



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Alan Matheson
Executive Director

DIVISION OF AIR QUALITY
Bryce C. Bird
Director

DAQ-007-16

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

FROM: Robert Ford, Air Toxics Lead-Based Paint, and Asbestos Section Manager

DATE: January 25, 2016

SUBJECT: PROPOSE FOR PUBLIC COMMENT: Amend R307-801. Utah Asbestos Rule.

On March 25, 2015, Governor Gary Herbert signed Utah House Bill 229 (H.B. 229), Air Quality Modifications, into law. H.B. 229 revised the statutory definition of Asbestos and modified what suspect asbestos-containing materials need to be inspected for in residential structures. These modifications are found in Utah Code Annotated 19-2-102 and 19-2-104.

The proposed rule amends R307-801, Utah Asbestos Rule, so that it reflects the changes enacted by H.B. 229. The proposed rule also includes modifications recommended by staff and the regulated community to help the Division administer the Utah Asbestos Program.

A 30 day public comment period was held. Two comments were received, and the DAQ's responses are included in the Board packet. In addition to the comment period, DAQ held a stakeholder's meeting on January 20, 2016. During the meeting the regulated community and DAQ came to an agreement that DAQ would propose the rule to the Board as a change in proposed rule. The change in the rule can be found at Subsection R307-801-13(10). The option to meet the standard "by following a work practice that has been established by the director or by an alternative work practice as approved by the director" has been added to the rule. This change was recommended by the regulated community and accepted by DAQ.

Staff Recommendation: Staff recommends that the Board propose for public comment the change in proposed rule to R307-801.

R307-801, Utah Asbestos Rule, Comments and Responses

1. Comment from Emery County School District: We, as a small school district have a great concern for the extra demands that this law entails for us. It has, and will continue, to demand a great increase in manpower, paperwork and sampling. All of these issues transfer into financial burdens for an already struggling district without the funding sources needed to cover the increased burden.

The amount of asbestos in our district remains essentially the same and is much lower than some other districts. However, the record keeping and manpower demands to meet the requirements of the new definitions and recommended practices has increased exponentially. The actual SOURCE of fibers, exposure, release, etc. in our buildings remains the same – but the time and financial responsibility demands have greatly increased.

We feel that the health and safety benefits remain the same, but that the financial and manpower burden has been unnecessarily increased; and without sufficient scientific background study to warrant the increased demands now required by altered definitions of Utah House Bill 229.

DAQ Response: DAQ staff spoke with Irene Allred, who is from the Emery County School District. Staff explained to Ms. Allred that the new rule does not affect the regulation specifically for asbestos found in schools, known as the Asbestos Hazard Emergency Response Act (AHERA). The rule would only apply if a renovation or demolition was taking place.

Additionally, as Emery County School District noted in the last sentence of the comment, the new definition for asbestos was mandated by the State Legislature. DAQ cannot change a definition that is part of a state statute.

2. Comment from the Utah Facilities and Operation & Maintenance Association (UFOMA): UFOMA is requesting that the board not adopt the rule. It is concerned with Section 3 and Section 13(10). UFOMA believes that the regulated community has not had an adequate opportunity to comment on the changes and that their concerns have not been considered. UFOMA also believes that the impact of the changes pose a major impact to schools, businesses and industry in the state. They also stated their belief that some of the proposed wording is too vague and would lead to arbitrary enforcement by DAQ.

DAQ Response: Section 3 is the definitions section. DAQ amended the definition of asbestos because the Utah State Legislature enacted House Bill 229 (H.B. 229) into law. H.B. 229 expanded the definition of asbestos to include Libby Amphibole. DAQ amended the Air Quality Rules to match the new state law. A definition of Libby Amphibole was included in this rule to provide clarity as to what material will be regulated.

A meeting was held January 20, 2016, to help alleviate concerns many in the regulated community had with Subsection 13(10) of the rule. The language has changed to allow regulated entities more certainty as to what they are required to do to meet the standard. DAQ believes the new language being presented to the board will solve the issue many people had with the ambiguity of Subsection 13(10).

1 **R307. Environmental Quality, Air Quality.**

2 **R307-801. Utah Asbestos Rule.**

3 **R307-801-1. Purpose and Authority.**

4 This rule establishes procedures and requirements for
5 asbestos abatement or renovation projects and training programs,
6 procedures and requirements for the certification of persons and
7 companies engaged in asbestos abatement or renovation projects,
8 and work practice standards for performing such projects. This
9 rule is promulgated under the authority of Utah Code Annotated 19-
10 2-104(1)(d), (3)(a)(iii), (3)(b)(iv)(A), (B), and (C), (3)(b)(v),
11 (6)(a), and (6)(b). Penalties are authorized by Utah Code
12 Annotated 19-2-115. Fees are authorized by Utah Code Annotated 19-
13 1-201(2)(i).

14

15 **R307-801-2. Applicability and General Provisions.**

16 (1) Applicability.

17 (a) The following persons are operators and are subject to
18 the requirements of R307-801:

19 (i) Persons who contract for hire to conduct asbestos
20 abatement, renovation, or demolition projects in regulated
21 facilities;

22 (ii) Persons who conduct asbestos abatement, renovation, or
23 demolition projects in areas where the general public has
24 unrestrained access;

25 (iii) Persons who conduct asbestos abatement, renovation, or
26 demolition projects in school buildings subject to AHERA or who
27 conduct asbestos inspections in facilities subject to TSCA Title
28 II; or

29 (iv) Persons who perform regulated work activities or
30 renovation projects in single or multifamily residential
31 structures where they do not live or intend to live immediately
32 after the regulated work activity or renovation project is
33 complete.

34 (b) The following persons are subject to certification
35 requirements:

36 (i) Persons required by TSCA Title II or R307-801 to be
37 accredited as inspectors, management planners, project designers,
38 renovators, asbestos abatement supervisors, or asbestos abatement
39 workers;

40 (ii) Persons who work on asbestos abatement projects as
41 asbestos abatement workers, asbestos abatement supervisors,
42 inspectors, project designers, or management planners;

43 (iii) Persons who perform regulated work activities or

1 renovation projects in single or multifamily residential
2 structures where they do not live or intend to live immediately
3 after the regulated work activity or project is complete; or

4 (iv) Companies that conduct asbestos abatement projects,
5 renovation projects, inspections, create project designs, or
6 prepare management plans in regulated facilities.

7 (c) Homeowners or condominium owners performing renovation
8 or demolition activities in or on their own residential facilities
9 where they live, that are otherwise not subject to the Asbestos
10 NESHAP, are not subject to the requirements of this rule, however,
11 a condominium complex of more than four units is subject to this
12 rule and may also be subject to the Asbestos NESHAP regulation.

13 (d) Contractors for hire performing renovation or demolition
14 activities are required to follow the inspection provisions of
15 R307-801-9 and R307-801-10 and the notification provisions of
16 R307-801-11 and R307-801-12.

17 (2) General Provisions.

18 (a) All persons who are required by R307-801 to obtain an
19 approval, certification, determination, or notification from the
20 director shall obtain it in writing.

