



PERMANENT ADMINISTRATIVE ORDER

DEQ 7-2022

CHAPTER 340

DEPARTMENT OF ENVIRONMENTAL QUALITY

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RULES:

340-248-0180, 340-248-0260

AMEND: 340-248-0180

NOTICE FILED DATE: 02/28/2022

RULE SUMMARY: Increasing licensing and certification fees.

CHANGES TO RULE:

340-248-0180

Licensing and Certification Requirements: 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) ~~\$32094~~ for a one-year accreditation to provide a course for training asbestos supervisors;¶¶

(B) ~~\$32094~~ for a one-year accreditation to provide a course for training asbestos workers; and¶¶

(C) ~~\$32094~~ each for a one-year accreditation to provide a course for refresher training for 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.

Statutory/Other Authority: ORS 468, 468A

Statutes/Other Implemented: ORS 468A.745

AMEND: 340-248-0260

NOTICE FILED DATE: 02/28/2022

RULE SUMMARY: Increasing asbestos project notification fees.

CHANGES TO RULE:

340-248-0260

Emission Standards and Procedural Requirements: Asbestos Abatement Notification Requirements ¶

(1) Except as provided under OAR 340-248-0250, written notification of an asbestos abatement project must be submitted to DEQ on a DEQ-approved form, 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 as required by sections (2) through (5) of this rule, except as provided in sections (6), (7), and (8). A notification revision must be submitted by the facility owner or operator, the owner or operator of a demolition or renovation activity, or the contractor in accordance with section (10) of this rule.¶

(2) DEQ must receive notifications as specified in section (5) of this rule and the project notification fee at least 10 days before beginning a friable asbestos abatement project and at least five days before beginning a nonfriable asbestos abatement project.¶

(a) The project notification fee is:¶

(A) ~~\$100~~26 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~~52 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~~504 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~~662 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~~1,134 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~~323 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~~2,142 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~~3,528 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) ~~\$3,504~~4,410 for each project that will abate more than 260,000 linear feet or 160,000 square feet of asbestos-containing material.¶

(J) ~~\$750~~945 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) ~~\$506~~30 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 DEQ receives the completed notification form and appropriate fee.¶

(c) DEQ may waive the 10-day and the five-day notification requirement in section (2) 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 (2) 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 starting 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. Notification as specified in section (5) of this rule and the appropriate fee must be submitted to DEQ within three days of starting 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 must 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.¶

(3) The facility owner or operator, the owner or operator of a demolition or renovation activity, or the 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. The contractor owner or operator must 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 (5)(a) through (5)(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 (5)(i) through (5)(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.¶

(4) Annual nonfriable asbestos abatement projects may only be performed at schools, colleges, and facilities where certified asbestos abatement workers perform the removal work. 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 (5)(a) through (5)(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 (5)(i) through (5)(l) of this rule for each project.¶

(d) Submit project notification and fee before using this notification procedure.¶

(e) Failure to provide payment for use of this notification procedure will void the notification and DEQ will individually assess each subsequent nonfriable abatement project 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.¶

(5) 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 C.F.R. 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) Other information requested on the DEQ form.¶

(6) 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 (2)(c) and (d) of this rule.¶

(7) 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.¶

(8) 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 regional authority will base the fees on its costs 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.¶

(9) Notification fee refunds. DEQ will consider a refunding a notification fee only as this section provides. A request for a refund of fees must be made in writing to DEQ, and must be submitted prior to the project's original start date. 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 the requestor paid 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 laboratory results, or when material was assumed to be asbestos-containing and treated as such in order to avoid survey and laboratory costs, a depiction of the material.¶

(10) DEQ must receive notification revisions before 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.

Statutory/Other Authority: ORS 468, 468A

Statutes/Other Implemented: ORS 468.020, 468A.025