



Oregon Department of Environmental Quality
May 15, 2018

Notice of Proposed Rulemaking

Asbestos 2018

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Introduction

DEQ invites public input on proposed permanent rule amendments to chapter 340, division 248 of the Oregon Administrative Rules.

Background

DEQ proposal

DEQ proposes the following changes to OAR 340, division number 248 that would evaluate and clarify regulations and standards for asbestos-related activities, where a potential for exposure to asbestos fibers exists. Proposed rule changes are drafted with consideration and influence of existing asbestos-related laws from the Environmental Protection Agency, Oregon Occupational Safety and Health Division, and laws in other U.S. cities and states. The limitations of this rulemaking include any statutory changes. DEQ expects that the proposed rules would add a direct cost to the following three rule changes:

1. **Residential Renovation Survey:** Renovation activities at residential buildings with four or fewer dwelling units would be required to have an asbestos survey.
2. **Move nonfriable disposal requirements into the friable disposal requirements section:** Removing Nonfriable Asbestos Disposal Requirements section, 340-248-0290 and adding nonfriable to the Friable Asbestos Disposal Requirements section, 340-248-0280. This change will result in requiring nonfriable asbestos waste to be packaged, labeled, transported, and disposed similar to how friable asbestos waste is currently managed. This change will result in lower exposure to asbestos fibers. Currently nonfriable waste does not need to be packaged and could be disturbed through transport and disposal, making the nonfriable to become friable. This rule change would make costs to dispose of nonfriable asbestos-containing waste material similar to the costs of disposing friable asbestos-containing waste material.
3. **Accredited laboratories for asbestos testing:** Laboratories that analyze samples for the presence of asbestos would need to demonstrate proficiency within two years of rule adoption through participation in a nationally recognized testing program or an equivalent testing program. This proposed change could increase costs to laboratories to train staff and to participate in a nationally accredited program.

This rulemaking also includes other rule changes to clarify language or address inconsistencies.

More information

Information about this rulemaking is on this rulemaking's web page: [Asbestos 2018](#).

Public Hearings

DEQ will hold public hearings on this rulemaking as detailed below.

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments through an online web page, by regular mail or at the public hearing.

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by 4 p.m., on Friday, June 22, 2018.

Submit comment online

[Asbestos 2018 Comment Page](#)

Note for public university students:

ORS 192.501(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student you may omit your email address when you complete the online form to submit a comment.

By mail

Oregon DEQ
Attn: Michele Martin
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100

At hearing

Wednesday, June 20, 2018 at 6:30 p.m.
Oregon DEQ
700 NE Multnomah Street
Lloyd building floor 3 conference room
Portland, OR 97232-4100

You can participate in the hearing remotely at the following regional offices:

Office	Salem	Medford	Coos Bay	Bend	Pendleton
Street Address	4026 Fairview Industrial Drive SE	221 Stewart Avenue, Suite 201	381 N Second Street	475 NE Bellevue Dr., Suite 110	800 SE Emigrant, Ste. 330
City	Salem, OR 97302	Medford, OR 97501	Coos Bay, OR 97420	Bend, OR 97701	Pendleton, OR 97801

DEQ staff on site	Dottie Boyd	Steve Croucher	Martin Abts	Frank Messina	Tom Hack
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You can also participate in the hearing through a teleconference.

Teleconference call-in number: 888-278-0296

Participant ID: 8040259

How to join the teleconference or webinar: [Teleconference and Webinar instructions](#)

Sign up for rulemaking notices

Get email or text updates about this rulemaking by signing up through this link:

[Asbestos 2018 Rulemaking Email List](#);

or on the rulemaking web site: [Asbestos 2018 rulemaking web page](#).

Get email or text updates about other, future DEQ rulemakings by signing up through this link:

[DEQ Email Notice List](#).

What will happen next?

DEQ will include a written response to comments in a staff report DEQ will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

Present proposal to the EQC

Proposed rules only become effective if the Environmental Quality Commission adopts them.

DEQ plans to present the proposed rules to the commission for a decision at its meeting on September 13-14, 2018.

Accessibility information

You may review copies of all documents referenced in this announcement at:

Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100

To schedule a review of all websites and documents referenced in this announcement, call Michele Martin in Portland, at 503-229-5103 (800-452-4011, ext. 5622 toll-free in Oregon).

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011, ext. 5696; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. Hearing impaired persons may call 711.

Overview

Short summary

DEQ proposes the Oregon Environmental Quality Commission approve the rule amendments that clarify regulations and standards for asbestos-related activities, where a potential for exposure to asbestos fibers exists including the following proposed rules that are identified as having a financial impact to stakeholders. Other rule changes have been made in this rulemaking to clarify language or address inconsistencies.

1. **Residential Renovation Survey:** Renovation activities at residential buildings with four or fewer dwelling units would be required to have an asbestos survey.
2. **Make nonfriable and friable disposal requirements the same:** Removing Nonfriable Asbestos Disposal Requirements section, 340-248-0290 and adding nonfriable to the Friable Asbestos Disposal Requirements section, 340-248-0280. This change will result in nonfriable asbestos waste being packaged, labeled, transported, and disposed similar to how friable asbestos waste is currently managed. This change will result in lower exposure to asbestos fibers. Currently nonfriable waste does not need to be packaged and could be disturbed through transport and disposal and made friable. This rule change would make costs to dispose of nonfriable asbestos-containing waste material similar to the costs of disposing of friable asbestos-containing waste material.
3. **Accredited laboratories for asbestos testing:** Laboratories that analyze samples for the presence of asbestos would need to demonstrate proficiency within two years of adoption through participation in a nationally recognized testing program or an equivalent testing program. This proposed change could increase costs to laboratories to train staff and to participate in a nationally accredited program.

Brief history

The Asbestos 2018 rulemaking follows a previous rulemaking in 2015 for Senate Bill 705. The narrow scope for that rulemaking was in response to direction from the Legislature. Senate Bill 705 required DEQ to adopt rules for performing an asbestos survey before demolishing a residential building. DEQ worked with a rules advisory committee to discuss proposed rule changes. Input from the committee was used to evaluate and clarify regulations and standards in division 248 for asbestos-related activities. DEQ drafted the proposed rules with consideration and influence from state agencies, Oregon Occupational Safety and Health Division, and federal asbestos-related laws from the Environmental Protection Agency, and laws in other U.S. cities and states.

Regulated parties

These rules apply to any person who owns, controls, operates, or supervises asbestos-related activities including asbestos milling, manufacturing, fabricating, abatement, disposal, or any situation where a potential for exposure to asbestos fibers exists, as described in OAR chapter 340, division 248.

Request for other options

During the public comment period, DEQ requests public comment on whether to consider other options for achieving substantive goals while reducing negative economic impact on business.

Statement of need

Proposed Rule or Topic	Discussion
Residential renovation survey	
What need would the proposed rule address?	An asbestos survey is required for all demolition projects and for commercial remodeling. The proposed rule would require asbestos surveys for residential renovations to identify sources of asbestos-containing materials that should be properly removed using protective asbestos removal work practices. The result would be positive health cost savings through reduced exposure to asbestos fibers. According to the Agency for Toxic Substances and Disease Registry , asbestos-containing materials can release tiny asbestos fibers, too small to see, into the air. Workers and others who breathed asbestos fibers over many years have developed asbestos-related diseases, including asbestosis, pleural disease, lung cancer, and mesothelioma.
How would the proposed rule address the need?	The proposed rule would address the need by requiring residential renovation projects to survey the scope of work for asbestos-containing material.
How will DEQ know the rule addressed the need?	DEQ would receive notifications from building owners or licensed abatement contractors for asbestos abatement projects associated with residential remodeling projects. DEQ can request surveys when conducting inspections of asbestos abatement projects, in response to information requests, or to address a complaint concern that asbestos-containing materials are being disturbed or removed improperly. The proposed rule requires the owner or operator to submit the asbestos survey to DEQ upon request by DEQ. DEQ can use the requested survey and notifications to provide oversight among the regulated community to ensure that the survey requirement is followed and asbestos is properly removed prior to remodeling or demolition.

Proposed Rule or Topic	Discussion
Nonfriable disposal requirements moved to friable disposal requirements section	
What need would the proposed rule address?	<p>The proposed rule makes packaging, labeling and disposal requirements for nonfriable asbestos-containing waste materials the same as friable asbestos-containing waste materials. Similar work practices for friable and nonfriable asbestos-containing material may prevent nonfriable asbestos-containing materials from becoming friable while being transported and disposed. Treating nonfriable asbestos wastes similar to friable asbestos wastes would provide a safer work environment for employees, neighbors and disposal facility workers. The National Institute for Occupational Safety and Health reports that when handled, asbestos can separate into microscopic-size particles that remain in the air and are easily inhaled. By requiring nonfriable materials to be packaged, labeled, and disposed the same way that friable waste is packaged, labeled, and disposed should prevent exposure to asbestos fibers.</p>
How would the proposed rule address the need?	<p>The proposed rule would require disposal of nonfriable asbestos to be similar to friable for safer disposal of asbestos-containing materials.</p>
How will DEQ know the rule addressed the need?	<p>DEQ anticipates that contractors and disposal sites will increase use of DEQ asbestos disposal forms. DEQ will receive notifications that nonfriable asbestos has been disposed of similar to friable asbestos waste.</p> <p>DEQ will be able to verify through inspections that licensed abatement contractors have packaged, stored, transported, and disposed of nonfriable asbestos-containing material with the same standards as friable asbestos-containing materials. When nonfriable asbestos waste is bagged and labeled and disposed of similar to friable asbestos waste there should be less potential to disturb nonfriable asbestos waste and make it friable when received at a disposal site.</p>
Require laboratories for asbestos testing to be accredited	

Proposed Rule or Topic	Discussion
What need would the proposed rule address?	DEQ proposes to require that laboratories analyzing asbestos samples meet established standards by participating in a nationally recognized testing program with proficiency testing or an equivalent testing program. Building owners or contractors will be able to trust that the asbestos analysis results they receive are accurate no matter which laboratory analyzed the material. Accreditations or equivalent testing programs ensure integrity of testing results for asbestos, appropriately trained staff, properly handled samples, and clear laboratory reporting.
How would the proposed rule address the need?	The proposed rule would require laboratories to demonstrate proficiency through participation in a nationally recognized accreditation program or testing program.
How will DEQ know the rule addressed the need?	DEQ's laboratory will verify that labs that analyze for asbestos are participating in a nationally recognized accreditation program or testing program. DEQ's laboratory will maintain a list of laboratories that participate in a nationally recognized accreditation program or testing program.

Rules affected, authorities, supporting documents

Lead division

Air Quality Division

Program or activity

Asbestos program

Chapter 340 action

Amend - OAR

340-248-0005	340-248-0010	340-248-0100	340-248-0110
340-248-0120	340-248-0130	340-248-0140	340-248-0150
340-248-0160	340-248-0170	340-248-0180	340-248-0205
340-248-0210	340-248-0220	340-248-0230	340-248-0240
340-248-0250	340-248-0260	340-248-0270	340-248-0275
340-248-0280			

Repeal - OAR

340-248-0290

Statutory authority – ORS

468.020	468.065	468A.700-.760	468A.025	468A.135
468				

Statute implemented – ORS

468A.700-.760	468A.025	468.020
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Documents relied on for rulemaking

Document title	Document or website location
Licensed Asbestos Abatement Contractors, October 30, 2017	Oregon Department of Environmental Quality

Document title	Document or website location
	700 NE Multnomah Street, Suite 600, Portland Oregon 97232
Informational Paper: Asbestos Surveys and Survey Report Requirements	http://www.oregon.gov/deq/Rulemaking%20Docs/Asbestos2018ACASSRR.pdf
Agency for Toxic Substances and Disease Registry, U.S. Department of Health & Human Services	https://www.atsdr.cdc.gov/asbestos/overview.html
Informational Paper: Survey Exemption for Residential Renovations	http://www.oregon.gov/deq/Rulemaking%20Docs/Asbestos2018ACRRSE.pdf
National Institute for Occupational Safety and Health (NIOSH) Respiratory Health Division	https://www.cdc.gov/niosh/topics/asbestos/
Informational Paper: Nonfriable Asbestos Disposal Requirements	http://www.oregon.gov/deq/Rulemaking%20Docs/Asbestos2018ACNDR.pdf
Asbestos 2017 Rulemaking Advisory Committee meeting notes, Sep. 28, 2017 (Number of licensed construction contractors.)	http://www.oregon.gov/deq/Rulemaking%20Docs/rasbestos2018m1notes.pdf
National Institute of Standards and Technology (NIST), National Voluntary Laboratory Accreditation Program (NVLAP)	https://www.nist.gov/nvlap/about-nvlap
American Industrial Hygiene Association (AIHA), Industrial Hygiene Laboratory Accreditation Program (IHLAP)	https://www.aihaaccreditedlabs.org/LabAccreditationPrograms/IHLAP/Pages/default.aspx
Bulk Asbestos Proficiency Analysis Testing Program, operated by AIHA (BAPAT)	https://www.aihapat.org/Programs/Pages/default.aspx

Fee Analysis

This rulemaking does not involve fees.

Statement of fiscal and economic impact

Fiscal and Economic Impact

DEQ expects that the proposed rules would add a direct cost to the following:

1. Residential renovations for survey requirements;
2. Nonfriable disposal requirements; and
3. Accreditation for laboratory asbestos testing.

Statement of Cost of Compliance

The following estimations outline the approximate cost of compliance:

1. **Residential Renovation Survey:** A residential renovation survey rule may create approximately more than the 725 estimated additional yearly statewide surveys for demolitions discussed in the Senate Bill 705 rulemaking. Estimates for residential renovation surveys have the potential to change yearly and are estimated to be \$450 to \$650 for each residential renovation survey, including laboratory analysis and travel by an accredited asbestos inspector to perform the survey.

DEQ assumes that a new survey requirement would increase public awareness that asbestos is present and would result in more notifications and abatement projects.

2. **Nonfriable moved to friable disposal requirements:** DEQ is unable to quantify the impact at this time for removing Nonfriable Asbestos Disposal Requirements section, 340-248-0290 and adding nonfriable to the Friable Asbestos Disposal Requirements section, 340-248-0280. At the time of this fiscal and economic impact statement, the cost for a box of 50 plastic bags that are 6-mil thickness, generally used to package friable asbestos-containing material in rule OAR 340-248-0280(2)(b) is \$60. The costs to deposit asbestos-containing waste material at a permitted disposal site authorized by DEQ may vary by \$10 to \$50 per ton depending on the disposal site.
3. **Accredited laboratories for asbestos testing:** The approximate costs are below:

Accreditation	
National Institute of Standards and Technology (NIST), National Voluntary Laboratory Accreditation Program (NVLAP) includes ISO 17025:2005	Approximately \$20,000 over the first 2 years and an estimated \$15,000 over each subsequent two-year period (includes inspections). Annual Fee \$5,225. Assessment fee \$4,480. Initial assessment required and follow-up assessment after the first year. Assessments every other year after. Includes proficiency testing.

American Industrial Hygiene Association (AIHA), Industrial Hygiene Laboratory Accreditation Program (IHLAP). - ISO 17025:2017	Approximately \$13,000 over the first two years and an estimated \$9,000 over each subsequent two-year period. Annual Fee \$1,995. Annual application fee \$950. Assessment Fee \$1,600. Includes proficiency testing.
Proficiency Analysis Testing	
Bulk Asbestos Proficiency Analysis Testing Program (BAPAT), operated by AIHA.	Proficiency testing program provided by the AIHA Proficiency Analytical Testing Programs, LLC (AIHA PAT Programs, LLC) Estimated costs are \$2,685/year. BAPAT is not an accreditation program.