21 (b) Persons wishing to deviate from the certification,
22 notification, work practices, or other requirements of R307-801
23 may do so only after requesting and obtaining the written approval
24 of the director.

25
26 **R307-801-3. Definitions.**

27 The following definitions apply to R307-801:

28 "Adequately Wet" means to sufficiently mix or penetrate with
29 liquid to prevent the release of particulates. If visible
30 emissions are observed coming from asbestos-containing material,
31 then that material is not adequately wet. However, the absence of
32 visible emissions is not sufficient evidence of being adequately
33 wet.

34 "Amended Water" means a mixture of water and a chemical
35 wetting agent that provides control of asbestos fiber release.

36 "AHERA" means the federal Asbestos Hazard Emergency Response
37 Act of 1986 and the Environmental Protection Agency implementing
38 regulations, 40 CFR Part 763, Subpart E - Asbestos-Containing
39 Materials in Schools.

40 "AHERA Facility" means any structure subject to the federal
41 AHERA requirements.

42 "Asbestos" means the asbestiform varieties of serpentine
43 (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite

1 (amosite), anthophyllite, actinolite-tremolite, and Libby
2 amphibole.

3 "Asbestos Abatement Project" means any activity involving the
4 removal, repair, demolition, salvage, disposal, cleanup, or other
5 disturbance of regulated asbestos-containing material greater than
6 the small scale short duration (SSSD) amount of asbestos-
7 containing material.

8 "Asbestos Abatement Supervisor" means a person who is
9 certified according to R307-801-6 and is responsible for ensuring
10 work is conducted in accordance with the regulations and best work
11 practices for asbestos abatement or renovation projects.

12 "Asbestos Abatement Worker" means a person who is certified
13 according to R307-801-6 and performs asbestos abatement or
14 renovation projects.

15 "Asbestos-Containing Material (ACM)" means any material
16 containing more than 1% asbestos by the method specified in 40 CFR
17 Part 763, Subpart E, Appendix E, Section 1, Polarized Light
18 Microscopy (PLM), or, if the asbestos content is greater than a
19 trace amount of asbestos, but less than 10% asbestos, the asbestos
20 concentration shall be determined by point counting using PLM or
21 any other method acceptable to the director.

22 "Asbestos-Containing Waste Material (ACWM)" means any waste
23 generated from regulated asbestos-containing material (RACM) that
24 contains any amount of asbestos and is generated by a source
25 subject to the provisions of R307-801. This term includes filters
26 from control devices, friable asbestos-containing waste material,
27 and bags or other similar packaging contaminated with asbestos. As
28 applied to demolition and renovation projects, this term also
29 includes regulated asbestos-containing material waste and
30 materials contaminated with asbestos including disposable
31 equipment and clothing.

32 "Asbestos Inspection" means any activity undertaken to
33 identify the presence and location, or to assess the condition, of
34 asbestos-containing material or suspected asbestos-containing
35 material, by visual or physical examination, or by collecting
36 samples of the material. This term includes re-inspections of the
37 type described in AHERA, 40 CFR 763.85(b), of known or assumed
38 asbestos-containing material which has been previously identified.
39 The term does not include the following:

40 (a) Periodic surveillance of the type described in AHERA, 40
41 CFR 763.92(b), solely for the purpose of recording or reporting a
42 change in the condition of known or assumed asbestos-containing
43 material;

1 (b) Inspections performed by employees or agents of federal,
2 state, or local government solely for the purpose of regulatory
3 oversight and/or determining compliance with applicable statutes
4 or regulations; or

5 (c) Visual inspections of the type described in AHERA, 40
6 CFR 763.90(i), solely for the purpose of determining completion of
7 response actions.

8 "Asbestos Inspection Report" means a written report as
9 specified in R307-801-10(6) describing an asbestos inspection
10 performed by a certified asbestos inspector.

11 "Asbestos NESHAP" means the National Emission Standards for
12 Hazardous Air Pollutants, 40 CFR Part 61, Subpart M, National
13 Emission Standard for Asbestos.

14 "Asbestos Removal" means the stripping of friable ACM from
15 regulated facility components or the removal of structural
16 components that contain or are covered with friable ACM from a
17 regulated facility.

18 "Category I Non-Friable Asbestos-Containing Material" means
19 asbestos-containing packings, gaskets, resilient floor coverings,
20 or asphalt roofing products containing more than 1% asbestos as
21 determined by using the method specified in 40 CFR Part 763,
22 Subpart E, Appendix E, Section 1, Polarized Light Microscopy
23 (PLM).

24 "Category II Non-Friable Asbestos-Containing Material" means
25 any material, excluding Category I non-friable ACM, containing
26 more than 1% asbestos as determined by using the methods specified
27 in 40 CFR Part 763, Subpart E, Appendix E, Section 1, Polarized
28 Light Microscopy (PLM) that, when dry, cannot be crumbled,
29 pulverized, or reduced to powder by hand pressure.

30 "Condominium" means a building or complex of buildings in
31 which units of property are owned by individuals and common parts
32 of the property, such as the grounds, common areas, and building
33 structure, are owned jointly by the condominium unit owners.

34 "Containerized" means sealed in a leak-tight and durable
35 container.

36 "Debris" means friable or regulated asbestos-containing
37 material that has been dislodged and has fallen from its original
38 substrate and position or which has fallen while remaining
39 attached to substrate sections or fragments.

40 "Demolition Project" means the wrecking, salvage, or removal
41 of any load-supporting structural member of a regulated facility
42 together with any related handling operations, or the intentional
43 burning of any regulated facility. This includes the moving of an

1 entire building, but excludes the moving of structures, vehicles,
2 or equipment with permanently attached axles, such as trailers,
3 motor homes, and mobile homes that are specifically designed to be
4 moved.

5 "Director" means the Director of the Utah Division of Air
6 Quality.

7 "Disturb" means to disrupt the matrix, crumble, pulverize, or
8 generate visible debris from ACM or RACM.

9 "Emergency Abatement or Renovation Project" means any
10 asbestos abatement or renovation project which was not planned and
11 results from a sudden, unexpected event that, if not immediately
12 attended to, presents a safety or public health hazard, is
13 necessary to protect equipment from damage, or is necessary to
14 avoid imposing an unreasonable financial burden as determined by
15 the director. This term includes operations necessitated by non-
16 routine failure of equipment, natural disasters, fire, or
17 flooding, but does not include situations caused by the lack of
18 planning.

19 "Encapsulant" means a permanent coating applied to the
20 surface of friable ACM for the purpose of preventing the release
21 of asbestos fibers. The encapsulant creates a membrane over the
22 surface (bridging encapsulant) or penetrates the material and
23 binds its components together (penetrating encapsulant).

24 "Friable Asbestos-Containing Material" means any asbestos-
25 containing material that, when dry, can be crumbled, pulverized,
26 or reduced to powder by hand pressure.

27 "Glove bag" means an impervious plastic bag-like enclosure,
28 not to exceed 60 x 60 inches, affixed around an asbestos-
29 containing material, with glove-like appendages through which
30 material and tools may be handled.

