

## DIVISION 248

### ASBESTOS REQUIREMENTS

#### Asbestos Emission Standards and Procedural Requirements

##### 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 Division 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).

[Demolition 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\(1\).](#)

[Demolition 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 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 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](#)

~~are in compliance with~~ OAR 437 division 3 "Construction" Subsection Z and **29 C.F.R. § 1926.1101(g)(i) through (iii) (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, 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 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 ORS 459 is not subject to OAR 340-248-0205(1).

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 (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

### **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, 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 survey report to the department upon request by the department and keep a copy of the survey report onsite at the facility during any demolition or renovation activity.

(3) For demolitions of residential buildings, the department 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, along with supporting documentation that demonstrates to the department's satisfaction that a survey is not warranted. The owner or operator of the residential building must obtain the department's written approval waiving the asbestos survey requirement prior to any demolition activity. The owner or operator of the residential building must maintain as readily available at the demolition site a copy of the department's written approval under this rule.

(4) Except as OAR 340-248-0250 provides~~d for in OAR 340-248-0250~~, any person who conducts or provides for the conduct of an asbestos abatement project must employ the following procedures ~~must be employed by any person who conducts or provides for the conduct of an asbestos abatement project~~:

~~(1) Prior to performing a demolition or renovation activity on a facility 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 pursuant to OAR 340-248-0270(1) must keep a copy of the survey report onsite at the facility during any demolition or renovation activity.~~

~~(a3) Remove all asbestos-containing materials before any 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: ~~before demolition if:~~~~

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

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

~~(4b) Upon discovery of asbestos-containing materials found during demolition the owner or operator performing the demolition must:~~

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

~~(Bb) Notify the Department immediately of the occurrence;~~

(Ce) 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;

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

(c5) 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:

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

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

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

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

(d6) When a facility component covered or coated with asbestos-containing materials is being taken out of the facility as units or in sections:

(Aa) Adequately wet any asbestos-containing materials exposed during cutting or disjointing operation;

(Bb) Carefully lower the units or sections to ground level, not dropping them or throwing them;

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

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

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

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

(e7) For friable asbestos materials being removed or stripped:

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

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

(Ce) With prior written approval from the Department, 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.

(Dd) Enclose the area where friable asbestos materials are to be removed with a negative pressure enclosure prior to abatement unless written approval for an alternative is granted by the Department.

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

(iA) 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.

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

(f8) 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:

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

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

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

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

(g9) Persons performing asbestos abatement outside full negative pressure containment must obtain written approval from the Department before using mechanical equipment to remove asbestos-containing material.

(~~h10~~) 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.

(~~i11~~) None of the operations in section (1) through (4) of this rule may cause any visible emissions. 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.

(~~j12~~) 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 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.

(~~k13~~) Final Air Clearance Sampling Requirements apply to projects involving more than 160 square feet or 260 linear feet of asbestos-containing material. Before containment around such an area is removed, the person performing the abatement must have at least one air sample collected that documents that the air inside the containment 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 may grant a waiver to this section or exceptions to the following requirements upon receiving an advanced written request:

(~~Aa~~) The air clearance samples must be performed 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;

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

(~~iA~~) All visible asbestos-containing material and asbestos-containing waste material must be removed according to the requirements of this section;

(~~iiB~~) The air and surfaces within the containment must be sprayed with an encapsulant;

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

(~~ivD~~) Air filtration units must remain on during the air-monitoring period.

(~~Ce~~) Air clearance sampling inside containment areas must be aggressive and comply with the following procedures:

(~~iA~~) 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;

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

(iiiE) 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;

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

(vE) As an alternative to meeting the requirements of paragraphs (A) through (D) of this subsection, 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)**.

(Dd) The person performing asbestos abatement projects requiring air clearance sampling must submit the clearance results to the Department on a Department form. The clearance results must be received by the Department within 30 days after the completion date of the asbestos abatement project.

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. 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