State agencies

1. **Residential Renovation Survey:** DEQ does not expect that the residential renovation asbestos survey rules would impose any additional direct fiscal or economic impact on any other state or federal agencies. There could be an increase in communication about asbestos abatement projects between asbestos industry professionals, disposal facilities, the public and Oregon Occupational Safety and Health Division, with insignificant fiscal impact.
2. **Nonfriable moved to friable disposal requirements:** DEQ does not expect that the addition of nonfriable to the friable asbestos disposal requirements section would impose any additional direct fiscal impact or economic impact on any other state or federal agencies.
3. **Accredited laboratories for asbestos testing:** DEQ does not expect that the addition of laboratory accreditation or proficiency testing program requirements would impose any additional direct fiscal impact or economic impact on any other state or federal agencies.

Local governments

1. **Residential Renovation Survey:** The proposed rule changes for the residential renovation asbestos survey would not create any known direct fiscal or economic impact for local governments. These rules may not change local governments' residential renovation permitting processes. This change may support local government residential renovation code programs that elect to include an asbestos survey requirement in residential renovation permitting forms.
2. **Nonfriable moved to friable disposal requirements:** The proposed rule changes for the addition of nonfriable to the friable asbestos disposal requirements section would not create any known direct fiscal or economic impacts for local governments.
3. **Accredited laboratories for asbestos testing:** DEQ does not expect that the addition of laboratory accreditation or proficiency testing program requirements

would impose any additional direct fiscal impact or economic impact on any other state or federal agencies.

Public

1. **Residential Renovation Survey:** The proposed rule changes for the residential renovation asbestos survey would add cost to a member of the public who purchases or owns a residential building requiring renovation. A purchaser or owner of a residential building requiring renovation would spend approximately \$450-\$650 and up to \$1,000 (including travel and laboratory analysis) for larger homes for the asbestos survey, depending on the size and the location of the building. DEQ estimates that there is a chance the survey would produce a positive result for asbestos-containing material when surveyed. In the case of a positive result for asbestos-containing material, the costs for a licensed abatement contractor to perform the abatement would pass through to the residential building owner. DEQ estimates each project may cost from \$2,000 to \$10,000 depending on the amount of asbestos-containing material abated. Please note that the asbestos abatement costs are not a change due to the rules. Asbestos abatement of asbestos-containing materials is required regardless of whether a survey is conducted or not. The requirement to conduct a survey should result in fewer improper disturbances or impacts to asbestos-containing material.

2. **Nonfriable moved to friable disposal requirements:** The proposed rule changes for the addition of nonfriable to the friable asbestos disposal requirements section may add a minimal cost to members of the public that work with a certified asbestos abatement contractor to properly abate and dispose of asbestos-containing material. These costs are generally internalized into the contractor’s project costs.

3. **Accredited laboratories for asbestos testing:** The proposed rule change for laboratory accreditation or proficiency testing program requirements may add a cost to members of the public if using a laboratory for asbestos analysis that is not currently accredited or participating in a proficiency-testing program. The costs are generally internalized into the laboratory costs.

Large businesses - businesses with more than 50 employees and Small businesses – businesses with 50 or fewer employees

Residential renovation survey	Large businesses, more than 50 employees	Small businesses, 50 or fewer employees
Residential Developers	These businesses may experience negative fiscal impacts from the cost of renovating a residential building with four or fewer dwelling units by the cost of the survey estimated to be \$450 to \$650. This additional cost may be passed on to the purchaser of the renovated property.	

Licensed Construction Contractors¹	The majority of the 38,000 licensed construction contractors in Oregon are estimated to be large businesses.	Approximately 25 percent of the 38,000 licensed construction contractors in Oregon are small businesses.
	Large and small business licensed for residential construction may incur a direct cost as a result of the proposed rule changes for the residential renovation asbestos survey estimated to be \$450 to \$650. This additional cost may be passed on to the purchaser of the renovated property.	
Licensed Asbestos Abatement Contractors	An estimated two of the approximate 55 licensed asbestos abatement contractors in Oregon may be considered large businesses.	An estimated 53 of approximate 55 licensed asbestos abatement contractors may be considered small businesses.
	Licensed asbestos abatement contractors would experience a positive fiscal impact from these rules generated by the increased demand for asbestos abatement projects. Each project may net increased revenue ranging from \$2,000 to \$10,000 depending on the amount of asbestos-containing material to be abated. This cost would pass through to the residential building owner.	
Waste Disposal Facilities	Businesses that dispose of asbestos-containing material that are large or small may experience a positive fiscal impact from these rules generated by an increase in identified asbestos-containing waste material at the generation point, in the construction and renovation waste stream.	
	Permitted disposal sites may experience an increased flow of asbestos containing material. This may result in either positive or negative fiscal impacts.	
Accredited Asbestos Inspectors	Large businesses may or may not experience a positive impact depending on the business model of	Many accredited asbestos inspectors for residential renovations are small businesses. These

¹ The 38,000 number of licensed construction contractors is provided Construction Contractors Board, and the percent that is attributed to small and large businesses of that amount comes from the Oregon Department of Employment using a broad category selection of types of construction contractors.

	the large business to work on surveys for residential renovations with four or fewer units.	businesses may experience a positive fiscal impact from these proposed rules generated by the increased demand for asbestos surveys. Each survey may generate an increase in revenue ranging from \$450-\$650.
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Nonfriable moved to friable disposal requirements	Large businesses, more than 50 employees	Small businesses, 50 or fewer employees
Residential Developers	The proposed rule changes for the addition of nonfriable to the friable asbestos disposal requirements rule section may add a minimal cost indirectly to total project costs, from licensed construction contractors packaging the nonfriable asbestos-containing material as friable for disposal and disposal of the asbestos-containing waste material. This additional cost may be passed on to the purchaser of the renovated property.	
Licensed Construction Contractors	The proposed rule changes for the addition of nonfriable to the friable asbestos disposal requirements section may add a direct cost when packaging the nonfriable asbestos-containing material as friable for disposal and disposal of the asbestos-containing waste material. This cost may pass through to the building owner.	
Waste Disposal Facilities	<p>The proposed rule changes may have a positive impact on the waste disposal facilities that have procedures designed to reduce the health risks of customers and workers that come from exposure to asbestos fibers. In most cases, the nonfriable asbestos-containing waste material requirements at permitted disposal facilities are as rigorous or are similar to requirements for friable asbestos-containing waste material provided in OAR 340-248-0280 Friable Asbestos Disposal Requirements, even though this is not currently required in OAR 340, Division 248.</p> <p>The proposed rule changes may reduce the costs to non-permitted disposal facilities by reducing the need to survey suspect loads and hire certified asbestos abatement contractors to clean up a site where asbestos was</p>	

	identified. More information about practices of permitted disposal sites can be found on an information paper for this rulemaking online .
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Accredited laboratories for asbestos testing requirements	Large businesses, more than 50 employees	Small businesses, 50 or fewer employees
Residential Developers	The proposed rule changes for the addition of testing bulk samples analyzed by persons or laboratories that participate in a nationally recognized testing program with proficiency testing or an equivalent testing program may add a cost to total project costs for residential developers that are required to survey residential renovation (in draft rule) or demolition projects. This additional cost may ultimately be passed on to the purchaser of a renovated property.	
Licensed Construction Contractors	The proposed rule changes for the addition of testing bulk samples analyzed by persons or laboratories that participate in a nationally recognized testing program with proficiency testing or an equivalent testing program may add a cost to total project costs for licensed construction contractors if they are providing services that include asbestos surveys performed by an accredited inspector. This cost may pass through to the building owner.	
Laboratories	Many of the labs are representative of small businesses with 50 or fewer employees. If the laboratory is not currently participating in a nationally recognized testing program with proficiency testing or an equivalent testing program, the laboratory costs would increase to cover the participation costs of the accreditation or proficiency testing program. This cost may pass through to the laboratory client.	

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

- Estimated 38,000 licensed construction contractors (a mix of large and small).
- Estimated 55 licensed asbestos abatement contractors (a mix of large and small).
- Unknown number of total laboratories that provide asbestos testing for Oregon projects. DEQ estimates 17 laboratories in Oregon and Washington at minimum that perform this work.
- Additional unknown number of active residential property development businesses. These businesses may be diverse in size, ranging from sole proprietorships to national property development companies.

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

Projected direct cost for professional services required for residential surveys of \$450 to \$650 to conduct more than the estimated 725 asbestos surveys for residential demolitions discussed in the Senate Bill 705 rulemaking. The draft rules would impose minimal administrative costs for the electronic transmittal of asbestos survey reports to DEQ upon request.

The projected direct cost for a laboratory that is not currently participating in a nationally recognized testing program with proficiency testing or an equivalent testing program for recordkeeping or other administrative activities is unknown.

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

Licensed asbestos abatement contractors may pay an estimated additional \$60 per box of 50, 6-mil thick plastic bags for any additional packaging or other additional packaging methods used instead of plastic bags to meet the disposal requirements. Costs for disposal may increase by \$10 to \$50 at permitted disposal facilities.

The projected increase in direct costs for a laboratory that is not currently participating in a nationally recognized testing program with proficiency testing is unknown. Direct costs for equipment, supplies and labor to participate in a testing program may not increase.

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

DEQ convened a 24-member advisory committee that included small business representatives to discuss the proposed rule changes. During the meetings, DEQ provided several opportunities for input from the public audience that included small businesses.

Documents relied on for fiscal and economic impact

Document title	Document or website location
Licensed Asbestos Abatement Contractors, October 30, 2017	Oregon Department of Environmental Quality 700 NE Multnomah Street, Suite 600, Portland Oregon 97232
Agency for Toxic Substances and Disease Registry, U.S. Department of Health & Human Services	https://www.atsdr.cdc.gov/asbestos/overview.html

Document title	Document or website location
National Institute for Occupational Safety and Health (NIOSH) Respiratory Health Division	https://www.cdc.gov/niosh/topics/asbestos/
Asbestos 2017 Rulemaking Advisory Committee meeting notes, Sep. 28, 2017 (Number of licensed construction contractors.)	http://www.oregon.gov/deq/Rulemaking%20Docs/rasbestos2018m1notes.pdf
National Institute of Standards and Technology (NIST), National Voluntary Laboratory Accreditation Program (NVLAP)	https://www.nist.gov/nvlap/about-nvlap
American Industrial Hygiene Association (AIHA), Industrial Hygiene Laboratory Accreditation Program (IHLAP)	https://www.aihaaccreditedlabs.org/LabAccreditationPrograms/IHLAP/Pages/default.aspx
Bulk Asbestos Proficiency Analysis Testing Program, operated by AIHA (BAPAT)	https://www.aihapat.org/Programs/Pages/default.aspx

Advisory committee

DEQ appointed an advisory committee. The committee’s web page can be found here: [Asbestos 2018 rulemaking](#).

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

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

The committee reviewed the draft fiscal and economic impact statement and its findings are stated in the approved minutes dated March 20, 2018. The committee found the following during its fiscal impact review:

- The advisory committee provided input that the following information located under small business impacts could be added to the public impacts under the statement of compliance.

In the case of a positive result for asbestos-containing material, the costs for a licensed abatement contractor to perform the abatement would pass through to the residential building owner. DEQ estimates each project may cost from \$2,000 to \$10,000 depending on the amount of asbestos-containing material to be abated.

- The purchaser or owner of residential building requiring renovation may spend up to \$1,000 on the asbestos survey, which is more than DEQ approximated. However, the advisory committee agreed that in most cases, the asbestos survey is what DEQ estimated to be \$450

to \$650 and the higher costs discussed by the committee members were estimated and not actual.

The committee concluded the proposed residential renovation survey rule change may have an adverse fiscal impact on owners or operators of residential renovations. However, the cost is estimated to be passed along the building owner.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. DEQ determined the proposed rules may affect the development costs by increasing the cost of a residential renovation by the cost of the survey. The cost of residential renovation may also increase by the cost of an asbestos abatement if the results of the survey positively identify asbestos-containing materials.

Federal relationship

Relationship to federal requirements

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

The proposed rules add requirements additional to those in federal requirements.

The federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos regulate asbestos abatement and disposal. DEQ is adding requirements that are additional to NESHAP where a survey is required only for residential buildings with more than four dwelling units.

Human health can be protected by performing asbestos surveys prior to renovation and demolition. When a residential renovation is conducted that impacts, disturbs, or improperly removes asbestos-containing material, the asbestos fibers may be released into the home, and the occupants may be exposed to the asbestos fibers. There are no known safe levels of exposure to asbestos fibers. Asbestos can cause diseases such as asbestosis, mesothelioma or lung cancer and serious respiratory illnesses.

The asbestos survey is a tool used to ensure compliance with the asbestos abatement rules. Current Oregon rules require an asbestos survey prior to commercial demolitions and renovations, and for residential demolitions of buildings constructed prior to Jan. 1, 2004. Residential renovation construction projects are currently exempt from the asbestos survey requirement.

When a demolition or renovation on a facility is properly executed with consideration for asbestos-containing material, the facility owners, contractors, waste haulers, and disposal facilities benefit. Asbestos-containing materials can be accurately identified and project budgets can account for abatement costs in advance of the project start date. Facility owners can ensure their project is not posing a risk of asbestos exposure to themselves, other building occupants, contractors, workers or neighbors. Contractors can ensure that they can accurately identify building materials for asbestos-containing material to support a work-plan that is safe for workers and has required removal work practices according to OAR 340 Division 248. Disposal sites improve their facility management when they can review a survey for asbestos-containing waste material derived loads (regardless of knowing if the asbestos-containing waste material came from a facility renovation or demolition) or are provided adequately packaged asbestos-containing waste material to ensure proper management, employee health, and environmental safety.

Land use

Land-use considerations

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

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

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

To determine whether the proposed rules involve programs or actions that affect land use, DEQ reviewed its Statewide Agency Coordination plan, which describes the DEQ programs that have been determined to significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal

- 5 Open Spaces, Scenic and Historic Areas, and Natural Resources
- 6 Air, Water and Land Resources Quality
- 9 Ocean Resources
- 11 Public Facilities and Services
- 16 Estuarial Resources

Statewide goals also specifically reference the following DEQ programs:

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

Determination

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

Stakeholder and public involvement

Advisory committee

Background

DEQ convened an advisory committee that included representatives from local governments and industry and met three times. The location of the committee's web page: [Asbestos 2018](#).

The committee members were:

Asbestos 2018 Rulemaking Advisory Committee	
Name	Representing
Michael Freese	Associated Oregon Industries
Marilyn Bull	Bullseye Analytical
Nancy Thorington	City of Portland Bureau of Development Services
Tim Lenihan	Construction Contractors Board
Maryhelen Kincaid	Development Review Advisory Committee
Bob Gordon	Green Deconstruction Services, Inc
James Adkins	Home Builders Association of Metro Portland
BJ Hutchins	IQA Home Inspections, Inc.
Gerry Strawn	Southwest Clean Air Agency
Penny Erickson	Metro
Jim Slusher	Mid-Columbia Community Action Council
Kathleen Kincade	Oregon OSHA
Willie Tiffany	Oregon Refuse and Recycling Association
Greg Olson	Oregon Remodeler's Association, Olson and Jones
Greg Baker	PBS Environmental
Rosa Martinez	Professional Minority Group
Ame LeCocq	Recology
Garry Penning	Rogue Disposal & Recycling
Dave Bartz	Schwabe Williamson & Wyatt
John Hill	SMAF Environmental
Dave McCall	Tillamook County Public Works
Ed Joyce	TriTalent Funding Group
John Sandie	United Neighborhoods for Reform
Kim Kaminski	Waste Management of Oregon

Meeting notifications

To notify people about the advisory committee's activities, DEQ:

- Sent GovDelivery bulletins, a free e-mail subscription service, to the following lists:
 - Rulemaking
 - Asbestos Issues
 - DEQ Public Notices
- On September 14, 2017 DEQ sent a one-time notice to GovDelivery subscribers to describe how to sign up for advisory committee meeting notices, and
- People who signed up for the advisory committee bulletin.
- Added advisory committee announcements to DEQ's calendar of public meetings at [DEQ Calendar](#).