31 "General Building Remodeling Activities" means the alteration
32 in any way of one or more regulated structure components,
33 excluding asbestos abatement, renovation, and demolition projects.

34 "Government Official" means an engineer, building official,
35 or health officer employed by a governmental jurisdiction that has
36 a responsibility for public safety or health in the jurisdiction
37 where the structure is located.

38 "High-Efficiency Particulate Air (HEPA)" means a filtration
39 system capable of trapping and retaining at least 99.97% of all
40 mono-dispersed particles 0.3 micron in diameter.

41 "Inaccessible" means in a physically restricted or obstructed
42 area, or covered in such a way that detection or removal is
43 prevented or severely hampered.

1 "Inspector" means a person who is certified according to
2 R307-801-6, conducts asbestos inspections, or oversees the
3 preparation of asbestos inspection reports.

4 "Libby Amphibole" means loose-fill vermiculite type
5 insulation material originating in Libby, Montana, or elsewhere,
6 used in regulated facilities subject to this rule and has greater
7 than 1% asbestiform varieties of serpentine (chrysotile),
8 riebeckite (crocidolite), cummingtonite-grunerite (amosite),
9 anthophyllite, and actinolite-tremolite, as defined earlier in
10 this section, and winchite, richterite, tremolite, magnesio-
11 riebeckite, magnesio-arfvedsonite, and edenite using United States
12 Environmental Protection Agency Method EPA/600/R93/116 or other
13 method as approved by the director.

14 "Management Plan" means a document that meets the
15 requirements of AHERA for management plans for asbestos in
16 schools.

17 "Management Planner" means a person who is certified
18 according to R307-801-6 and oversees the preparation of management
19 plans for school buildings subject to AHERA.

20 "Model Accreditation Plan (MAP)" means 40 CFR Part 763,
21 Subpart E, Appendix C, Asbestos Model Accreditation Plan.

22 "NESHAP Amount" means combined amounts in a project that
23 total:

24 (a) 260 linear feet (80 linear meters) of pipe covered with
25 RACM;

26 (b) 160 square feet (15 square meters) of RACM used to cover
27 or coat any duct, boiler, tank, reactor, turbine, equipment,
28 structural member, or regulated facility component; or

29 (c) 35 cubic feet (one cubic meter) of RACM removed from
30 regulated facility structural members or components where the
31 length and area could not be measured previously.

32 "NESHAP Facility" means any institutional, commercial,
33 public, industrial, or residential structure, installation, or
34 building, (including any structure, installation, or building
35 containing condominiums or individual dwelling units operated as a
36 residential co-operative, but excluding residential buildings
37 having four or fewer dwelling units); any ship; and any active or
38 inactive waste disposal site. For purposes of this definition, any
39 building, structure, or installation that contains a loft used as
40 a dwelling is not considered a residential structure,
41 installation, or building. Any structure, installation, or
42 building that was previously subject to the Asbestos NESHAP is not
43 excluded, regardless of its current use or function.

1 "NESHAP-Sized Project" means any project that involves at
2 least the NESHAP amount of ACM.

3 "Non-Friable Asbestos-Containing Material" means any material
4 containing more than 1% asbestos, as determined using the methods
5 specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1,
6 Polarized Light Microscopy (PLM), that, when dry, cannot be
7 crumbled, pulverized, or reduced to powder by hand pressure.

8 "Open Top Catch Bag" means either an asbestos waste bag or
9 six mil polyethylene sheeting which is sealed at both ends and
10 used by certified asbestos abatement workers, in a manner not to
11 disturb the matrix of the asbestos-containing material, to collect
12 preformed RACM pipe insulation in either a crawl space or pipe
13 chase less than six feet high or less than three feet wide.

14 "Phased Project" means either an asbestos abatement,
15 renovation, or demolition project that contains multiple start and
16 stop dates corresponding to separate operations or areas where the
17 entire asbestos abatement, renovation, or demolition project
18 cannot or will not be performed continuously.

19 "Preformed RACM Pipe Insulation" means prefabricated
20 asbestos-containing thermal system insulation on pipes formed in
21 sections that can be removed without disturbing the matrix of the
22 asbestos-containing material.

23 "Project Designer" means a person who is certified according
24 to R307-801-6 and prepares a design for an asbestos abatement
25 project in school buildings subject to AHERA or prepares an
26 asbestos clean-up plan in a regulated facility where an asbestos
27 disturbance greater than the SSSD amount has occurred.

28 "Regulated Asbestos-Containing Material (RACM)" means friable
29 ACM, Category I non-friable ACM that has become friable, Category
30 I non-friable ACM that will be or has been subjected to sanding,
31 grinding, cutting, or abrading, or Category II non-friable ACM
32 that has a high probability of becoming or has become crumbled,
33 pulverized, or reduced to powder by the forces expected to act on
34 the material in the course of demolition or renovation project
35 operations.

36 "Regulated Facilities" means residential facilities, AHERA
37 facilities, or NESHAP facilities where:

38 (a) A sample has been identified and analyzed to contain, or
39 is assumed under R307-801-10(5) to contain, greater than 1%
40 asbestos; and

41 (b) The material from where the sample was collected will be
42 disturbed and rendered friable during the abatement, demolition,
43 or renovation activities.

1 "Regulated Facility Component" means any part of a regulated
2 facility including equipment.

3 "Renovation Project" means any activity involving the
4 removal, repair, salvage, disposal, cleanup, or other disturbance
5 of greater than the SSSD amount of RACM, but less than the NESHAP
6 amount of RACM, and the intent of the project is not asbestos
7 abatement or demolition. Renovation Projects can be performed in
8 NESHAP or residential facilities, but cannot be performed in AHERA
9 facilities.

10 "Renovator" means a person who is certified according to
11 R307-801-6 and is responsible for ensuring work that is conducted
12 on a renovation project is performed in accordance with the
13 regulatory requirements and best work practices for a greater than
14 the SSSD amount of RACM, but less than the NESHAP amount of RACM,
15 where the intent of the project is to perform a renovation project
16 and not to perform an asbestos abatement or demolition project.
17 Renovation projects can be performed in NESHAP or residential
18 facilities but cannot be performed in AHERA facilities.

19 "Residential Facility" means a building used primarily for
20 residential purposes, has four or fewer units, is otherwise not
21 subject to the Asbestos NESHAP, and is not a residential
22 outbuilding structure of less than 100 square feet.

23 "Small-Scale, Short-Duration (SSSD)" means a project that
24 removes or disturbs less than three square feet or three linear
25 feet of RACM in a regulated facility.

26 "Sprayed-on or Painted-on Ceiling Treatment" means a
27 surfacing material or treatment that has been applied to the
28 ceiling regardless of application method. The application of paint
29 that has no added materials is not considered a ceiling treatment.

30 "Strip" means to take off ACM from any part of a regulated
31 facility or a regulated facility component.

32 "Structural Member" means any load-supporting member of a
33 regulated facility, such as beams and load-supporting walls or any
34 non-load supporting member, such as ceilings and non-load
35 supporting walls.

