisions of OAR 340-248-0205 through 340-248-~~0290~~ 0280.

(12) Rather than meet the requirements of this rule, an owner or operator, or an owner or operator of an active or inactive asbestos-containing waste disposal site may use alternative packaging, storage, transport, or disposal methods after receiving written approval by ~~the Department~~ DEQ.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468.020 & ORS 468A.025

Hist.: DEQ 96, f. 9-2-75, ef. 9-25-75; DEQ 22-1982, f. & ef. 10-21-82; DEQ 9-1988, f. 5-19-88 (and corrected 6-3-88), ef. 6-1-88; DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90 & 7-8-91); DEQ 8-1990, f. 3-13-90, cert. ef. 4-23-90; DEQ 18-1991, f. & cert. ef. 10-7-91; Renumbered from 340-025-0465(13) - (15); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1993, f. & cert. ef. 11-4-93; Renumbered from 340-025-0469; DEQ 15-1995, f. & cert. ef. 6-16-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5650; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

### **~~340-248-0290~~**

#### **~~Nonfriable Asbestos Disposal Requirements~~**

~~Work practices and procedures for packaging, storing, transporting, and disposal of nonfriable asbestos-containing waste material: The owner or operator of a facility or an activity covered under the provisions of OAR 340-248-0205 through 340-248-0290 and any other source of nonfriable asbestos-containing waste material must meet the following standard:~~

~~(1) Any waste that contains nonfriable asbestos material must be handled and disposed of using methods that will prevent the release of airborne asbestos-containing material.~~

~~(2) Rather than meet the requirements of this rule, an owner or operator may use alternative packaging, storage, transport, or disposal methods after receiving written approval from the Department.~~

~~Stat. Auth.: ORS 468.020, ORS 468A.025, ORS 468A.135 & ORS 468A.745~~

~~Stats. Implemented: ORS 468A.700—ORS 468A.760~~

~~Hist.: DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03~~