Public notice and hearings

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing on May 15, 2018 by:

- On May 15, 2018 Filing notice with the Oregon Secretary of State for publication in the April 2018 Oregon Bulletin;
- Notifying the EPA by mail;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at: [Asbestos 2018](#);
- Emailing approximately 10,326 interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - DEQ public notices
 - Asbestos Issues
- Emailing the following key legislators required under ORS 183.335:
 - Senator Dembrow
 - Senator Taylor
 - Senator Olsen
 - Senator Baertschiger
 - Senator Bentz
 - Senator Prozanski
 - Senator Roblan
 - Rep. Keny-Guyer
 - Rep. Kotek
 - Rep. Helm
 - Rep. Power
 - Rep. Reschke
 - Rep. Barnhart
 - Rep. Bonham
 - Rep. Findley
 - Rep. Holvey
 - Rep. Marsh
 - Rep. Brock Smith
- Emailing advisory committee members,
- Postings on Twitter and Facebook
- Posting on the DEQ event calendar: [DEQ Calendar](#)

Public hearings

DEQ plans to hold one public hearing. The details are listed below. Anyone can attend a hearing in person, at a regional office listed below, or teleconference.

DEQ will consider all written comments received at the hearings listed below before completing the draft rules. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Hearing 1	
Date	Wednesday, June 20, 2018
Time	6:30 p.m
Street Address	Lloyd building floor 3 conference room 700 NE Multnomah Street
City	Portland
Presiding Officer	DEQ staff
Staff Presenter	Michele Martin
Call-in Phone Number	888-278-0296
Participant ID	8040259
Instructions on how to access webinar and teleconference	Teleconference and Webinar instruction
Attend remotely at a regional office:	
Salem	
Street Address	4026 Fairview Industrial Drive SE
City	Salem, OR 97302
DEQ staff on site	Dottie Boyd
Medford	
Street Address	221 Stewart Avenue, Suite 201
City	Medford, OR 97501
DEQ staff on site	Steve Croucher
Coos Bay	
Street Address	381 N Second Street
City	Coos Bay, OR 97420
DEQ staff on site	Martin Abts
Bend	
Street Address	475 NE Bellevue Dr., Suite 110
City	Bend, OR 97701

DEQ staff on site	Frank Messina
Pendleton	
Street Address	800 SE Emigrant, Ste. 330
City	Pendleton, OR 97801
DEQ staff on site	Tom Hack

How to comment on the proposed rules:

Submit comment online

[Asbestos 2018 Comment Page](#)

Note for public university students:

ORS 192.501(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon’s public records law. If you are an Oregon public university or OHSU student you may omit your email address when you complete the online form to submit a comment.

By mail

Oregon DEQ
 Attn: Michele Martin
 700 NE Multnomah Street, Suite 600
 Portland, OR 97204-1390

At the hearing

Close of public comment period

The comment period will close 4 p.m. on June 22, 2018

Accessibility Information

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

To schedule a review of all websites and documents referenced in this announcement, call Michele Martin, Portland OR 503-229-5103 (800-452-4011, ext. 5622 toll-free in Oregon).

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011, ext. 5696; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. Hearing impaired persons may call 711

Draft Rules - With Edits Highlighted

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, 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 contaminated by asbestos-containing material. Asbestos-containing waste material includes:](#)

[\(a\) 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.

(13) "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.

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

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

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

(17) "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.

(19) "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.~~

(2320) "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.

(2421) "Facility" means all or part of any public or private building, structure, installation, equipment, vehicle, or vessel, including ~~but not limited to~~ ships.

(2522) "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, transportation, or disposal.

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

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

(2625) "HEPA filter" means a high efficiency particulate air filter capable of filtering 0.3 micron particles with 99.97 percent efficiency.

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

(2727) "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.

(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 disposal site~~ landfill permitted to receive such waste.

(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 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, transportation, 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 person performing 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 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. Exceptions are that residential building does not mean any facility that is:

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

(b) Demolished as part of a larger project including urban renewal projects, highway construction projects, or property developed for commercial use, industrial use, or multi-unit residential buildings with more than four units;

(c) Renovated or demolished along with one or more other facilities 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 facility.

(~~3742~~) "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.~~

~~(3843)~~ "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.~~
~~(4044)~~ "Training Day" means a day of classroom instruction that consists of at least seven hours of actual classroom instruction and hands-on practice.

(45) "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 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'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'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 Department~~ DEQ 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, ~~of~~ 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~~ [i](#) ~~vision~~; ~~or~~
- (g) Failing to comply with the administrative tasks and any other requirement of this ~~D~~ [i](#) ~~vision~~; ~~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 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 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 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'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~~ [d](#)ivision.

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) 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 by the Environmental Protection Agency as listed in EPA/600/R-93/116, July 1993, "Method for the Determination of Asbestos in Bulk Building Materials" in 40 CFR Part 763 Subpart E, Appendix E, Section 1, Polarized Light Microscopy or another substantially similar method approved by ~~the Department~~ DEQ. Bulk samples must not be composited for analysis.

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 $\text{m}^3/\text{min}/\text{m}^2$ ($\text{ft}^3/\text{min}/\text{ft}^2$) 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^2 (oz/yd^2), the minimum thickness in millimeters (inches), and the airflow permeability in $\text{m}^3/\text{min}/\text{m}^2$ ($\text{ft}^3/\text{min}/\text{ft}^2$); ~~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^3/day (yd^3/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~~[DEQ](#)";

(b) §61.150 means OAR 340-248-0280;

(c) §61.152 means OAR 340-248-02750(~~132~~)(a);

(d) §61.154 means OAR 340-248-0280;

(e) §61.154(e) means OAR 340-248-0280(10)(a)(~~C~~)(~~G~~); [and](#)

(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~~ and 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~~ and 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).

(6) Municipal landfills, transfer stations, and material recovery facilities as defined and permitted by OAR 340 division 93 through OAR 340 division 96 that are following DEQ approved operations and special waste management plans are exempt from managing nonfriable asbestos-containing material in accordance with 340-248-0280 if the nonfriable asbestos-containing material is first discovered by the permitted disposal site on its tipping floor or within the permitted facility's transfer container and the management of the nonfriable asbestos containing material in accordance with 340-248-0280 would present an immediate risk to health and safety. A disposal site that manages its waste under this subpart must immediately notify the final permitted disposal site, as applicable, and notify DEQ within 24 hours of discovering nonfriable asbestos containing material on its tipping floor or in its transfer container.

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 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 (9) of this rule.

(1) ~~Submit the n~~Notifications as specified in section (4) of this rule and the project 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 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 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 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 an asbestos abatement notification may not exceed one year beyond the original starting date. The project starting and completion date provided in a notification for an asbestos abatement project 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 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 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 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 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 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 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 notification fee.

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

(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 the owner or operator of a demolition or renovation activity.

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

(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(8) (f) provide the name, title and authority of the State or local government official who ordered the demolition, date the order was issued, and the date demolition is to begin.

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

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

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

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

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

(d) Verification of payment to DEQ; and

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

(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) Beginning January 1, 2021, each sample collected under subsections (a) and (b) must be analyzed by a laboratory with proficiency demonstrated by participation in a nationally recognized laboratory accreditation program for asbestos testing, or participate in, and maintain passing status in a nationally recognized bulk asbestos proficiency testing program 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 and current 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 including 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.

~~(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 the owner or operator performing the demolition must:~~

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

~~(B) Notify the Department 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;~~

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

(e) 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 disjoining operation;

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

(C) May leave ~~Asbestos~~ 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~~ Aa 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~~.

(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.~~

~~(ih) None of the operations in section (1) through (4) of this rule may cause any V 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~~ OAR chapter 340 division 248;

(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

(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.³/min./ft.² (9 m³/min./m²) for woven fabrics or 35 ft.³/min./ft.² (11 m³/min./m²) for felted fabrics with the exception that airflow permeability of 40 ft.³/min./ft.² (12 m³/min./m²) for woven and 45 ft.³/min./ft.² (14 m³/min./m²) 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) 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) 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) ~~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) 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) 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 adequately wetted to ensure that they remain wet until delivered to an authorized landfill, and:

(a**b**) Adequately wetted to ensure that they remain wet until delivered to a 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 two plastic bags, each with a minimum thickness of 6 mil., or fiber or metal drum. Containers must be labeled as follows:~~

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

(B) A warning label that complies with either subparagraph (i) or (ii):

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

“DANGER

CONTAINS ASBESTOS FIBERS~~Contains Asbestos Fibers~~

AVOID CREATING DUST~~Avoid Creating Dust~~

CANCER AND LUNG DISEASE HAZARD~~Cancer and Lung Disease Hazard~~

AVOID BREATHING AIRBORNE~~Avoid Breathing Airborne~~

ASBESTOS FIBERS~~Asbestos Fibers”~~

(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(5), 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, and provide a copy of the form to the waste transporter.

(a) Waste Generation:

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

(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 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 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~~ three 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;~~ and

(C) ~~(i)~~ 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 ~~Authorized Personnel Only”~~

(ii) ~~Alternatively,~~ Use language that conforms to the requirements of ~~29 CFR 1926.1101(k)(6) (1994)~~ 29 CFR 1926.1101(k)(8) (2013) ~~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;~~ 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 [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 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; ~~and~~

(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; ~~and~~

(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; ~~and~~

(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; ~~and~~

(B) State the reason for disturbing the waste; ~~and~~

(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~~

Draft Rules – With Edits Incorporated

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 248

ASBESTOS REQUIREMENTS

340-248-0005

Applicability

OAR 340-248-0010 through 340-248-0280 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, 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).

(2) "Accredited trainer" means a provider of asbestos abatement training courses authorized by 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, 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 contaminated by asbestos-containing material. Asbestos-containing waste material includes:

- (a) Waste asbestos tailings or any commercial asbestos;
- (b) Waste generated by a source subject to OAR 340-248-0205 through 340-248-0280;
- (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.

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

- (11) "Asbestos tailings" mean any solid waste product of asbestos mining or milling operations that contains asbestos.
- (12) "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 248-0280 whose act or process generates asbestos-containing waste material.
- (13) "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.
- (14) "Certified supervisor" means a person who has a current Oregon supervisor certification card.
- (15) "Certified worker" means a person who has a current Oregon worker certification card.
- (16) "Contractor" means a person that undertakes for compensation an asbestos abatement project for another person. As used in this division, "compensation" means wages, salaries, commissions and any other form of remuneration paid to a person for personal services.
- (17) "Commercial asbestos" means asbestos that is produced by extracting asbestos from asbestos ore.
- (18) "Cutting" means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.
- (19) "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) "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.
- (21) "Facility" means all or part of any public or private building, structure, installation, equipment, vehicle, or vessel, including ships.
- (22) "Friable asbestos material" means any asbestos-containing material that when dry can be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, transportation, or disposal.
- (23) "Glove bag" means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials.

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

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

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

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

(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 outside a regulated area until transported to a disposal site permitted to receive such waste.

(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.

(30) "Licensed" means a contracting entity has met 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.

(32) "Negative pressure enclosure" means a barrier surrounding the area of asbestos abatement comprised of a plastic with a minimum thickness of 6 mil 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 doorways, windows, HVAC systems, drains, plumbing, and other gaps.

(33) "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, transportation, or disposal.

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

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

(36) "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 any person who owns, leases, operates, controls, or supervises a demolition or renovation operation.

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

(38) "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 person performing 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”

(40) "Renovation" means altering in any way one or more facility components. Renovation includes 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 a site-built home, modular home constructed off site, mobile home, condominium, duplex, or a multi-unit residential building consisting of four units or less. Exceptions are that residential building does not mean any facility that is:

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

(b) Demolished as part of a larger project including urban renewal projects, highway construction projects, or property developed for commercial use, industrial use, or multi-unit residential buildings with more than four units;

(c) Renovated or demolished along with one or more other facilities 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 facility.

(42) "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:

(a) Removal of asbestos-containing insulation on pipes;

(b) Removal of small quantities of asbestos-insulation on beams or above ceilings;

(c) Replacement of an asbestos-containing gasket on a valve;

(d) Installation or removal of a small section of drywall; or

(e) Installation of electrical conduits through or proximate to asbestos-containing materials.

(43) "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.

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

(45) "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 468.020, ORS 468A.025, ORS 468A.135 & ORS 468A.745

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 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 468.020, ORS 468A.025, ORS 468A.135 & 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 may not allow any persons other than employees of the owner or operator of a demolition or renovation activity who are appropriately certified or 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 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 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 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 DEQ under the provisions of OAR 340-248-0140.
- (8) Each person licensed, certified, or accredited by DEQ under the provisions of this division must comply with OAR 340-248-0005 through 340-248-0280 and maintain a current address on file with DEQ. Failure to comply with this paragraph will subject such persons to suspension or revocation of license, certification, or accreditation.
- (9) DEQ may require training providers to ask applicants to provide their social security number and to retain records of those numbers for 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 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 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 DEQ.
- (2) Application for licenses must be submitted on forms prescribed by 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) DEQ will review the application for completeness. If the application is incomplete, DEQ will notify the applicant in writing of the deficiencies.
- (4) DEQ will deny, in writing, a license to a contractor who has not satisfied the license application requirements.
- (5) 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 DEQ's review of a renewal application provided the renewal application is filed with 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) DEQ may suspend or revoke a license if the licensee:
- (a) Fraudulently obtains or attempts to obtain a license;
 - (b) Fails at any time to satisfy the qualifications for a license;
 - (c) Fails to meet any applicable state or federal standard relating to asbestos abatement;
 - (d) Permits an untrained or uncertified worker to work on an asbestos abatement project;

- (e) Employs a worker who fails to comply with applicable state or federal rules or regulations relating to asbestos abatement;
 - (f) Fails to make current certification cards readily available at worksites for inspection by 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 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 a 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 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 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

(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.

(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.

(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 DEQ at each asbestos abatement project for each worker or supervisor engaged in asbestos abatement activities.

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

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

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

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

(d) Obtains certification from a training provider that does not have 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 division.

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

(c) 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 DEQ or its designee to attend, evaluate and monitor any training course without charge. DEQ is not required to give advance notice of its inspection. 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) DEQ may require accredited training providers to pay a fee to cover the reasonable travel expenses for one DEQ representative to audit for compliance with this division 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 DEQ in writing on forms provided by 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 DEQ's request the applicant must provide copies of the materials. Any audio-visual materials provided to 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 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 DEQ or its designees upon request.

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

(d) Upon approval of an initial or refresher asbestos training course, 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 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 DEQ with advance payment for each certificate to be issued.

- (d) Utilize and distribute to all class participants, as part of the course information, training aides furnished by DEQ.
- (e) Provide 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 DEQ before any class taking place that is not on 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 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 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 DEQ to take possession of the records for lawful disposition.