36 "Suspect or Suspected Asbestos-Containing Material" means all
37 building materials that have the potential to contain asbestos,
38 except building materials made entirely of glass, fiberglass,
39 wood, metal, or rubber.

40 "Training Hour" means at least 50 minutes of actual learning,
41 including, but not limited to, time devoted to lecture, learning
42 activities, small group activities, demonstrations, evaluations,
43 and hands-on experience.

1 "TSCA" means the Toxic Substances Control Act.

2 "TSCA Accreditation" means successful completion of training
3 as an inspector, management planner, project designer, contractor-
4 supervisor, or worker, as specified in the TSCA Title II.

5 "TSCA Title II" means 15 U.S.C. 2601 et seq., Toxic
6 Substances Control Act, Subchapter II - Asbestos Hazard Emergency
7 Response.

8 "Unrestrained Access" means without fences, closed doors,
9 personnel, or any other method intended to restrict public entry.

10 "Waste Generator" means any owner or operator of an asbestos
11 abatement or renovation project covered by R307-801 whose act or
12 process produces ACWM.

13 "Working Day" means weekdays, Monday through Friday,
14 including holidays.

15

16 **R307-801-4. Adoption and Incorporation of 40 CFR 763 Subpart E.**

17 (1) The provisions of 40 CFR 763 Subpart E, including
18 appendices, effective as of the date referenced in R307-101-3, are
19 hereby adopted and incorporated by reference.

20 (2) Implementation of the provisions of 40 CFR Part 763,
21 Subpart E, except for the Model Accreditation Plan, shall be
22 limited to those provisions for which the EPA has waived its
23 requirements in accordance with 40 CFR 763.98, Waiver; delegation
24 to State, as published at 52 FR 41826, (October 30, 1987).

25

26 **R307-801-5. Company Certification.**

27 (1) All persons shall operate under:

28 (a) An asbestos company certification before contracting for
29 hire, at a regulated facility, to conduct asbestos inspections,
30 create management plans, create project designs, or conduct
31 asbestos abatement projects, or

32 (b) Either an asbestos renovation company certification or
33 asbestos company certification before contracting for hire to
34 conduct asbestos abatement or renovation projects at a regulated
35 facility.

36 (2) To obtain an asbestos company certification or an
37 asbestos

38 renovation company certification, all persons shall submit a
39 properly completed application for certification on a form
40 provided by the director and pay the appropriate fee.

41 (3) Unless revoked or suspended, an asbestos company
42 certification or an asbestos renovation company certification
43 shall remain in effect until the expiration date provided by the

1 director.

2
3 **R307-801-6. Individual Certification.**

4 (1) All persons shall have an individual certification to
5 conduct asbestos inspections, create management plans, create
6 project designs, conduct asbestos renovation projects, or conduct
7 asbestos abatement projects at a regulated facility.

8 (2) To obtain certification as an asbestos abatement worker,
9 asbestos abatement supervisor, inspector, project designer,
10 renovator, or management planner, each person shall:

11 (a) Provide personal identifying information;

12 (b) Pay the appropriate fee;

13 (c) Complete the appropriate form or forms provided by the
14 director;

15 (d) Provide certificates of initial and current refresher
16 training, if applicable, that demonstrates accreditation in the
17 appropriate discipline. Certificates from courses approved by the
18 director, courses approved in a state that has an accreditation
19 program that meets the TSCA Title II Appendix C Model
20 Accreditation Plan (MAP), or courses that are approved by EPA
21 under TSCA Title II are acceptable unless the director has
22 determined that the course does not meet the requirements of TSCA
23 accreditation training required by R307-801; and

24 (e) Complete a new initial training course as required by
25 the AHERA MAP, or for the renovator certification, R307-801, if
26 there is a period of more than one year from the previous initial
27 or refresher training certificate expiration date.

28 (3) Duration and Renewal of Certification.

29 (a) Unless revoked or suspended, a certification shall
30 remain in effect until the expiration date of the current
31 certificate of TSCA accreditation for the specific discipline.

32 (b) To renew certification, the individual shall:

33 (i) Submit a properly completed application for renewal on a
34 form provided by the director;

35 (ii) Submit a current certificate of TSCA accreditation, or
36 for the renovator certification, a training certificate from a
37 renovator course accredited by the director, for initial or
38 refresher training in the appropriate discipline; and

39 (iii) Pay the appropriate fee.

40
41 **R307-801-7. Denial and Cause for Suspension and Revocation of**
42 **Company and Individual Certifications.**

43 (1) An application for certification may be denied if the

1 individual, applicant company, or any principal officer of the
2 applicant company has a documented history of non-compliance with
3 the requirements, procedures, or standards established by R307-
4 801, R307-214-1, which incorporates the Asbestos NESHAP, AHERA, or
5 with the requirements of any other entity regulating asbestos
6 activities and training programs.

7 (2) The director may revoke or suspend any certification
8 based upon documented violations of any requirement of R307-801,
9 AHERA, or the Asbestos NESHAP, including but not limited to:

10 (a) Falsifying or knowingly omitting information in any
11 written submittal required by those regulations;

12 (b) Permitting the duplication or use of a certificate of
13 TSCA accreditation for the purpose of preparing a falsified
14 written submittal; or

15 (c) Repeated work practice violations.

16
17 **R307-801-8. Approval of Training Courses.**

18 (1) To obtain approval of a training course, the course
19 provider shall provide a written application to the director that
20 includes:

21 (a) The name, address, telephone number, and institutional
22 affiliation of the person sponsoring the course;

23 (b) The course curriculum;

24 (c) A letter that clearly indicates how the course meets the
25 Model Accreditation Plan (MAP) and R307-801 requirements for
26 length of training in hours, amount and type of hands-on training,
27 examinations (including length, format, example of examination or
28 questions, and passing scores), and topics covered in the course;

29 (d) A copy of all course materials, including student
30 manuals, instructor notebooks, handouts, etc.;

31 (e) The names and qualifications of all course instructors,
32 including all academic credentials and field experience in
33 asbestos abatement projects, inspections, project designs,
34 management planning, or renovation projects;

35 (f) An example of numbered certificates issued to students
36 who attend the course and pass the examination. The certificate
37 shall include a unique certificate number; the name of the
38 student; the name of the course completed; the dates of the course
39 and the examination; an expiration date one year from the date the
40 student completed the course and examination, or for the purposes
41 of the renovator course, a progressive lengthening of the
42 refresher training schedule of one year after the initial
43 training, three years after the first refresher training, and five

1 years after the second refresher training and all subsequent
2 refresher training courses; the name, address, and telephone
3 number of the training provider that issued the certificate; and a
4 statement that the person receiving the certificate has completed
5 the requisite training for TSCA or director accreditation;

6 (g) A written commitment from the training provider to teach
7 the submitted training course(s) in Utah on a regular basis; and

8 (h) Payment of the appropriate fee.