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

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

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

(4) Denial, Suspension or Revocation of Accreditation. DEQ may deny, suspend, or revoke an application or current accreditation for any of the reasons contained in this section. 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;

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

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

(d) Failing to maintain requisite records;

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

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

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

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

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

(j) An approved training course instructor or other person with supervisory authority over the delivery of training violates any other asbestos regulations administered by DEQ, EPA, or any other government 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 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 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 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) DEQ may require any accredited training provider to use examinations developed by 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 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. 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. 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. 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.

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 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) DEQ determines that the course and examination requirements are equivalent to or exceed the requirements of OAR 340-248-0130 and 340-248-0140 for the level of certification sought or 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 DEQ. Applicants must have a current certification from EPA or an equivalent certification from another state when applying under this section.

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

DEQ may develop reciprocity agreements with other jurisdictions regarding all activities under this 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) 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) Asbestos Abatement Project Notification fee required under OAR 340-248-0260.

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

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 that DEQ inspectors may gain immediate access to perform required asbestos project inspections.
- (3) No person may engage in any sanding, grinding, sawing, or abrading of asbestos-containing material unless during such activity the material is 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 by the Environmental Protection Agency as listed in EPA/600/R-93/116, July 1993, "Method for the Determination of Asbestos in Bulk Building Materials" or another substantially similar method approved by DEQ. Bulk samples must not be composited for analysis.

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 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 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 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 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.

(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);

(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. 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 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 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 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 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.

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. Changes in the information provided to 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 DEQ:

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

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

(A) The airflow permeability in $m^3/min/m^2$ ($ft^3/min/ft^2$) 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^2 (oz/yd^2), the minimum thickness in millimeters (inches), and the airflow permeability in $m^3/min/m^2$ ($ft^3/min/ft^2$); 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) 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^3/day (yd^3/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) 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 is by this reference adopted and incorporated herein.

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

- (a) "Administrator" means "DEQ";
- (b) §61.150 means OAR 340-248-0280;
- (c) §61.152 means OAR 340-248-0275(2)(a);
- (d) §61.154 means OAR 340-248-0280;
- (e) §61.154(e) means OAR 340-248-0280(10)(a); and
- (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 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 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 DEQ at least 10 days before beginning any demolition project.

(b) Failure to notify 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 340-248-0280 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 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

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 division:

(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) Demolition and 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).

(d) Demolition and 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.

(e) 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.

(f) 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, 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. Asbestos abatement projects may not be subdivided into smaller sized units in order to qualify for this exemption.

(g) 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 340-248-0275, 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.

(4) Emergency firefighting 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 under ORS chapter 459 is not subject to OAR 340-248-0205(1).

(6) Municipal landfills, transfer stations, and material recovery facilities as defined and permitted by OAR 340 division 93 through OAR 340 division 96 that are following DEQ approved operations and special waste management plans are exempt from managing

nonfriable asbestos-containing material in accordance with 340-248-0280 if the nonfriable asbestos-containing material is first discovered by the permitted disposal site on its tipping floor or within the permitted facility's transfer container and the management of the nonfriable asbestos containing material in accordance with 340-248-0280 would present an immediate risk to health and safety. A disposal site that manages its waste under this subpart must immediately notify the final permitted disposal site, as applicable, and notify DEQ within 24 hours of discovering nonfriable asbestos containing material on its tipping floor or in its transfer container.

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 DEQ on a form prepared by and available from DEQ, accompanied by the appropriate fee. The notification must be submitted by the facility owner or operator, the owner or operator of a demolition or renovation activity, or by the contractor in accordance with one of the procedures specified in sections (1), (2), (3), or (4) of this rule except as provided in sections (5), (6), 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 (9) of this rule.

(1) Notifications as specified in section (4) of this rule and the project notification fee must be received by DEQ at least 10 days before beginning any friable asbestos abatement project and at least five days before beginning any nonfriable asbestos abatement project.

(a) The project 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 nonfriable asbestos abatement project not subject to paragraph (K).

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

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

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

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

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

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

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

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

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

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

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

(c) DEQ may waive the 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; and

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

(d) DEQ may waive the 10-day and the five-day notification requirement in section (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 DEQ 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 fee must be submitted to DEQ within three days of commencing emergency or unexpected event asbestos abatement projects.

(f) The duration of an asbestos abatement notification may not exceed one year beyond the original starting date. The project starting and completion date provided in a notification for an asbestos abatement project 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 notification fee.

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

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

(b) The notification must contain the information specified in subsections (4)(a) through (4)(i) of this rule to the extent possible.

(c) Provide to DEQ on a DEQ form a summary report of all asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter. The summary report must include the information specified in subsections (4)(i) through (4)(l) of this rule for each project.

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

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

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

(3) Annual nonfriable 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 DEQ prior to use.

(b) The notification must contain the information specified in subsections (4)(a) through (4)(i) of this rule to the extent possible.

(c) Provide to DEQ on a DEQ form, a summary report of all nonfriable asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter. The summary report must include the information specified in subsections (4)(i) through (4)(l) of this rule for each project.

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

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

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

(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 nonfriable 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).

(c) Method of asbestos abatement to be employed.

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

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

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

(g) Description of asbestos disposal procedure.

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

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

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

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

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

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

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

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

(n) Any other information requested on the DEQ form.

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

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

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

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

- (b) A copy of the original notification and the most recent revision;
 - (c) Proof that the requester was awarded the contract for the project prior to submitting the notification to DEQ;
 - (d) Verification of payment to DEQ; and
 - (e) Proof that asbestos-containing material or asbestos-containing waste material was present at the project site, such as lab results, or when material was assumed to be asbestos-containing and treated as such in order to avoid survey and lab costs, a depiction of the material.
- (9) DEQ 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 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 Report to DEQ upon request by DEQ and keep a copy of the survey report onsite at the 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) Beginning January 1, 2021, each sample collected under subsections (a) and (b) must be analyzed by a laboratory with proficiency demonstrated by participation in a nationally recognized laboratory accreditation program for asbestos testing, or participate in, and maintain passing status in a nationally recognized bulk asbestos proficiency testing program 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 and current 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.

(4) For demolitions or renovations of residential buildings, 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 DEQ, along with supporting documentation that demonstrates to DEQ's satisfaction that a survey is not warranted. The owner or operator of the residential building must obtain 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 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 including 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) 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.

(6) Any person who removes nonfriable 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 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.

(8) 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.

(b) 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.

(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, 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 DEQ for dry removal of asbestos-containing material;

(B) Keeps a copy of 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 adequately wet any asbestos-containing materials exposed during cutting or disjoining operation;

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

(C) May leave asbestos-containing materials 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 asbestos-containing material;

(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 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 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 with a negative pressure enclosure prior to and during abatement unless written approval for an alternative is granted by DEQ;

(E) Install a minimum of one viewing window 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 DEQ for an ordered demolition procedure before that demolition takes place;
 - (B) Send a copy of the order and an asbestos abatement project notification (as described in OAR 340-248-0260) to DEQ before commencing demolition work;
 - (C) Keep a copy of the order, 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 permitted disposal site; and
 - (D) Keep asbestos-containing materials and asbestos containing waste materials adequately wet during demolition and comply with the disposal requirements set forth in OAR 340-248-0280.
- (g) Persons performing asbestos abatement outside of a full negative pressure enclosure must obtain written approval from DEQ before using mechanical equipment to remove asbestos-containing material.
- (h) Visible emissions are not allowed during any asbestos abatement activities, except within a negative air pressure enclosure.
- (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 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 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 document that the air inside the negative pressure enclosure has no more than 0.01 fibers per cubic centimeter of air.

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 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 OAR chapter 340 division 248;

(ii) The air and surfaces within the 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 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 negative pressure enclosure;

(ii) Then place stationary fans in locations that will not interfere with air monitoring equipment and direct 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 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

(D) The person performing asbestos abatement projects requiring air clearance sampling must submit the clearance results to DEQ on a DEQ form and include all third-party air clearance analysis reports. The clearance results must be received by 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 comply with (a), (b), and (c) 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.³/min./ft.² (9 m³/min./m²) for woven fabrics or 35 ft.³/min./ft.² (11 m³/min./m²) for felted fabrics with the exception that airflow permeability of 40 ft.³/min./ft.² (12 m³/min./m²) for woven and 45 ft.³/min./ft.² (14 m³/min./m²) 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) If the use of fabric filters creates a fire or explosion hazard, 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) 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) 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.

(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.

(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 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 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 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 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

Asbestos Disposal Requirements

Work practices and procedures for packaging, storing, transporting, and disposing of 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 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.

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

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

(b) Adequately wetted to ensure that they remain wet until delivered to a 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) The name of the asbestos waste generator and the location where the waste was generated; and

(B) A warning label that complies with either subparagraph (i) or (ii):

(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”

(ii) Alternatively, warning labels specified by 29 CFR 1926.1101(k)(7) 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(5), 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 responsibility of the 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 authorized by DEQ to receive asbestos-containing waste material and operated in accordance with this rule; or

(b) A 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 operator of the type and volume of the waste material and obtain the approval of the permitted disposal site operator before bringing the waste to the disposal site.

(7) For each waste shipment the asbestos waste generator must record the following information on a DEQ form, and provide a copy of the form to the waste transporter.

(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 number and type of asbestos-containing waste material containers and volume in cubic yards; and

(C) A certification that the information on the DEQ form is accurate and properly describes the generator 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;
 - (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 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 three years and ensure that all the information requested on the 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 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) Use language that conforms to the requirements of 29 CFR 1926.1101(k)(8) (2013).
 - (b) The waste transporter must:
 - (A) Immediately notify the permitted disposal site 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 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, for at least three years. Make all disposal records available upon request to 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 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 operator or 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 DEQ form regarding waste disposal has been supplied;

(D) Immediately notify DEQ by telephone, followed by a written report to 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 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 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 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 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 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 DEQ at least 45 days before beginning any excavation or disturbance of asbestos-containing waste at the 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. 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 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 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 nonasbestos-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 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 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. 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 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 DEQ; and

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

(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 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

Supporting documents



State of Oregon Department of Environmental Quality

Informational Paper: Nonfriable Asbestos Disposal Requirements

Asbestos 2018 rulemaking
September 8, 2017

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Introduction

The Oregon Department of Environmental Quality reviewed asbestos rules in Oregon Administrative Rule 340 Division 248 under the authority of Oregon Revised Statute 468A.700-.760. This review provides stakeholders and DEQ with an opportunity to evaluate and clarify regulations and standards for asbestos-related activities, where a potential for exposure to asbestos fibers exists. This paper examines Division 248 rules for Nonfriable Asbestos Disposal Requirements to reduce the potential of nonfriable asbestos-containing material and asbestos-containing waste material that can become friable when handled, transported or disposed of at disposal transfer stations; material recovery facilities; and landfills permitted or not permitted to accept asbestos-containing material and asbestos-containing waste material.

Background

The Oregon Environmental Quality Commission adopted rules in January 2002 to clarify friable and nonfriable requirements for asbestos disposal. The clarification was driven by unclear rule language that existed prior to 2002. The 2002 adopted rules for nonfriable asbestos disposal requirements are similar to the friable disposal requirements in rule, and are as follows:

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 OAR 340-248-0290 and any other source of nonfriable asbestos-containing waste material must meet the following standards:

- (1) There may be no visible emissions to the atmosphere while collecting, processing, packaging, transporting, or disposing of any nonfriable asbestos-containing waste material that is generated by such source.
- (2) All nonfriable asbestos-containing waste materials must be adequately wetted to ensure that they remain wet until deposited at an authorized landfill, and either:
 - (a) Processed into nonfriable pellets or other shapes; or
 - (b) Packaged in leak-tight containers that allow the nonfriable asbestos-containing waste to remain adequately wet until deposited at an authorized landfill. Such containers must be marked as follows:
 - (A) The name of the asbestos waste generator and the location where the waste was generated; and
 - (B) A warning statement:

DANGER
ASBESTOS-CONTAINING MATERIAL

- (3) Nonfriable asbestos-containing roofing materials that are fully encapsulated in a petroleum-based binder and meet the conditions in OAR 340-248-0250(2)(c) are exempt from 340-248-0290(2).
- (4) The interim storage of nonfriable asbestos-containing waste material must protect the waste from tampering by unauthorized persons. The interim storage of nonfriable asbestos-containing waste material is the sole responsibility of the contractor or the owner or operator performing the nonfriable asbestos abatement project.
- (5) All nonfriable asbestos-containing waste material must be deposited as soon as possible by the asbestos waste generator at:
 - (a) A waste disposal site authorized by the Department and operated in accordance with this rule; or
 - (b) A Department-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 nonfriable asbestos-containing waste material must notify the landfill operator of the type and volume of the waste material and obtain the approval of the landfill operator before bringing the waste to the disposal site.
- (7) For each nonfriable waste shipment, the waste generator must provide the generator information contained in OAR 340-248-0280(7).
- (8) For the transportation of nonfriable asbestos-containing waste material the waste generator must follow the provisions of OAR 340-248-0280(8).
- (9) After initial transport of nonfriable asbestos-containing waste material, the asbestos waste generator must follow the provisions of OAR 340-248-0280(9).
- (10) Each owner or operator of an active nonfriable asbestos-containing waste disposal site must meet the provisions of OAR 340-248-0280(10).
- (11) The owner or operator of an inactive nonfriable waste disposal site must meet the provisions of OAR 340-248-0280(11).
- (12) 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.

In 2002, the nonfriable asbestos disposal requirements were revised with stakeholder input. The EQC adopted the recommended revision below:

OAR 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.

DEQ and stakeholders developed an Internal Management Directive¹ for nonfriable ACWM in 2006 following the revised 2002 rulemaking. The practices in the IMD are used by DEQ to evaluate Special Waste Management Plans provided by transfer stations and material recovery facilities. The Plans support the adequate management of ACWM that inadvertently arrives at the disposal sites, because the rules revised in 2002 did not provide for nonfriable ACM that becomes friable in transportation or when tipped at disposal facilities. DEQ developed an asbestos Special Waste Management Plan template for disposal facilities in an attempt to streamline practices for the plans such as load screening and managing inadvertently tipped asbestos-containing loads. The 2006 IMD is being reviewed for practical use for large and small facilities and is undergoing final internal review before the release to disposal sites in 2017. The current IMD practices are summarized below and are provided in Appendix A.

1. Include training for facility personnel to recognize common friable and nonfriable ACWM, procedures for handling ACWM, inspecting incoming loads for the presence of ACWM, and emergency response procedures for handling suspect ACWM;
2. Gate operations that include signage indicating that ACWM requires special handling, measures to identify if a load was generated from renovation or demolition projects and if so, was a survey performed to identify materials, procedures for requesting copies of asbestos surveys or DEQ Waste Shipment Reports, procedures for visual inspections of incoming loads for the presence of ACWM, and methods for inspecting the adequacy of packaging for friable ACWM;
3. Management practices for bagged or contained ACWM that include procedures for supervised off-loading of ACWM that prevent any compromise to the packaging and release of asbestos fibers provided in OAR 340-248-0280(10)(a)(A), procedures for notifying DEQ of improperly packaged or uncovered ACWM provided in OAR 340-248-0280(10)(a)(D), and procedures for notifying the landfill of the load if containing ACWM;
4. Management practices for unbagged or uncontained **friable** ACWM that include procedures to for safely isolating, wetting, and containing the suspect ACWM, and having the load tested and abated by a licensed abatement contractor;
5. Management practices for unbagged or uncontained **nonfriable** ACWM that include procedures for delineating the extent of suspected ACWM that needs to be segregated from other materials for processing, minimizing impact to the ACWM from mechanical handling, moving ACWM to disposal containers as quickly as possible, covering ACWM as quickly as possible and a description of the types of cover to be used, and notifying the landfill of the load containing ACWM prior to the load being transported to the landfill for disposal; and
6. Procedures for handling materials in the event of an operational shut down or interruption to visually inspect stored materials for the presence of ACWM, for handling identified ACWM in stored materials, and designated storage locations that do not interfere with other public access to the facility or allow public users to have direct access to stored materials.

Program guidance was provided in 2014 following the IMD in 2006, for two common nonfriable asbestos-containing materials; “How to Remove Nonfriable Vinyl Asbestos Floor Tiles” and, “How to Remove Nonfriable Cement Asbestos Materials”. These guidance documents provide practices for

¹ DEQ Internal Management Directives: Managers at DEQ occasionally issue internal management directives to staff, which describe expectations for how employees should implement various components of environmental programs. These directives are not binding on third parties, and staff may deviate from an IMD, either in accordance with the circumstances specified in an IMD, or as appropriate with approval from a program manager.

packaging, removal, handling and disposal of ACM during construction, remodeling, and demolition. DEQ demonstrates through these documents, ensuring proper removal of nonfriable materials at the generation site avoids all issues related to nonfriable ACM that become friable. For example, the guidance is taken from OAR 340-248-0280 for Friable Asbestos Disposal Requirements and describes placing the nonfriable asbestos-containing material in leak-tight containers marked with the warning statement “DANGER ASBESTOS-CONTAINING MATERIAL” with the use of burlap bags or a cardboard box as a liner inside the leak-tight containers to minimize rips and tears from handling at the generation site or at the disposal facility. The documents are provided in Appendix B.

Nonfriable disposal requirements in practice

The costs to permitted and non-permitted disposal facilities increase when they manage disposal loads of suspect ACM. The ability and responsibility for disposal facility operators to recognize and ensure proper disposal of ACWM can vary among disposal facilities, statewide, making ACM procedures at disposal facilities inconsistent and potentially harmful to the public and disposal facilities personnel when suspect ACWM is not identified. Disposal facilities frequently hire an AHERA² accredited inspector to survey suspect loads and certified asbestos abatement contractors to clean up a site where asbestos is identified. In some rural areas of the state, transfer stations may not have personnel onsite to monitor incoming loads of ACWM, increasing the potential for construction materials with ACWM to be left in a transfer trailer going to a landfill.

Disposal facilities in some areas of the state are attempting to minimize the potential for releasing asbestos fibers into the air when construction loads are brought to the facility with suspect ACM. For example, Metro’s disposal facilities, with input from DEQ has developed requirements for handling construction loads with suspect ACMs through Metro’s updated Special Waste Management Plan and waste acceptance screening procedures. The plans will help Metro facilities prevent the acceptance of ACMs and demonstrate compliance with Metro’s solid waste transfer station permit that prohibits their disposal facilities from accepting materials that contain asbestos. Metro’s procedures include wetting down, isolating, testing and properly abating and disposing of ACM. Metro transfer station employees can screen loads of construction, remodeling, and demolition debris for potential ACM, and they can require documentation of analytical testing to certify that all tested sample results contain one percent or less asbestos by weight, the threshold for what is considered ACM under OAR 340-248-0010(8). Metro’s customers must certify that their loads of construction, remodeling, and demolition debris are asbestos-free by completing a Metro form. In addition to compliance with its DEQ permit, Metro’s updated procedures are designed to reduce the health risks of customers and workers that are associated with exposure to asbestos fibers.

Oregon landfills authorized to accept ACM and ACWM are shown in Table 1 below. In most cases, the nonfriable ACWM requirements at these landfills are as rigorous or are similar to requirements for friable ACWM provided in OAR 340-248-0280 Friable Asbestos Disposal Requirements, even though this is not required in OAR 340, Division 248.

² AHERA means Asbestos Hazard Emergency Response Act

Table 1. Oregon authorized disposal facilities; requirements for ACWM

Landfill	County	Friable	Nonfriable
Short Mountain Landfill	Lane	OAR 340-248-0280*	M and ACWM is treated standard garbage
Brown's Island Demolition Landfill	Marion	OAR 340-248-0280	OAR 340-248-0280
Coffin Butte Landfill	Benton	OAR 340-248-0280	OAR 340-248-0280
Dry Creek Landfill	Jackson	OAR 340-248-0280	OAR 340-248-0280
Roseburg Landfill	Douglas	OAR 340-248-0280	OAR 340-248-0280
Baker City Landfill	Baker	OAR 340-248-0280	OAR 340-248-0280 Ops Plan, Section 5.6
Chemical Waste Management Landfill (WM)	Gilliam	OAR 340-248-0280	
Columbia Ridge Arlington Landfill (WM)	Gilliam	40 CFR 61.154	
Crook County Landfill	Crook	OAR 340-248-0280	Permit section 9.10 directs nonfriable to be handled per OAR 340-248
Finley Buttes Landfill	Morrow	OAR 340-248-0280	OAR 340-248-0280
Klamath Falls Landfill	Klamath	OAR 340-248-0280	OAR 340-248-0280
Knott Landfill Recycling	Deschutes	OAR 340-248-0280	OAR 340-248-0280 Ops Plan Section 5.1.3
Wasco County Landfill	Wasco	OAR 340-248-0280	OAR 340-248-0280
Hillsboro Landfill (WM)	Washington	OAR 340-248-0280	OAR 340-248-0280

*OAR 340-248-0280 Friable Asbestos Disposal Requirements

Owners or operators³ and contractors implement similar work practices for friable and nonfriable ACM. DEQ interviewed four statewide certified asbestos abatement contractors about the costs and work practices associated with nonfriable asbestos abatement projects. All of the contractors interviewed, at a minimum, package nonfriable ACM as friable ACM using the standards in OAR 340-248-0280 Friable Asbestos Disposal Requirements, and have implemented this work practice for some time. The contractors provided several reasons including:

³ [OAR 340-248-0010\(33\)](#) "Owner or operator" means any person who owns, leases, operates, controls or supervises a facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

1. Streamlines the work processes and ensures all abatement work is held to the highest standards in rule [as friable ACM] at all times.
2. Removes guessing by construction site staff about which work practices to apply to friable or nonfriable ACM.
3. Similar work practices for disposal of nonfriable and friable are to provide safer transport of ACMs and to be more efficient and cost-effective, because the workers can place all ACMs into one drop box. For example, packaging nonfriable cement asbestos board as friable is a common practice, because nonfriable cement asbestos board becomes friable when it breaks apart during transportation.
4. Ensures a safer work environment for employees, neighbors, and disposal facility workers.

Two of the four contractors do not always use friable disposal requirements for nonfriable built-up roofing. This is because the rules provide an exemption in OAR 340-248-0250(2)(f) Asbestos Abatement Project Exemptions from OAR 340-248-0110 through 340-248-0280 for projects involving the removal of mastics and roofing products that are fully encapsulated with a petroleum-based binder and are not hard, dry, brittle, or made friable. Three of the contractors specifically mentioned cement asbestos board as a material that is consistently packaged as friable because the material breaks apart in transport and they want to avoid that material arriving at the landfill in friable pieces. One contractor provided practices for cement water pipes as an exception to packaging nonfriable ACM as friable ACM because of cost. Alternatively, one of the contractors interviewed individually rolls cement water pipes into plastic to diminish the potential of the material becoming friable when handling and transporting, and the cost was not an issue. These contractors understand that the project costs can increase significantly when disposal facility personnel identify suspect ACM in construction loads and where the contractor may become required to properly package ACM at the disposal facility, and may be responsible to pay DEQ fees and penalties for improper disposal.

Municipal solid waste coming into Oregon disposal facilities from out- of-state

Forty percent of the total solid waste disposed of in Oregon comes from other states such as Washington and California. Evaluating disposal requirements for nonfriable ACWM could potentially lead out-of-state jurisdictions to use different disposal sites for their ACWM and the potential loss of revenue for the Oregon disposal facilities.

Washington clean air agencies and Colorado

Some Washington clean air agencies and Colorado have requirements for the disposal of ACWM that are often similar for friable and nonfriable ACM. The Southwest Clean Air Agency⁴ in Washington State for Clark, Cowlitz, Lewis, Skamania and Wahkiakum counties does not distinguish between friable and nonfriable ACWM for disposal requirements. SWCAA rule 476-070 Disposal of Asbestos-Containing Waste Material, provides that no person can work on an asbestos project unless certain procedures are employed during the collection, processing, packaging, transporting, or disposal of any ACWM are followed. SWCAA requires that all ACWM must be adequately wet and to mix asbestos waste from control devices, vacuum systems, or local exhaust ventilation and collection systems with water to form a slurry. After wetting, seal all ACWM in leak tight containers or wrapping to ensure that they remain adequately wet when deposited at a waste disposal facilities. Each container with asbestos must have a warning sign as specified by the Washington State Department of Labor and Industries or the Occupational Safety and Health Administration. The containers are required to be marked with the date the material was collected for disposal, the name of the waste generator, the name and affiliation of the certified asbestos supervisor, and the location at which the waste was generated, and ensure that the

⁴ Southwest Clean Air Agency, Washington State (Clark, Cowlitz, Lewis, Skamania, Wahkiakum Counties)

exterior of each container is free of all asbestos residue; and exhibit no visible emissions during any of the operations required by the rule.

Spokane Regional Clean Air Agency⁵ in Washington State, rule section 9.09 for Disposal of Asbestos-Containing Waste Material does not distinguish between friable and nonfriable when it comes to disposal. The rule provides that any person who disposes of ACWM must maintain waste shipping records beginning prior to transport, and provide a copy of the waste shipment record to the disposal facilities owner or operator at the time the ACWM is delivered.

Puget Sound Clean Air Agency⁶ in Washington State for King, Kitsap, Pierce, and Snohomish counties provides rules in section 4.07 for Disposal of Asbestos-Containing Waste Material and does not distinguish between friable and nonfriable ACWM and are similar to Spokane's Regional Clean Air Agency.

Colorado state Department of Public Health and Environment⁷ requires all ACWM that includes, but is not limited to, asbestos waste from control devices, friable ACWM, disposable equipment and clothing, and bags or other similar packaging contaminated with commercial asbestos. If the ACM have been rendered friable, they must be disposed of as friable ACWM.

Federal regulations

The federal National Emission Standards for Hazardous Air Pollutants⁸ for asbestos regulate asbestos abatement and disposal. DEQ does not have NESHAP delegation, but strives to be as stringent as the federal regulations. NESHAP imposes the same disposal requirements on both friable and nonfriable ACM. The federal regulations provide an exemption for Category I nonfriable waste that has not been subject to sanding, grinding, cutting, or abrading. Relevant definitions from the NESHAP are provided below.

Regulated asbestos-containing material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Category I nonfriable asbestos-containing material (ACM) means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

Category II nonfriable ACM means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

⁵ Spokane Regional Clean Air Agency, Washington State (Spokane County)

⁶ Puget Sound Clean Air Agency, Washington State (King, Kitsap, Pierce, Snohomish Counties)

⁷ Colorado Department of Public Health and Environment Regulation No. 8 Part B – Asbestos

⁸ National Emissions Standard for Hazardous Air Pollutants (NESHAP) <https://www.epa.gov/asbestos/asbestos-laws-and-regulations>

Appendix

Appendix A: IMD for Management of Asbestos Containing Waste Material at Permitted Solid Waste Transfer Stations and Material Recovery Facilities, 2006

Directive

Management of Asbestos Containing Waste Material at Permitted Solid Waste Transfer Stations and Material Recovery Facilities

(Approved by _____)

/kO
(Date Approved)

Scope: Describes the management of Asbestos Containing Waste Material (ACWM) to be addressed in Special Waste Management Plans for solid waste transfer stations (TSs) and material recovery facilities (MRFs). (Note: This Management Directive does not address either federal or state regulations for employee workplace safety under OSHA. Furthermore, compliance with the best management practices and any Special Waste Management Plan approved by the department does not necessarily imply that the plan meets OSHA requirements.)

Purpose/Need: Currently, TSs and MRFs are not permitted to accept friable ACWM; nevertheless, ACWM, both friable and nonfriable, sometimes arrives at TSs or MRFs and must be safely managed for transport to a landfill. Special Waste Management Plans for TSs or MRFs do not adequately address ACWM that occasionally arrives at these facilities.

Handling procedures for all ACWM should be included in Special Waste Management Plans to protect human health and the environment from exposure to asbestos fibers and to comply with solid waste permitting rules. This directive provides guidance for evaluating the adequacy of Special Waste Management Plans for ACWM at TSs and MRFs.

Legal Authority:

Solid waste rules at OAR 340-093-0190 (1)(e) require permitted solid waste disposal facilities that handle ACWM to include provisions for special handling of these wastes in Special Waste Management Plans (or obtain other Department approvals). The Department requires these management practices to comply with the practices described in Oregon's asbestos rules, OAR chapter 340, division 248 where applicable.

The asbestos rules in OAR chapter 340, division 248 govern asbestos milling, manufacturing, fabricating, abatement, disposal, and other situations where a potential for exposure to asbestos fibers exists, *except as those activities are exempt from regulation*. OAR 340-248-0250(5) exempts ACWM handled and disposed of in accordance with a solid waste permit issued under ORS 459 from the prohibition of open accumulation of friable asbestos material or ACWM in OAR 340-248-0205(1).

The following definitions are used in this guidance:

Asbestos containing waste material means any waste that contains asbestos tailings or any commercial asbestos, and is generated by a source subject to OAR 340-248-0205 through 340-248-0290. This term includes, but is not limited to, filters from control devices, asbestos abatement project waste, bags or containers that previously contained commercial asbestos. OAR 340-248-0010(12).

Disposal site means land and facilities used for the disposal, handling, treatment or transfer of or energy recovery, material recovery and recycling from solid wastes OAR 340-093-030 (30)

Friable asbestos material means any asbestos-containing material that hand pressure can crumble, pulverize or reduce to powder when dry. OAR 340-248-0010(25)

Nonfriable asbestos material means any asbestos-containing material that cannot be crumbled, pulverized, or reduced to powder by hand pressure. OAR 340-248-0010(31)

Open accumulation means any accumulation, including interim storage of friable asbestos material or asbestos-containing waste material other than material securely enclosed and stored as required by this division. OAR 340-248-0010(32).

Discussion:

ACWM should be identified and properly managed at a construction or demolition site before delivery to a solid waste disposal facility. Usually, properly managed ACWM is transported directly to a landfill, but occasionally it goes through a TS.

Transfer Stations and MRFs may also receive ACWM (friable and nonfriable) that has not been properly packaged and identified, typically in construction and demolition/dry waste loads. This material usually arrives at a facility in mixed loads and is dumped on the floor along with other waste material. Facilities that accept dry waste loads will often sort the loads for recyclable materials. Sorting occurs in a variety of ways. Often, large materials such as wood or concrete are removed mechanically. If further sorting occurs, for cardboard for example, material is picked by hand or on a pick line. The non-recyclable waste materials are moved along the waste disposal side of the process and placed in a disposal container for transfer to a disposal site.

Any friable or suspected friable ACWM spotted in the waste pile or pick line is handled by stopping operations, isolating the material, wetting it, covering it, and abating it through a licensed abatement contractor in accordance with the facility Emergency Operations provisions of the Special Waste Management Plan. Nonfriable material is moved along the waste disposal portion of the system with other waste materials,

carefully handled to avoid breaking, and placed in a container for transfer to a disposal site.

These procedures are appropriate, but the best management practices described in this directive will help minimize exposure to fibers. In addition, management practices for all ACWM should be addressed in Special Waste Management Plans to comply with Department rules.