9 (2) To maintain approval of a training course, the course
10 provider shall:

11 (a) Provide training that meets the requirements of R307-801
12 and the MAP;

13 (b) Provide the director with the names, government-issued
14 picture identification card number, and certificate numbers of all
15 persons successfully completing the course within 30 working days
16 of successful completion;

17 (c) Keep the records specified for training providers in the
18 MAP for three years;

19 (d) Permit the director or authorized representative to
20 attend, evaluate, and monitor any training course without
21 receiving advance notice from the director and without charge to
22 the director; and

23 (e) Notify the director of any new course instructor ten
24 working days prior to the day the new instructor presents or
25 teaches any course for Renovator or TSCA Accreditation purposes.
26 The training notification form shall include:

27 (i) The name and qualifications of each course instructor,
28 including appropriate academic credentials and field experience in
29 asbestos abatement projects, inspections, management plans,
30 project designs, or renovations; and

31 (ii) A list of the course(s) or specific topics that will be
32 taught by the instructor.

33 (f) Submit the initial or refresher course materials
34 required by R307-801-8(1) to the director for course re-
35 accreditation in a time period not to exceed four years.

36 (3) All course providers that provide an AHERA or Renovator
37 training course or refresher course in the state of Utah shall:

38 (a) Notify the director of the location, date, and time of
39 the course at least ten working days before the first day of the
40 course;

41 (b) Update the training notification form as soon as
42 possible before, but no later than one day before the original
43 course date if the course is rescheduled or canceled before the

1 course is held; and

2 (c) Allow the director or authorized representative to
3 conduct an audit of any course provided to determine whether the
4 course provider meets the requirements of the MAP and of R307-801.

5 (4) Renovator Certification Course. The renovator
6 certification course shall be a minimum of eight training hours,
7 with a minimum of two hours devoted to hands-on training
8 activities, and shall include an examination of at least 25
9 questions that the student shall pass with a 70% or greater
10 proficiency rate. Instruction in the topics described in R307-801-
11 8(4)(c), (d), and (e) shall be included in the hands-on portion of
12 the course. The minimum curriculum requirements for the renovator
13 certification course shall adequately address the following
14 topics:

15 (a) The physical characteristics of asbestos and asbestos-
16 containing materials, including identification of asbestos,
17 aerodynamic characteristics, typical uses, physical appearance, a
18 review of hazard assessment considerations, and a summary of
19 renovation project control options;

20 (b) Potential health effects related to asbestos exposure,
21 including the nature of asbestos-related diseases, routes of
22 exposure, dose-response relationships and the lack of a safe
23 exposure level, synergism between cigarette smoking and asbestos
24 exposure, and latency period for diseases;

25 (c) Personal protective equipment, including selection of
26 respirator and personal protective clothing, and handling of non-
27 disposable clothing;

28 (d) State-of-the-art work practices, including proper work
29 practices for renovation projects, including descriptions of
30 proper construction and maintenance of barriers and
31 decontamination enclosure systems, positioning of warning signs,
32 lock-out of electrical and ventilation systems, proper working
33 techniques for minimizing fiber release, use of wet methods, use
34 of negative pressure exhaust ventilation equipment, use of HEPA
35 vacuums, and proper clean-up and disposal procedures and state-of-
36 the-art work practices for removal, encapsulation, enclosure, and
37 repair of ACM, emergency procedures for unplanned releases,
38 potential exposure situations, transport and disposal procedures,
39 and recommended and prohibited work practices. New renovation
40 project techniques and methodologies may be discussed;

41 (e) Personal hygiene, including entry and exit procedures
42 for the work area, methods of decontamination, avoidance of
43 eating, drinking, smoking, and chewing (gum or tobacco) in the

1 work area, and methods to limit exposures to family members;

2 (f) Medical monitoring, including OSHA requirements for
3 physical examinations, including a pulmonary function test, chest
4 x-rays, and a medical history for each employee;

5 (g) Relevant federal and state regulatory requirements,
6 procedures, and standards, including:

7 (i) OSHA standards for permissible exposure to airborne
8 concentrations of asbestos fibers and respiratory protection (29
9 CFR 1910.134);

10 (ii) OSHA Asbestos Construction Standard (29 CFR 1926.1101);
11 and

12 (iii) UAC R307-801 Utah Asbestos Rule.

13 (h) Recordkeeping and notification requirements for
14 renovation projects including records and project notification
15 forms required by state regulations and records recommended for
16 legal and insurance purposes;

17 (i) Supervisory techniques for renovation projects,
18 including supervisory practices to enforce and reinforce the
19 required work practices and discourage unsafe work practices; and

20 (j) Course review, including a review of key aspects of the
21 training course.

22 (5) Renovator Recertification Course. The renovator
23 recertification course shall be a minimum of four hours, shall
24 adequately address changes in the federal regulations, state
25 administrative rules, state-of-the-art developments, appropriate
26 work practices, employee personal protective equipment,
27 recordkeeping, and notification requirements for renovation
28 projects, and shall include a course review.

29
30 **R307-801-9. Asbestos Abatement, Renovation, and Demolition**
31 **Projects: Requirement to Inspect.**

32 (1) Applicability. Contractors are required to have an
33 asbestos inspection performed by a Utah certified asbestos
34 inspector working for a Utah certified asbestos company. The
35 asbestos inspection report shall be on-site and available when
36 regulated work activities are being performed. Owners of
37 residential structures including condominium owners of four units
38 or less, not otherwise subject to the Asbestos NESHAP, are not
39 required to perform asbestos inspections. Owners of a condominium
40 complex of more than four units are subject to R307-801, may also
41 be subject to the Asbestos NESHAP, but are required to perform
42 asbestos inspections.

43 (2) Except as described in R307-801-9(1) and 9(3), the owner

1 and operator shall ensure that the regulated facility to be
2 demolished, abated, or renovated is thoroughly inspected for
3 asbestos-containing material by an inspector certified under the
4 provisions of R307-801-6. An asbestos inspection report shall be
5 generated according to the provisions of R307-801-10 and completed
6 prior to the start of the asbestos abatement, renovation, or
7 demolition project if materials required to be identified in R307-
8 801-10(3) will be disturbed during that project. The operator
9 shall make the asbestos inspection report available on-site to all
10 persons who have access to the site for the duration of the
11 renovation, abatement, or demolition project, and to the director
12 or authorized representative upon request.

13 (3) If the regulated facility has been ordered to be
14 demolished because it is found by a government official to be
15 structurally unsound and in danger of imminent collapse or a
16 public health hazard, the operator may demolish the regulated
17 facility without having the regulated facility inspected for
18 asbestos. If no asbestos inspection is conducted, the operator
19 shall:

20 (a) Ensure that all resulting demolition project debris is
21 disposed of as asbestos-containing waste material (ACWM) according
22 to R307-801-14

23 ; or

24 (b) reduce the amount of ACWM by segregating the ACWM from
25 non-ACWM debris under the direction of an asbestos inspector
26 certified according to R307-801-6 working for a company certified
27 according to R307-801-5 and clean and encapsulate non-porous
28 debris as non-ACWM by asbestos abatement supervisors or asbestos
29 abatement workers who are certified according to R307-801-6 and
30 working for a company certified according to R307-801-5.