Directive: The Department will require Special Waste Management Plans in all SW permits issued to TSs and MRFs to include procedures for handling all types of ACWM. Plans should be tailored to the particular operations, equipment, and processes for each facility. This directive provides guidance for evaluating the adequacy of Special Waste Management plans for ACWM.

Best Management Practices for ACWM

Special Waste Management Plans for handling ACWM should address the following:

Training: A description of an on-going, annual training program for appropriate facility personnel that includes:

- Recognition training for common friable and nonfriable ACWM.
- Procedures for handling ACWM.
- Procedures for inspecting incoming loads for presence of **ACWM**.
- Emergency Response Procedures for handling suspect friable **ACWM**.

Gate Operations: Measures to discourage delivery of **ACWM** to the facility and to identify **ACWM** that arrives:

- Signage indicating **ACWM** requires special handling at the facility and educational material regarding proper handling and disposal of **ACWM**.
- Measures to determine whether a load originated from a renovation or demolition project, and if so, whether an asbestos survey was performed to identify the nature of the building materials.
- Procedures for requesting copies of asbestos surveys or DEQ Waste Shipment Report (ASN-4) when appropriate.
- Procedures for visually inspecting incoming loads, particularly dry waste loads, for the presence of ACWM.
- Methods for inspecting adequacy of packaging for friable ACWM.

Management practices for bagged/contained (friable and nonfriable) ACWM:

- Procedures for supervised off-loading of ACWM that prevent any compromise to packaging/containers and release of asbestos fibers. OAR 340-248-0280 (10)(a)(A).

- Procedures for notifying the Department of improperly packaged or uncovered ACWM. OAR 340-248-0280(10)(a)(D).
- Procedures for notifying the landfill of the load containing the ACWM prior to the load being shipped to the landfill for disposal.

Management practices for unbagged/uncontained friable ACWM:

- Procedures for safely isolating, wetting and containing the material and having it tested and abated by a certified contractor.

Management practices for unbagged/uncontained nonfriable ACWM:

- Procedures for delineating the extent of suspected **ACWM** that needs to be segregated from material for processing.
- Procedures for minimizing impact to the **ACWM** from mechanical handling.
- Procedures for minimizing breakage of **ACWM** in order to prevent asbestos fiber emissions.
- Procedures for moving ACWM to disposal container as quickly as possible to minimize disturbance or degradation.
- Procedures for covering ACWM as quickly as possible to prevent escape of fibers and dust and a description of the types of cover to be used.
- Procedures for notifying the landfill of the load containing the **ACWM** prior to the load being shipped to the landfill for disposal.

Procedures for handling materials in the event of an operational shut down or interruption.

- Procedures for visually inspecting stored materials for the presence of ACWM.
- Procedures for handling identified ACWM in stored materials in accordance with this directive.
- Designation of a storage location that does not interfere with other public access to the facility or allow public users to have direct access to stored materials.

Implementation: The **IMO will** be effective immediately upon approval. (See implementation plan for this directive).

Lead Worker: Pat Vernon

(Revised 2/28 epv)

Appendix B: How to Remove Nonfriable Vinyl Asbestos Floor Tiles and How to Remove Nonfriable Cement Asbestos Materials

How to Remove Nonfriable Vinyl Asbestos Floor Tiles

A Guide for Meeting DEQ Rules

Purpose

The Department of Environmental Quality (DEQ) regulates the removal, handling and disposal of asbestos-containing materials during construction, remodeling, and demolition. This document provides guidance for removing nonfriable vinyl asbestos floor tiles (VAT).

Before you start

Contact one of the DEQ regional offices (see contact information to the right) for information on complying with Oregon's asbestos program regulations.

If the project is taking place in a school (K-12), you must comply with the Asbestos Hazard Emergency Response Act (AHERA) rules from the U.S. Environmental Protection Agency (EPA). Contact the EPA's regional office at 800-424-4372 for current rule and policy information.

Oregon Occupational Safety and Health Administration (OR-OSHA) also has rules for working with asbestos-containing materials. Contact OR-OSHA at 503-378-3272 for current rule and policy information.

How to determine if a material contains asbestos

The only way to determine if a material contains asbestos is to take a sample and have it analyzed by an accredited laboratory. Vinyl asbestos floor tile can be assumed to contain asbestos and should be handled appropriately.

What are vinyl asbestos floor tiles?

Vinyl floor tiles, both 9" x 9" and 12" x 12" in size, often contain asbestos. The vinyl acts as a binder that holds the asbestos fibers within a solid matrix. This will prevent asbestos fibers from being released easily, unless mishandled, damaged, or in badly worn condition. In most cases, vinyl floor tiles are considered nonfriable.

Vinyl floor tiles should not be confused with sheet vinyl flooring that can have an asbestos backing. Sheet vinyl products are always considered friable and the regulations for removing friable asbestos-containing materials outlined below must be followed.

Removing nonfriable asbestos-containing materials

The removal of nonfriable asbestos-containing materials in good condition is exempt from some DEQ rules. You **do not** need to be a DEQ licensed asbestos contractor or a DEQ certified asbestos worker to do nonfriable asbestos removal. If you remove vinyl asbestos floor tiles following this guide, they should remain in a nonfriable condition.



State of Oregon
Department of
Environmental
Quality

Asbestos Program

www.oregon.gov

Contact Information:

Clackamas, Clatsop, Columbia, Multnomah, Tillamook and Washington Counties, call the **Northwest Region – Portland Office** at 503-229-5982, 503-229-5364 or 800-452-4011.

Benton, Lincoln, Linn, Marion, Polk and Yamhill Counties, call the **Western Region – Salem Office** at 503-378-5086 or 800-349-7677.

Jackson, Josephine and Eastern Douglas Counties, call the **Western Region – Medford Office** at 541-776-6107 or 877-823-3216.

Coos, Curry and Western Douglas Counties, call the **Western Region – Coos Bay Office** at 541-269-2721, ext. 222.

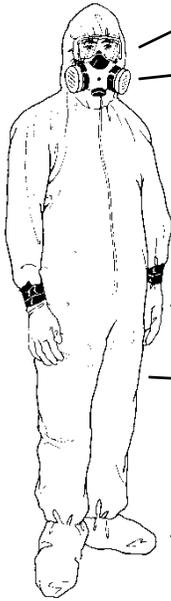
Crook, Deschutes, Harney, Hood River, Jefferson, Klamath, Lake, Sherman and Wasco Counties, call the **Eastern Region – Bend Office** at 541-633-2019 or 866-863-6668.

Baker, Gilliam, Grant, Malheur, Morrow, Umatilla, Union, Wallowa and Wheeler Counties, call the **Eastern Region – Pendleton Office** at 541-278-4626 or 800-304-3513.

Lane County, call the **Lane Regional Air Protection Agency** at 541-736-1056.

Last Updated: 3/31/14

Suggested safety equipment



Eye Protection: Each person should wear non-fogging goggles or safety glasses.

Respirator: Each person should wear a dual cartridge respirator equipped with two HEPA (high efficiency particulate air) filters. The HEPA cartridges are color-coded purple or magenta. Make sure that your respirator fits properly.

Gloves: Each person should wear gloves.

Coverall: Each person should wear a Tyvek coverall to keep dust off your clothing and then dispose of it (with the asbestos-containing material) after the project is complete.

Boots: Use a lace-less, pull-on type of rubber boot to protect your feet from sharp edges and nails and then wash to remove asbestos contamination.

Tools needed

- Water sprayer, garden type or spray bottle, or a garden hose with spray nozzle
- 3 to 6-mil thick plastic sheeting
- Wide putty knives, paint scraper or flat floorscraper
- Leak-tight containers, such as plastic bags, barrels or plastic wrapping
- Burlap bags or cardboard boxes

The work will be difficult

Even under the best conditions these projects are physically demanding and potentially dangerous. The following are some of the problems you will be faced with:

- Breathing through a respirator is difficult and places extra stress on the heart and lungs.
- Coveralls can be hot and hard to move around in.
- Work is done mostly on your hands and knees, or while bent over.
- Goggles and safety glasses reduce visibility and field of vision.
- Care must be taken around electric wires because water is being used to keep the asbestos wet.
- The work area will be slick from wetting and become a slipping hazard.

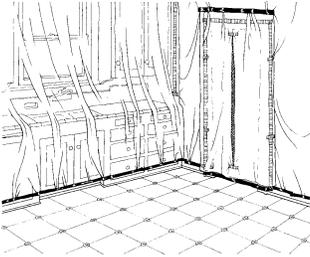
Notification

File a DEQ notification form ASN 6 for removal of nonfriable asbestos materials and pay the applicable fee. The notification must be received by the DEQ Business Office at least 5 days prior to starting the removal project. *If you are the owner occupant of a single-family dwelling doing asbestos removal on the home you live in, you do not need to file a notification.*

Procedures for removing nonfriable vinyl asbestos floor tiles

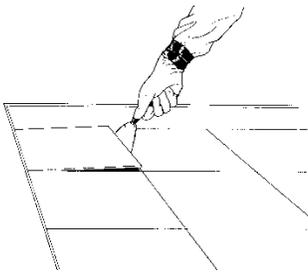
Vinyl asbestos floor tiles must be removed, handled and disposed of in a manner that keeps the material in predominantly whole pieces to be considered nonfriable.

The method of removal cannot shatter (broken into 4 or more pieces), crumble, pulverize, or reduce the material to dust. Sanding, sawing, grinding, chipping, or the use of power tools is not allowed.



Step 1 – Use the plastic sheeting to isolate doorways and cover floor registers, vents, and other surfaces to prevent contamination from asbestos fibers.

Step 2 - The tiles must be kept wet during removal. The floor area should be soaked for at least two hours before removal; this may help loosen the tiles and make them easier to remove. If there is cement under the tiles, you may want to flood the floor with water the night before you begin removal. Wetting minimizes asbestos fibers from being released. The tiles must remain wet during removal and until waste disposal occurs.



Step 3 - Use a wide putty knife or flat floor scraper and gently pry up the tiles. Keep the tiles in *whole pieces*, do not break material on purpose, do not step on material, and do not drop material. Place the material on the ground in a non-work area or in separate containers to prevent breakage. Once the material has been removed, it may not be broken further.

Note: If the material cannot be removed without shattering (broken into more than 4 pieces) it, you must follow the requirements for friable asbestos-containing materials.

Step 4 - For projects involving a very small area of 1 to 3 tiles, a heat gun (not a hair dryer), dry ice, or solvent may be used to assist in the removal of the tiles. If you use solvent, make sure the area is well ventilated.

Step 5 - Place the vinyl asbestos floor tiles in a leak-tight container and mark it with the warning statement “DANGER ASBESTOS-CONTAINING MATERIAL”. You may use burlap bags or a cardboard box as a liner inside the leak-tight container to minimize rips and tears.

Step 6 - Locate a landfill that is authorized to accept asbestos waste and be sure to inquire about hours of operation and any special packaging requirements they might have. Fill out a DEQ Waste Shipment Report ASN 4 and give it to the landfill upon arrival.

If the material becomes friable

If the vinyl asbestos floor tiles become shattered, damaged, or is badly worn, it is considered friable and may release asbestos fibers. If the tiles become friable, stop work immediately and promptly contact a DEQ licensed asbestos abatement contractor. Friable asbestos materials must be removed by a **DEQ licensed asbestos contractor using DEQ certified workers.**

All asbestos abatement rules under OAR 340-248-0005 through -0280 must be followed. A DEQ notification form ASN 1 for the removal of friable asbestos and the applicable fee must be filed. The notification must be received by the DEQ Business Office at least 10 days prior to starting the

removal project. For emergency situations a waiver of the 10-day period may be granted by the DEQ. For more information contact DEQ.

Alternative Formats

Alternative formats of this document can be made available. Contact DEQ for more information at 503-229-5696.

How to Remove Nonfriable Cement Asbestos Materials

A Guide for Meeting DEQ Rules

Purpose

The Department of Environmental Quality (DEQ) regulates the removal, handling and disposal of asbestos-containing materials during construction, remodeling, and demolition. This document provides guidance for removing nonfriable cement asbestos materials.

Before you start

Contact one of the DEQ regional offices (see contact information to the right) for information on complying with Oregon's asbestos program regulations.

If the project is taking place in a school (K-12), you must comply with the Asbestos Hazard Emergency Response Act (AHERA) rules from the U.S. Environmental Protection Agency (EPA). Contact the EPA's regional office at 800-424-4372 for current rule and policy information.

Oregon Occupational Safety and Health Administration (OR-OSHA) also has rules for working with asbestos-containing materials. Contact OR-OSHA at 503-378-3272 for current rule and policy information.

How to determine if a material contains asbestos

The only way to determine if a material contains asbestos is to take a sample and have it analyzed by an accredited laboratory.

What are cement asbestos materials?

Cement asbestos products may include shingles, siding, HVAC ducts, chimney flues, and other general construction materials. They may also go by the product name of Transite. The cement acts as a binder that holds the asbestos fibers within a solid matrix. This will prevent asbestos fibers from being released easily, unless mishandled, damaged, or in badly weathered condition. In most cases, cement asbestos materials are considered nonfriable.

Removing nonfriable asbestos-containing materials

The removal of nonfriable asbestos-containing materials in good condition is exempt from some DEQ rules. You **do not** need to be a DEQ licensed asbestos contractor or a DEQ certified asbestos worker to do nonfriable asbestos removal. If you remove cement asbestos materials following this guide, the cement materials should remain in nonfriable condition.



State of Oregon
Department of
Environmental
Quality

Asbestos Program

www.oregon.gov

Contact Information:

Clackamas, Clatsop, Columbia, Multnomah, Tillamook and Washington Counties, call the **Northwest Region – Portland Office** at 503-229-5982, 503-229-5364 or 800-452-4011.

Benton, Lincoln, Linn, Marion, Polk and Yamhill Counties, call the **Western Region – Salem Office** at 503-378-5086 or 800-349-7677.

Jackson, Josephine and Eastern Douglas Counties, call the **Western Region – Medford Office** at 541-776-6107 or 877-823-3216.

Coos, Curry and Western Douglas Counties, call the **Western Region – Coos Bay Office** at 541-269-2721, ext. 222.

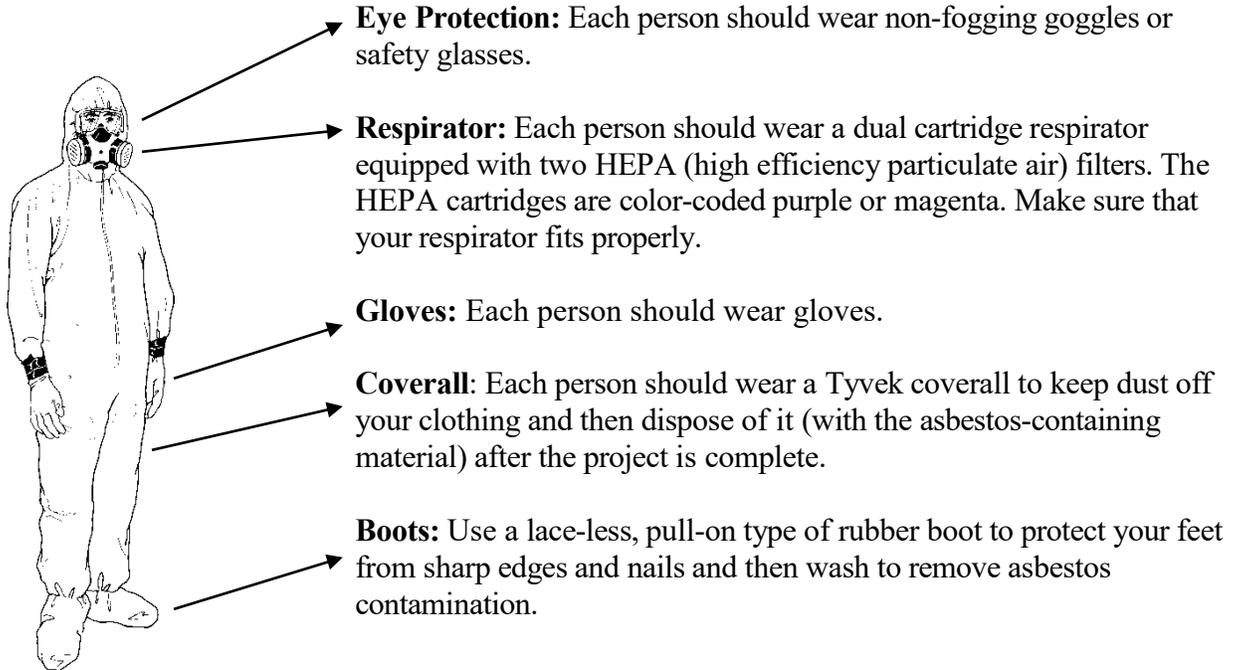
Crook, Deschutes, Harney, Hood River, Jefferson, Klamath, Lake, Sherman and Wasco Counties, call the **Eastern Region – Bend Office** at 541-633-2019 or 866-863-6668.

Baker, Gilliam, Grant, Malheur, Morrow, Umatilla, Union, Wallowa and Wheeler Counties, call the **Eastern Region – Pendleton Office** at 541-278-4626 or 800-304-3513.

Lane County, call the **Lane Regional Air Protection Agency** at 541-736-1056.

Last Updated: 3/31/14

Suggested safety equipment



Eye Protection: Each person should wear non-fogging goggles or safety glasses.

Respirator: Each person should wear a dual cartridge respirator equipped with two HEPA (high efficiency particulate air) filters. The HEPA cartridges are color-coded purple or magenta. Make sure that your respirator fits properly.

Gloves: Each person should wear gloves.

Coverall: Each person should wear a Tyvek coverall to keep dust off your clothing and then dispose of it (with the asbestos-containing material) after the project is complete.

Boots: Use a lace-less, pull-on type of rubber boot to protect your feet from sharp edges and nails and then wash to remove asbestos contamination.

Tools needed

- Water sprayer, garden type or spray bottle, or a garden hose with spray nozzle
- 3 to 6-mil thick plastic sheeting
- Razor knife
- Flat “L” shaped pry-bar (Wonder-bar)
- Tool to remove nails, such as a nail puller, vise grip or pliers
- Heavy-duty wire cutters
- Leak-tight containers, such as plastic bags, barrels or plastic wrapping

The work will be difficult

Even under the best conditions these projects are physically demanding and potentially dangerous. The following are some of the problems you will be faced with:

- Breathing through a respirator is difficult and places extra stress on the heart and lungs.
- Coveralls can be hot and hard to move around in.
- Work will involve ladders since some of the materials are located in high areas.
- Goggles and safety glasses reduce visibility and field of vision.
- Care must be taken around electric wires because water is being used to keep the asbestos wet.
- The work area will be slick from wetting and become a slipping or tripping hazard.

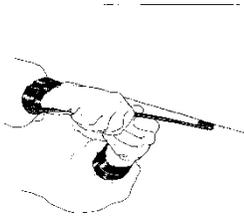
Notification

File a DEQ notification form ASN 6 for removal of nonfriable asbestos materials and pay the applicable fee. The notification must be received by the DEQ Business Office at least 5 days prior to starting the removal project. *If you are the owner occupant of a single-family dwelling doing asbestos removal on the home you live in, you do not need to file a notification.*

Procedures for removing nonfriable cement asbestos materials

Cement asbestos materials must be removed, handled and disposed of in a manner that keeps the material in predominantly whole pieces to be considered nonfriable. The method of removal cannot shatter (broken into 4

or more pieces), crumble, pulverize, or reduce the material to dust. Sanding, sawing, grinding, chipping, or use of power tools is not allowed.



Step 1 - Keep the material wet while you remove it. Wetting minimizes asbestos fibers from being released during removal. The material must remain wet during removal and until waste disposal occurs.

Step 2 - Put plastic sheeting on the ground under the work area to contain pieces that may fall.

Step 3 - Use a razor knife and cut the paint seal around areas that were previously painted.



Step 4 - Remove screws or gently pry up material using a flat bar or similar tool so that the nail heads are exposed and can be pulled out, or clipped off with heavy-duty wire cutters.



Step 5 - Take cement materials off in *whole pieces*, do not break material on purpose, do not step on material, do not drop material, and do not throw material from ladders. Place the material on the ground in a non-work area or in separate containers to prevent breakage. Once the material has been removed, it may not be broken further.



Note: If the material cannot be removed without shattering (broken into more than 4 pieces), you must follow the requirements for friable asbestos-containing materials.

Step 6 - Place the cement asbestos materials in a leak-tight container and mark it with the warning statement “DANGER ASBESTOS-CONTAINING MATERIAL.”

Step 7 – Locate a landfill that is authorized to accept asbestos waste and be sure to inquire about hours of operation and any special packaging requirements they might have. Fill out a DEQ waste shipment report ASN 4 and give it to the landfill upon arrival.

If the material becomes friable

If the cement asbestos material becomes shattered, damaged, or is badly weathered, it is considered friable and may release asbestos fibers. If the cement asbestos material becomes friable, stop work immediately and promptly contact a DEQ licensed asbestos abatement contractor. Friable asbestos materials must be removed by a **DEQ licensed asbestos contractor using DEQ certified workers.**

All asbestos abatement rules under OAR 340-248-0005 through -0280 must be followed. A DEQ notification form ASN 1 for the removal of friable asbestos and the applicable fee must be filed. The notification must be received by the DEQ Business Office at least 10 days prior to starting the removal project. For emergency situations a waiver of the 10-day period may be granted by the DEQ. For more information contact DEQ.

Alternative Formats

Alternative formats of this document can be made available. Contact DEQ for more information at 503-229- 5696.



State of Oregon Department of Environmental Quality
**Informational Paper: Survey Exemption
for Residential Renovations**

Asbestos 2018 rulemaking
September 8, 2017

Contact: [Michele Martin](#)
700 NE Multnomah Street, Suite 600
Portland, OR 97232
503-229-5103

Introduction

The Oregon Department of Environmental Quality reviewed asbestos rules in Oregon Administrative Rule 340 Division 248 under the authority of Oregon Revised Statute 468A.700-.760. This review provides stakeholders and DEQ with an opportunity to evaluate and clarify regulations and standards for asbestos-related activities, where a potential for exposure to asbestos fibers exists. This paper examines the current rule that exempts² asbestos surveying, involving sampling of suspect materials prior to conducting a residential renovation.

Human health can be protected by performing asbestos surveys prior to renovation and demolition. When a residential renovation is conducted that impacts, disturbs, or improperly removes ACM, the asbestos fibers may be released into the home, and the occupants may be exposed to the asbestos fibers. There are no known safe levels of exposure to asbestos fibers. Asbestos can cause diseases such as asbestosis, mesothelioma or lung cancer and serious respiratory illnesses.

The asbestos survey is a tool used to ensure compliance with the asbestos abatement rules. Current Oregon rules require an asbestos survey prior to commercial demolitions and renovations, and for residential demolitions of buildings constructed prior to Jan. 1, 2004. Residential renovation construction projects are currently exempt from the asbestos survey requirement.

DEQ staff frequently receive inquiries from building owners, homeowners, and contractors about asbestos survey requirements for residential renovations. DEQ staff recommend to have a survey conducted by an accredited inspector, or the owner occupant can collect samples themselves of suspect material for lab analysis. DEQ explains that any ACM identified must be removed by a licensed asbestos abatement contractor. This is to ensure that the requirements regarding licensing, notification, work practices, packaging for disposal, and disposal of friable and nonfriable ACM are performed. An owner occupant is allowed to perform the asbestos abatement work and is exempt³ from the work practices including abatement by a licensed asbestos abatement contractor and other rules, with the exception of the asbestos disposal requirements in OAR 340-248-0280 and OAR 340-248-0290.

Residential renovation project costs can increase significantly as a result of finding ACM while performing the project work, or if potential ACM is identified when construction loads are brought

² [OAR 340-248-0250\(2\)\(c\)](#)

³ [ORS 468A.755 Exemptions](#)

to a disposal site. For example, project costs can increase if ACM is not identified and properly removed before construction activity begins. In this scenario, a release or potential release of asbestos fibers from work that breaks-up, dislodges, or disturbs ACM requires that the facility be decontaminated by a licensed asbestos abatement contractor to remove any asbestos fibers from home furnishings, walls, and floors. This is done by utilizing the required work practices for friable asbestos abatement. Residential renovation project waste that is transported and tipped at a disposal site and is suspected of containing asbestos-containing waste material is required to have an accredited inspector sample the suspect materials. If the suspect ACWM is confirmed to contain asbestos, then a licensed asbestos abatement contractor is required for the clean-up of the ACWM and to dispose it at a facility permitted to accept ACWM. The disposal facility where the debris was tipped loses valuable tipping space until the ACWM is properly removed by licensed and certified asbestos professionals.

When a demolition or renovation on a facility is properly executed with consideration for ACM, the facility owners, contractors, waste haulers, and disposal facilities benefit. ACMs can be accurately identified and project budgets can account for abatement costs in advance of the project start date. Facility owners can ensure their project is not posing a risk of asbestos exposure to themselves, other building occupants, contractors, workers or neighbors. Contractors can ensure that they can accurately identify building materials for ACM to support a work-plan that is safe for workers and has required removal work practices according to OAR 340 Division 248. Disposal sites improve their facility management when they can review a survey for ACWM-derived loads (regardless of knowing if the ACWM came from a facility renovation or demolition) or are provided adequately packaged ACWM to ensure proper management, employee health, and environmental safety.

Background

The Environmental Quality Commission adopted a rule requirement in 2002 that requires an asbestos survey to be completed by an accredited inspector prior to any renovation or demolition with the exception of renovations completed by a residential owner occupant. DEQ requested and received comments from stakeholders about the survey requirement. Comments included questions about why the survey requirement was going to apply to more than the National Emissions Standards for Hazardous Air Pollutants⁴ regulatory threshold, which exempts residential dwellings of four or fewer units.

DEQ additionally received comments about the 2002 rulemaking regarding a potential increase in costs that surveys may add to remodeling projects. There was concern that if homeowners were required to survey residential renovation projects they would instead do the removal themselves to save costs and the subsequent costs of hiring of a licensed abatement contractor. Finally, there was concern about the potential for an increase in illegal disposal of asbestos making the solid waste industry or a contractor potentially liable for a homeowner's improper asbestos removal. In response to these concerns, the EQC adopted revised rules that changed the survey requirement to non-residential renovation or demolition only.

⁴ NESHAP. National Emissions Standards for Hazardous Air Pollutants, [Asbestos](#)

DEQ complaints about improper removal of ACM during residential demolitions and renovations have more than doubled from 2012 and 2016. In 2015, the EQC adopted asbestos rule amendments that require an owner or operator to have an accredited inspector perform an asbestos survey before demolition activities at residential buildings. The rulemaking⁵ implemented Senate Bill 705 that specifically required DEQ to address residential demolitions. Time constraints for the rulemaking did not allow for other considerations brought up during the Senate Bill 705 rulemaking, including survey requirements for residential renovations.

Definitions

Oregon Administrative Rule 340, Division 248 defines a renovation as altering in any way one or more facility components. Operations in which load-bearing structural members are wrecked or removed are excluded. A demolition is defined in rule as 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. The distinction between a renovation and a demolition, where a demolition is removing a load-bearing structural member, does not necessarily represent the impact or intensity of the asbestos abatement. A project that is considered a small-scale, short-duration activity by definition potentially reduces the risk of releasing airborne asbestos. Small-scale, short-duration activities are not renovations or demolitions and do not require a survey.

Small-scale, short duration activity is defined in rule means a task where 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 beams or above ceilings; (b) replacement of an asbestos-containing gasket on a valve; (c) installation or removal of a small section of wallboard; (d) removal of asbestos-containing thermal system insulation not to exceed amounts greater than those that can be contained in a single glove bag; (e) minor repairs to damaged thermal system insulation that do not require removal; (f) repairs to asbestos-containing wallboard; (g) installation of electrical conduits through or proximate to asbestos-containing materials; and (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.

Examples of residential renovation enforcement cases

DEQ reviewed a sample of 125 formal enforcement actions related to asbestos statewide from January 2015 to February 2017 using the following key search words: residential⁶, residence, dwelling, single-family home, duplex, renovation, renovate, demolish, and demolition. The sample cases researched were further divided into three overall categories of *residential*, *renovation*, and *demolition*. A few cases as early as 2012 were included in the research reviewed if those cases were part of administrative efforts to digitize printed documents. Formal Enforcement Actions related to key search terms *residential* and *renovation* made up 29 percent of the total cases sampled. Examples of the residential renovation activities requiring enforcement are below.

⁵ SB 705 DEQ rulemaking documents are on the DEQ Website:

<http://www.oregon.gov/deq/Regulations/rulemaking/Pages/Rasbestos2015.aspx>

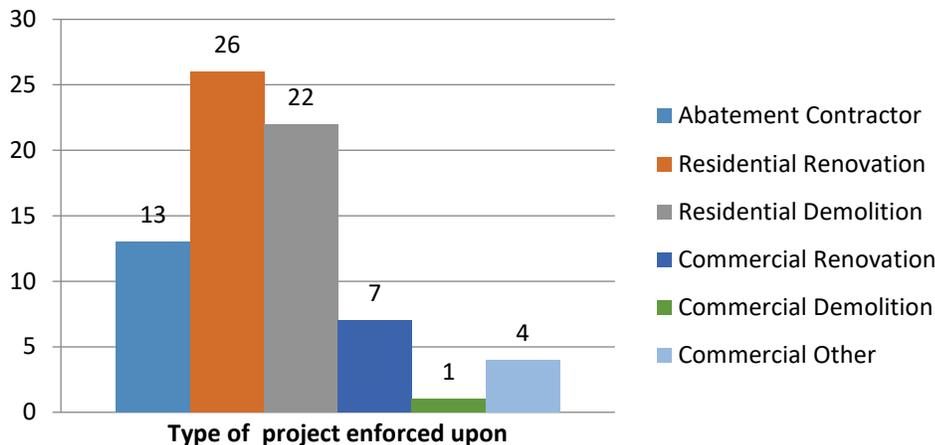
⁶ [OAR 340-248-0260\(1\)\(h\)](#) Residential buildings include: site built homes, modular homes constructed off site, mobile homes, condominiums, and duplexes or other multi-unit residential buildings consisting of four units or less.