31 (4) If an asbestos inspection report older than three years
32 will be used for a regulated asbestos renovation, abatement, or
33 demolition activity, the asbestos inspection report shall be
34 reviewed and updated, as necessary, by an inspector who is
35 certified according to R307-801-6 and working for a company
36 certified according to R307-801-5. The report does not need to be
37 reviewed until a time that it will be used for regulatory purposes
38 such as an abatement, renovation, or demolition activity. If the
39 inspection report is still accurate, then the inspector shall
40 provide written documentation stating that the inspection report
41 is still accurate. If the inspection report is not accurate, then
42 the inspector shall provide written documentation, including new
43 sample results, if necessary, such that the inspection report

1 meets all requirements of R307-801.

2
3 **R307-801-10. Asbestos Abatement, Renovation, and Demolition**
4 **Projects: Asbestos Inspection Procedures.**

5 Asbestos inspectors shall use the following procedures when
6 conducting an asbestos inspection of facilities to be abated,
7 demolished, or renovated:

8 (1) Determine the scope of the abatement, demolition, or
9 renovation project by identifying which parts and how the facility
10 will be abated, demolished, or renovated (e.g. conventional
11 demolition methods, fire training, etc.).

12 (2) Inspect the affected facility or part of the facility
13 where the abatement, demolition, or renovation project will occur.

14 (3) Identify all accessible suspect asbestos-containing
15 material (ACM) in the affected facility or part of the facility
16 where the abatement, demolition, or renovation project will occur.
17 Residential facilities built on or after January 1, 1981, are only
18 required to identify all accessible sprayed-on or painted-on
19 ceiling treatment that contained or may contain asbestos fiber,
20 asbestos cement siding or roofing materials, resilient flooring
21 products including vinyl asbestos tile, sheet vinyl products,
22 resilient flooring backing material, whether attached or
23 unattached, and mastic, thermal-system insulation or tape on a
24 duct or furnace, or vermiculite type insulation materials in the
25 affected facility or part of the facility where the abatement,
26 demolition, or renovation project will occur.

27 (4) Follow the sampling protocol in 40 CFR 763.86 (Asbestos-
28 Containing Materials in Schools) or a sampling method approved by
29 the director to demonstrate that suspect ACM required to be
30 identified by R307-801-10(3) does not contain asbestos.

31 (5) Asbestos samples are not required to be collected and
32 analyzed if the certified inspector assumes that all unsampled
33 suspect ACM required to be identified by R307-801-10(3) contains
34 asbestos and is ACM; and

35 (6) Complete an asbestos inspection report containing all of
36 the following information in a format approved by the director:

37 (a) A description of the affected area and a description of
38 the scope of activities as described in R307-801-10(1);

39 (b) A list of all suspect ACM required to be identified by
40 R307-801-10(3) in the affected area. Include a description of the
41 suspect ACM sufficient to be able to identify the material. For
42 each suspect material required to be identified by R307-801-10(3),
43 provide the following information:

1 (i) The amount of suspect ACM required to be identified by
2 R307-801-10(3) in linear feet, square feet, or cubic feet;

3 (ii) A clear description of the distribution of the suspect
4 ACM required to be identified by R307-801-10(3) in the affected
5 area;

6 (iii) A statement of whether the material was assumed to
7 contain asbestos, sampled and demonstrated to contain asbestos, or
8 sampled and demonstrated to not contain asbestos; and

9 (iv) A written determination or table of whether the
10 material is regulated asbestos-containing material (RACM),
11 Category I non-friable ACM, Category II non-friable ACM that may
12 or will become friable when subjected to the proposed abatement,
13 renovation, or demolition project activities, or other suspect ACM
14 that has either not been tested and assumed to contain asbestos,
15 or has been tested by an accredited asbestos laboratory and found
16 not to contain asbestos greater than 1%.

17 (c) A list of all asbestos bulk samples required to be
18 identified from suspect ACM by R307-801-10(3) in the affected
19 area, including the following information for each sample:

20 (i) Which suspect ACM required to be identified by R307-801-
21 10(3) the sample represents;

22 (ii) A clear description of each sample location;

23 (iii) The types of analyses performed on the sample;

24 (iv) The amounts of each type of asbestos in the sample as
25 indicated by the analytical results.

26 (d) A list of potential locations of suspect ACM required to
27 be identified by R307-801-10(3) that were not accessible to
28 inspect and that may be part of the affected area; and

29 (e) A list of all the asbestos inspector names, company
30 names, and certification numbers.

31 (7) Floor plans or architectural drawings and similar
32 representations may be used to identify the location of suspect
33 ACM or samples required to be identified by R307-801-10(3).

34 (8) Analysis of samples shall be performed by:

35 (a) Persons or laboratories accredited by a nationally
36 recognized testing program such as the National Voluntary
37 Laboratory Accreditation Program (NVLAP), or

38 (b) Persons or laboratories that have been rated overall
39 proficient by demonstrating passing scores for at least two of the
40 last three consecutive rounds out of the four annual rounds of the
41 Bulk Asbestos Proficiency Analytical Testing program administered
42 by the American Industrial Hygiene Association (AIHA) or an
43 equivalent nationally-recognized interlaboratory comparison

1 program.
2
3

4 **R307-801-11. Asbestos Abatement, Renovation, and Demolition**
5 **Projects: Notification and Asbestos Removal Requirements.**

6 (1) Demolition Projects.

7 (a) The operator shall submit a properly completed
8 demolition notification form at least ten working days before the
9 start of a demolition project along with payment of the
10 appropriate fee. The operator cannot start the demolition project
11 until all regulated asbestos-containing material (RACM) has been
12 properly removed.

13 (b) If any regulated facility is to be demolished by
14 intentional burning, the operator, in addition to the demolition
15 notification form specified in R307-801-11(1)(a), shall ensure
16 that all ACM, including Category I non-friable asbestos-containing
17 material (ACM), Category II non-friable ACM, and RACM is removed
18 from the regulated facility before burning.

19 (c) If the regulated facility has been ordered to be
20 demolished by a government official because it is found to be
21 structurally unsound and in danger of imminent collapse or a
22 public health hazard, the operator shall submit a demolition
23 project notification form, with a copy of the order signed by the
24 appropriate government official, as soon as possible before, but
25 no later than, the next working day after the demolition project
26 begins.

27 (2) Asbestos Abatement and Renovation Projects.

28 (a) If the amount of RACM that would be disturbed or
29 rendered inaccessible by the asbestos abatement or renovation
30 project is the SSSD amount, then no additional requirements are
31 necessary prior to general building remodeling activities.

32 (b) If the amount of RACM that would be disturbed or
33 rendered inaccessible by the asbestos abatement or renovation
34 project is greater than the SSSD amount, but less than the NESHAP
35 amount, then the operator shall:

36 (i) Submit an asbestos abatement project notification form
37 at least one working day before asbestos removal begins as
38 described in R307-801-12, unless the removal was properly included
39 in an annual asbestos notification form submitted pursuant to
40 R307-801-11(2)(e);

41 (ii) Remove RACM according to asbestos work practices of
42 R307-801-13, the certification requirements of R307-801-5 and 6,
43 and the disposal requirements of R307-801-14 before performing

1 general building remodeling activities.

2 (c) If the amount of RACM that would be disturbed or
3 rendered inaccessible by the asbestos abatement project is greater
4 than or equal to the NESHAP amount, then the operator shall:

5 (i) Submit an asbestos abatement project notification form
6 along with payment of the appropriate fee at least ten working
7 days before asbestos removal begins as described in R307-801-12;

8 (ii) Remove RACM according to the asbestos work practices of
9 R307-801-13, the certification requirements of R307-801-5 and 6,
10 and the disposal requirements of R307-801-14 before performing
11 general building remodeling activities.

12 (d) If the asbestos abatement or renovation project is an
13 emergency asbestos abatement or renovation project, then the
14 notification form shall be submitted as soon as possible before,
15 but no later than, the next working day after the emergency
16 asbestos abatement or renovation project begins.

17 (e) The operator shall submit an annual asbestos
18 notification form along with payment of the appropriate fee
19 according to the requirements of 40 CFR 61.145(a)(4)(iii) no later
20 than ten working days before the first day of January of the year
21 during which the work is to be performed in the following
22 circumstances:

23 (i) The asbestos abatement projects are unplanned operation
24 and maintenance activities;

25 (ii) The asbestos abatement projects are less than NESHAP-
26 sized; and

27 (iii) The total amount of asbestos to be disturbed in a
28 single NESHAP facility during these asbestos abatement projects is
29 expected to exceed the NESHAP amount in a calendar year.

30 (3) Owners and operators of general building remodeling
31 activities are not required to submit an asbestos abatement
32 project or renovation notification form to the director that do
33 not disturb suspect asbestos containing materials, do not disturb
34 building materials found to contain RACM by an inspector who is
35 certified according to R307-801-6, or do not disturb materials
36 that will become RACM as part of the general building remodeling
37 activities.

38 (4) For notification purposes, asbestos abatement,
39 renovation, or demolition projects shall be no longer than one
40 year in duration.

41 (5) Revise the notification form, as necessary, when any
42 information on the original notification or any subsequent
43 notification forms changes.

1
2 **R307-801-12. Asbestos Abatement, Renovation, and Demolition**
3 **Projects: Notification Procedures and Contents.**

4 (1) All notification forms required by R307-801-11 shall be
5 submitted in writing on the appropriate form provided by the
6 director and shall be postmarked or received by the director in
7 accordance with R307-801-11, or shall be submitted using the
8 Division of Air Quality electronic notification system and
9 received by the director in accordance with R307-801-11. The type
10 of notification and whether the notification is original or
11 revised shall be indicated.

12 (2) If the notification is an original demolition project
13 notification form, an original asbestos abatement project
14 notification form for a NESHAP-sized asbestos abatement project,
15 or an original asbestos annual notification form, the written
16 notice shall be sent with an original signature by U.S. Postal
17 Service, commercial delivery service, or hand delivery, or with an
18 electronic signature if submitted using the Division of Air
19 Quality electronic notification system. If the U.S. Postal Service
20 is used, the submission date is the postmark date. If other
21 service or hand delivery is used, the submission date is the date
22 that the document is received by the director. If the Division of
23 Air Quality electronic notification system is used, the submission
24 date is the date that the notification is received by the
25 director.

26 (3) An original asbestos notification form for a less than
27 NESHAP-sized asbestos abatement or renovation project or any
28 revised notification may be submitted by any of the methods in
29 R307-801-12(2), or by facsimile, by the date specified in R307-
30 801-11. The sender shall ensure that the fax is legible.

31 (4) All original notification forms shall contain the
32 following information:

33 (a) The name, address, and telephone number of the owner of
34 the regulated facility, the general contractor, the demolition
35 contractor, and the asbestos renovation or abatement contractor,
36 if applicable;

37 (b) Whether the operation is an asbestos abatement,
38 demolition, or a renovation project;

39 (c) A description of the regulated facility that includes
40 the total size of the structure or structures in square feet,
41 including the square footage of all floors in a multilevel or
42 multi-floor structure, the age, the future, present, and prior
43 uses of the facility, including any additional regulated

1 structures affected by the project;

2 (d) The names and certification numbers of the inspectors
3 and companies;

4 (e) The procedures, including analytical methods, used to
5 inspect for the presence of asbestos-containing material (ACM);

6 (f) The location and address, including building number or
7 name and floor or room number, street address, city, county,
8 state, and zip code of each regulated facility being demolished or
9 renovated;

10 (g) A description of procedures for handling the discovery
11 of unexpected ACM, Category I non-friable ACM, or Category II non-
12 friable ACM that has or will become friable or regulated;

13 (h) A description of planned asbestos abatement, demolition,
14 or renovation project work, including the asbestos abatement,
15 demolition, and renovation project techniques to be used and a
16 description of the affected regulated facility components or
17 structural members; and

18 (i) If the project has phases, then provide the date and
19 times of each phase and the location and address of all regulated
20 facilities to be abated, demolished, or renovated.

21 (5) In addition to the information in R307-801-12(4), an
22 original demolition project notification form shall contain the
23 following information:

24 (a) An estimate of the amount of Category I non-friable ACM
25 and non-regulated ACM that will remain in the building during the
26 demolition project;

27 (b) The start and stop dates of the demolition project;

28 (c) The days that the demolition project will be conducted;

29 and

30 (d) If the regulated facility will be demolished under an
31 order of a government official, the name, title, government
32 agency, and authority of the government official ordering the
33 demolition project, the date the order was issued, and the date
34 the demolition project was ordered to commence. A copy of the
35 order shall be attached to the demolition project notification
36 form.

37 (6) In addition to the information required in R307-801-
38 12(4) and (5), an original demolition project notification form
39 for phased demolition projects shall include:

40 (a) The start and stop dates for the entire phased project;

41 and

42 (b) The start and stop dates for each phase of the project.

43 (7) In addition to the information required in R307-801-

1 12(4), (5), and (6), an original asbestos abatement project
2 notification form shall include:

3 (a) An estimate of the amount of ACM to be stripped,
4 including which units of measure were used;

5 (b) The start and stop dates for asbestos abatement project
6 preparation;

7 (c) The times of day for every day that asbestos abatement
8 project will be conducted;

9 (d) A description of work practices and engineering controls
10 to be used to prevent emissions of asbestos at the demolition or
11 asbestos abatement project work site;

12 (e) The name and location of the waste disposal site where
13 the ACWM will be disposed, including the name and telephone number
14 of the waste disposal site contact;

15 (f) The name, address, contact person, and telephone number
16 of the waste transporters; and

17 (g) The name, contact person, and telephone number of the
18 waste generator.

19 (8) If an emergency asbestos abatement or renovation project
20 will be performed, then the notification form shall include the
21 date and hour the emergency occurred, a description of the event
22 and an explanation of how the event has caused unsafe conditions
23 or would cause equipment damage or unreasonable financial burden.