- a) Respondent removed an HVAC unit, ducting, and thermal system insulation components (materials) from a residential building. The TSI contained 65 percent Chrysotile asbestos by weight and was determined to be a friable TSI capable of crumbling under hand pressure. The asbestos materials were transported from the project to the Metro South transfer station, which is not a DEQ-authorized waste disposal site for asbestos. The asbestos materials were not adequately abated, packaged for disposal, or safely transferred allowing for open accumulation and the potential release of asbestos fibers into the air.
- b) Respondent removed approximately 200 square feet of sheet vinyl flooring that contained 60 percent Chrysotile asbestos in its backing material. The ACMs were scraped, crumbled, or damaged during the removal and thrown in an open dumpster, resulting in the potential release of asbestos fibers into the air by unlicensed asbestos abatement contractors and uncertified laborers. Additionally, an active day care was located immediately adjacent to this site with ACM fragments encountered 10 feet from the day care.
- c) Respondent allowed an unlicensed person to perform an asbestos abatement project, openly accumulating ACWM, and failing to submit notification for an asbestos abatement project.
- d) Respondent removed cement asbestos board siding from the exterior of a residential building. The CAB siding contained approximately 15 percent Chrysotile asbestos by weight. The respondent rendered the material friable due to poor handling practices, failing to enclose the area where friable asbestos materials were being removed from with a negative pressure enclosure and did not adequately wet the CAB siding.
- e) Respondent removed approximately 115 square feet of floor tile and mastic that contained 10 percent Chrysotile asbestos in the tile and 2 percent Chrysotile asbestos in the mastic, 6 feet of paper duct insulation that contained 70 percent Chrysotile, and an unknown amount of popcorn ceiling texture and joint compound that contained a total of 9 percent Chrysotile. The ACMs were scraped, crumbled, or damaged during the removal resulting in the potential release of asbestos fibers into the air by unlicensed asbestos abatement contractors and uncertified laborers. The Respondent left the ACWM in an uncovered trailer at the residence.

Densely populated areas of Oregon: DEQ northwest region cases

DEQ's northwest region documented 90 formal enforcement actions associated with 73 individual projects, from May 2014 to July 2017. The project categories associated with these individual projects is summarized in Figure 1. The most prevalent project category worthy of enforcement action is residential renovations, which comprises 36 percent of the individual projects enforced upon.

Figure 1. DEQ NWR asbestos enforcement cases by project type (May 2014- July 2017)



Associated costs with asbestos enforcement actions

Common activities occur in asbestos abatement civil penalty cases concerning residential renovations. The composite case scenarios A and B consist of at least three civil penalty cases to ensure anonymity. These cases were the product of complaints, but it should be noted that DEQ does not only inspect projects based on complaints. A third case scenario C is presented that shows the potential costs if a residential renovation survey is performed prior to commencing work and no civil penalty for improper work practices. All three scenarios are assumed to have the same amount of materials for comparison. Table 1 on page 6 shows the costs for each scenario and the images on page 7 show examples taken from enforcement cases at residential renovations.

Scenarios A – C for residential renovation enforcement actions and a home renovation without penalty

Scenario A – Complaints from disposal sites

DEQ is contacted by a disposal site regarding a suspect load of residential renovation construction waste that appears to have friable ACM within the load tipped by a waste hauler. The disposal site had the suspect material tested by a laboratory that resulted in three (3) percent chrysotile asbestos. DEQ received an emergency waiver request from a licensed asbestos abatement contractor to clean up the fragmented friable asbestos at the disposal site and the facility site where the ACWM was generated.

The developer of the site where the waste was generated confirmed they failed to have an asbestos survey conducted, to notify DEQ of an asbestos abatement project, to hire an abatement contractor licensed with DEQ, to properly remove friable material or comply with packaging requirements associated with friable abatement, or to properly dispose of ACWM at a DEQ permitted facility authorized to receive asbestos waste.

Scenario B – Complaints from the public

DEQ receives a public complaint of a residential renovation with a drop box at the project site. While on site, the DEQ inspector observed nonfriable ACM that was rendered friable from improper removal and improper work practices. The ACWM was piled and scattered around the

radius of the project site. Some ACWM were stored outside without proper packaging and labeling resulting in open accumulation.

The project owner failed to notify DEQ of an asbestos abatement project, to hire a licensed accredited abatement contractor, to employ laborers who are certified by DEQ to remove friable asbestos, and to properly remove and package friable ACWM.

Asbestos exposure as a result of scenarios A and B

In these common scenarios, asbestos materials were openly accumulated and asbestos fibers were likely released into the air, potentially exposing workers, the public, and neighbors to asbestos fibers. Improper labeling and packaging for proper disposal of ACWM exposes workers at the generation site and the disposal site.

Scenario C – Home renovation

Home renovation project owner hires an accredited inspector to perform an asbestos survey and take material samples for a home renovation with potential or suspect ACM. The survey shows material containing more than one percent asbestos by weight. As a result of the survey, the owner submits a notification form and the coordinating fee to DEQ, then hires a licensed asbestos abatement contractor to perform the abatement.

Table 1. Scenarios A – C summary of costs for enforcement action cases concerning residential renovations and a home renovation without penalty

Scenario	Summary	Costs
A	<p>Performing an asbestos abatement project without a license and for disposing of ACWM at an unauthorized disposal site location.</p> <p>Result: Public and worker exposure to asbestos</p>	<p>DEQ emergency asbestos project notification and fee adds 50 percent to the tiered cost structure: \$600 (originally \$400)</p> <p>Hire a licensed abatement contractor to clean up the ACWM at the disposal site: \$8,000</p> <p>Hire a licensed abatement contractor to clean up the ACM at the generation site: \$20,000</p> <p>DEQ Civil Penalty \$26,000</p> <p>Total cost: \$54,600*</p>
B	<p>Performing an asbestos abatement project without being a licensed asbestos abatement contractor or hiring a licensed asbestos abatement contractor to perform the asbestos abatement, and open accumulation of friable ACWM at a residence.</p> <p>Result: Public and worker exposure to asbestos</p>	<p>DEQ emergency asbestos project notification and fee (adds 50 percent to the tiered cost structure): \$150 (originally \$100)</p> <p>Hire a licensed abatement contractor to clean up the asbestos-containing waste material at the generation site: \$25,000</p> <p>DEQ Civil Penalty \$30,000</p> <p>Total cost: \$55,150*</p>

C	Home renovation	Hire an accredited inspector to perform an asbestos survey and have samples tested: Metro region \$550 Outside of the Metro region: \$550 ⁷ est. DEQ notification form and fee: \$100 Hire a licensed abatement contractor to perform the abatement work: \$4,000 est. Total projected cost, Metro region: \$4,650 Total projected cost outside Metro region: \$4,650**
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*Contractors can also receive penalties from OSHA that are not included in these examples

**Travel time was estimated in the eastern region to be around \$60 per hour and \$.06 cents per mile.

Images from DEQ enforcement action cases for residential renovations

Image 1. Residential CAB siding rendered friable (fragmented) as a result of sawing through CAB panels for sliding door installation, 30% chrysotile asbestos content.



Image 2. Residential CAB siding rendered friable (fragmented) as a result of sawing through CAB panels for sliding door installation, 30% chrysotile asbestos content.



Image 3. Asbestos-containing materials in a residence that has been scraped, crumbled, or damaged during the removal and thrown into an open dumpster, resulting in the potential release of asbestos fibers into the air by unlicensed asbestos abatement contractors and uncertified laborers.

Image 4. Impacted TSI in a residential basement containing 90% Chrysotile asbestos. Failing to be a licensed asbestos abatement contractor, improper removal of friable ACM.

⁷ A total of 10 AHERA accredited asbestos inspectors that work in all geographic areas of Oregon were interviewed for this paper. The costs for surveys depend on several factors such as project scope and location (how far the inspector had to travel). The average costs for residential renovation surveys were between \$350 and \$550, consistently. The accredited inspectors commented that their years of experience and knowledge of materials supported their ability to take appropriate samples. This estimate takes into consideration low to moderate travel costs.



Image 7. Residential asbestos siding containing 14% Chrysotile asbestos.



Image 8. Homogenous asbestos-containing flooring from a residence in a pile in the kitchen adjacent to a front room.



Image 9. Fragmented residential siding containing 30% Chrysotile asbestos CAB panels frequently fragment into friable pieces.

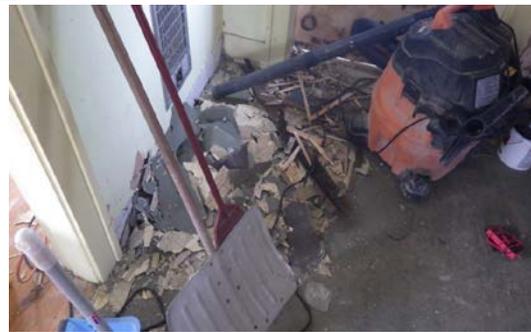


Image 10. Drop box of residential remodeling debris that was tipped and found to contain asbestos-containing thermal system insulation wrap.



Out-of-state rules for asbestos surveys for residential renovations

In comparison to Oregon, other states and state air agencies require surveys for residential renovations and are described below. Table 2 below summarizes the states reviewed.

Southwest Clean Air Agency⁸ in Washington State that covers Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties requires a survey for residential renovations to be performed by an AHERA⁹ building inspector. Spokane Regional Clean Air Agency¹⁰ also requires a survey for residential renovations. Owner-occupied single-family residences performed by the owner-occupant does not require a survey. Colorado Department of Public Health and Environment¹¹ requires a survey for residential renovations. Wyoming Department of Environmental Quality¹² does not require a survey for demolition or renovation of private residences, but “strongly suggests” hiring an asbestos building inspector to collect samples of any suspect materials.

Table 2. Summary of out-of-state policies for residential renovation surveys

State agency or pollution authority	Do they require surveys for residential renovations?
Southwest Clean Air Agency	Yes. An asbestos survey at a single family resident is not required to be performed by an AHERA building inspector when the renovation project is performed by the owner/occupant. ¹³
Spokane Regional Clean Air Agency	Yes. The rule is for any person that causes or allows renovation, demolition, or an asbestos project to occur must first obtains an asbestos survey performed by an AHERA building inspector.
Puget Sound Clean Air Agency	Yes. An asbestos survey at a single family resident is not required to be performed by an AHERA building inspector when the renovation project is performed by the owner/occupant.
Colorado Department of Public Health and Environment	Yes. Prior to any renovation or demolition which may disturb greater than the trigger levels of material identified as a suspect asbestos-containing material pursuant to the EPA "Green Book", Managing Asbestos in Place, Appendix G (1990), the facility component(s) to be affected by the renovation or demolition shall be inspected to determine if abatement is required.
Wyoming Department of	No. (Residential demolitions and renovations.) From the website: “Although private residences have the same potential to contain asbestos-containing material as a public and commercial building,

⁸ SWCAA 476-040 Asbestos Survey Requirements (1) Renovation (a) Prior to performing any renovation activity the property owner or the owner's agent shall determine whether there are suspect asbestos-containing materials in the work area. The property owner or the owner's agent shall obtain an asbestos survey of any suspect asbestos-containing materials. The asbestos survey shall be performed by an AHERA (Asbestos Hazard Emergency Response Act) building inspector. An asbestos survey at a single family resident is not required to be performed by an AHERA building inspector when the renovation project is performed by the owner/occupant.

⁹ AHERA – Asbestos Hazard Emergency Response Act

¹⁰ Spokane Regional Clean Air Agency [Article IX Section 9.03 and](#) Section 9.02(T) Owner-Occupied, Single-Family Residence definition – means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used by one family who owns the property as their domicile (permanent and primary residence) both prior to and after renovation or demolition...

¹¹ [Colorado Department of Public Health and Environment](#)

¹² [Wyoming Department of Environmental Quality](#)

¹³ [SWCAA 476-030\(26\)](#) "Owner-Occupied, Single-Family Residence" means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is currently used or was once used, occupied, or designed to be occupied by one family who owns the property as their domicile. This term includes houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit

Environmental Quality	the asbestos regulations in Wyoming do not extend to private residences, unless the renovation or demolition activity is being performed to allow the property/facility to become public and private. We strongly suggest that you hire an Asbestos Building Inspector to collect samples of any suspect material that needs to be tested for asbestos content prior to disturbance...”
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Removing the survey exemption for residential renovation projects

If a survey is required for residential renovations, a possible scenario for rule consistency is to follow the same exemptions currently in rule for residential demolitions provided below:

- Survey exemptions for facilities that were constructed after 2004;
- Asbestos abatement conducted inside a single private residence is exempt from the survey requirement if the residence is occupied by the owner and the owner occupant is performing the work; and
- Waivers for residential surveys approved by DEQ on a case-by-case¹⁴ basis.

Discussion points related to removing the survey exemption for residential renovations

- a) Residential renovation surveys are not at cost parity statewide. Rural areas of Oregon may see higher survey costs from travel expenses from accredited surveyors to fulfill the statewide needs for surveys.

DEQ interviewed 10 accredited asbestos inspectors¹⁵ that perform residential renovation surveys in all areas of the state for this paper. The inspection costs, including lab testing are overall similar regardless of where in the state the survey took place. Because the survey costs depend on many variables including travel and project scope, the costs for surveys will vary. Statewide, the average costs were between \$350 and \$550 for residential renovation surveys. Travel costs in some areas of the state were estimated to be about \$60 per hour of travel and \$0.60 cents per mile.

- b) Licensed abatement contractors that have their own accredited asbestos inspectors on staff may have a potential competitive advantage over other businesses; potentially small businesses that do not have accredited inspectors on staff. Currently, this has not been an issue for projects that require surveys.

In the case of the asbestos abatement inspectors interviewed, larger businesses do not generally compete with smaller business to survey residential renovation projects.

- c) The requirement for residential renovation surveys may increase the need for accredited inspectors. A lack of accredited asbestos inspectors may delay projects; however, more individuals may seek accreditation to perform asbestos surveys, or add the asbestos accreditation to an existing profile of survey expertise, as the need potentially increases for accredited asbestos inspectors.

¹⁴ [OAR 340-248-0270\(3\)](#)

¹⁵ Appendix B – Summary of conversations with accredited asbestos inspectors

- d) A DEQ asbestos inspector accreditation program may ensure training specific to Oregon rules; however, DEQ does not oversee accreditation of asbestos inspectors. Currently DEQ requires that an accredited asbestos inspector perform surveys for commercial renovations and demolitions, and residential demolitions. The rules define accredited inspector to mean a person that has completed training and received accreditation under 40 C.F.R. Part 763 Subpart E, Appendix C (Model Accreditation Plan). Section B (initial Training), Subsection 3 (Inspector), (1994). The federal training does not cover residential demolitions or renovations projects. A DEQ accreditation program may benefit all renovation and demolition projects currently covered by the rules in OAR 340 Division 248, but would require additional resources at DEQ. A DEQ accreditation program fee would potentially provide revenue to support the program.
- e) A survey requirement for residential renovations will require a well-planned public awareness effort to educate accredited asbestos inspectors, communities, and local governments.
- f) A survey for residential renovations will add an additional set of costs to a project, and at minimum, the cost for the survey of suspect ACM.
- g) A residential renovation survey requirement may reduce the potential for open accumulation at the generation site to protect human health from asbestos fibers such as neighborhoods and populated areas.
- h) The survey requirement may reduce the need for accredited asbestos inspectors to provide services to disposal sites to inspect drop boxes or tipped loads for suspect ACM.

It is common for a disposal drop box to be located at a generation site that contains ACM that is exposed to the air resulting in potential open accumulation of ACM for extended periods of time. Once the drop box is transported to a disposal site, the accumulated construction waste may be identified by the waste hauler or the disposal facility as having suspect ACM. Suspect ACM identified at a disposal facility such as a transfer station is challenging to handle because the transfer station may not be permitted to accept ACM. More transfer stations are developing Special Waste Management Plans that are required to be approved by DEQ, for processes to deal with ACM that is inadvertently brought to the transfer station.

Oregon disposal facilities are taking measures to ensure they are aware of what materials are being brought for disposal by requiring contractors to submit a survey or information that discloses if the construction load contains ACM.

A common theme from the accredited inspectors interviewed for this report was their increase in survey work from contractors conducting residential renovations who are required to identify if ACWM will be included in the project waste before the contractor can acquire a project drop box from a waste hauler or disposal facility.