24 (9) In addition to the information in R307-801-12(4) and
25 (5), an original asbestos abatement project annual notification
26 form shall contain the following information:

27 (a) An estimate of the approximate amount of ACM to be
28 stripped, including which units of measure were used, if known;

29 (b) The start and stop dates of asbestos abatement project
30 work covered by the annual notification, if known;

31 (c) A description of work practices and engineering controls
32 to be used to prevent emissions of asbestos at the asbestos
33 abatement project work site;

34 (d) The name and location of the waste disposal site where
35 the asbestos-containing waste material (ACWM) will be disposed,
36 including the name and telephone number of the waste disposal site
37 contact;

38 (e) The name, address, contact person, and telephone number
39 of the waste transporters; and

40 (f) The name, contact person, and telephone number of the
41 waste generator.

42 (10) A revised notification form shall contain the following
43 information:

1 (a) The name, address, and telephone number of the owner of
2 the regulated facility, and any demolition, renovation, or
3 asbestos abatement project contractor or contractors working on
4 the project;

5 (b) Whether the operation is an asbestos abatement, a
6 demolition, or a renovation project;

7 (c) The date that the original notification form was
8 submitted;

9 (d) The applicable original start and stop dates for the
10 asbestos abatement, renovation, or demolition project;

11 (e) The revised start and stop dates and working hours, if
12 applicable, for asbestos abatement, renovation, or demolition
13 projects, for the entire project or for any phase of the project;

14 (f) The changes in the amount of asbestos to be removed
15 during the project if the asbestos removal amount increases or
16 decreases by more than 20%;

17 (g) If the previously reported area of the building or
18 buildings to be demolished was inaccurate and needs to be changed,
19 then the demolition notification form shall be revised to include
20 the building area change and any additional fee shall be paid to
21 the Utah Division of Air Quality; and

22 (h) Any changes to the original or subsequently revised
23 notification form or forms. Describe all changes made to the
24 revised notification form in the comments section of that form.

25 (11) If the asbestos removal amount is increased in the
26 revised notification form, then the appropriate fee shall be paid
27 to the Utah Division of Air Quality.

28 (12) If any project phase or an entire NESHAP-sized asbestos
29 abatement, renovation, or demolition project that requires a
30 notification form under R307-801-12(4) will commence on a date or
31 work times other than the date and work times submitted in the
32 original or the most recently revised notification form, the
33 director shall be notified of the new start date and work times by
34 the following deadlines:

35 (a) If the new start date and work times are later than the
36 original start date and work times, then notice by telephone, fax,
37 or electronic means shall be given as soon as possible before the
38 start date and a revised notification form shall be submitted in
39 accordance with R307-801-12(10) as soon as possible before, but no
40 later than, the original start date. If the written notification
41 form is received by the director no later than the day before the
42 original start date and work times, no notice by telephone is
43 required.

1 (b) If the new start date is earlier than the original start
2 date, submit a written notice in accordance with R307-801-12(10)
3 at least ten working days before beginning the project.

4 (c) In no event shall an asbestos abatement, renovation, or
5 demolition project covered by R307-801-12 begin on a date other
6 than the new start date submitted in the revised written notice.

7
8
9 **R307-801-13. Asbestos Abatement and Renovation Project: Work**
10 **Practices.**

11 (1) An asbestos abatement supervisor who has been certified
12 under R307-801-6 shall be on-site during asbestos abatement
13 project setup, asbestos removal, stripping, cleaning and
14 dismantling of the project, and other handling of uncontainerized
15 regulated asbestos-containing material (RACM).

16 (2) All persons handling any amount of uncontainerized RACM
17 during a regulated project shall be certified as an asbestos
18 abatement worker or an asbestos abatement supervisor certified
19 under R307-801-6.

20 (3) Persons performing an asbestos abatement or renovation
21 project at a regulated facility shall follow the work practices in
22 R307-801-13. Where the work practices in R307-801-13(3) and (4)
23 are required, wrap and cut, open top catch bags, glove bags, and
24 mini-enclosures may be used in combination with those work
25 practices.

26 (a) Adequately wet regulated asbestos-containing material
27 (RACM) with amended water before exposing or disturbing it, except
28 when temperatures are continuously below freezing (32 degrees F.),
29 and when all requirements in 40 CFR 61.145(c)(7) are met.

30 (b) Install barriers and post warning signs to prevent
31 access to the work area. Warning signs shall conform to the
32 specifications of 29 CFR 1926.1101(k)(7).

33 (c) Keep RACM adequately wet until it is containerized and
34 disposed of in accordance with R307-801-14.

35 (d) Ensure that RACM that is stripped or removed is promptly
36 containerized.

37 (e) Prevent visible particulate matter and uncontainerized
38 asbestos-containing debris and waste originating in the work area
39 from being released outside of the negative pressure enclosure or
40 designated work area.

41 (f) Filter all waste water to five microns before
42 discharging it to a sanitary sewer.

43 (g) Decontaminate the outside of all persons, equipment, and

1 waste bags so that no visible residue is observed before leaving
2 the work area.

3 (h) Apply encapsulant to RACM that is exposed but not
4 removed during stripping.

5 (i) Clean the work area, drop cloths, and other interior
6 surfaces of the enclosure using a high-efficiency particulate air
7 (HEPA) vacuum and wet cleaning techniques until there is no
8 visible residue before dismantling barriers.

9 (j) After cleaning and before dismantling enclosure
10 barriers, mist all surfaces inside of the enclosure with a
11 penetrating encapsulant designed for that purpose.

12 (k) Handle and dispose of friable asbestos-containing
13 material (ACM) and RACM according to the disposal provisions of
14 R307-801-14.

15 (4) All operators of NESHAP-sized asbestos abatement
16 projects shall install a negative pressure enclosure using the
17 following work practices.

18 (a) All openings to the work area shall be covered with at
19 least one layer of six mil or thicker polyethylene sheeting sealed
20 with duct tape or an equivalent barrier to air flow.

21 (b) If RACM debris is present in the proposed work area
22 prior to the start of a NESHAP-sized asbestos abatement project,
23 the site shall be prepared by removing the debris using the work
24 practice requirements of R307-801-13 and disposal requirements of
25 R307-801-14. If the total amount of loose visible RACM debris
26 throughout the entire work area is the SSSD amount, then site
27 preparation may begin after the notification form has been
28 submitted and before the end of the ten working day waiting
29 period.

30 (c) A decontamination unit constructed to the specifications
31 of R307-801-13(4)(h) shall be attached to the containment prior to
32 disturbing RACM or commencing a NESHAP-sized asbestos abatement
33 project, and all persons shall enter and leave the negative
34 pressure enclosure or work area only through the decontamination
35 unit except in a life threatening emergency situation.

36 (d) All persons subject to R307-801 shall shower before
37 entering the clean-room of the decontamination unit when exiting
38 the enclosure and shall follow all procedures required by 29 CFR
39 1926.1101(j)(1)(ii).

40 (e) No materials may be removed from the enclosure or
41 brought into the enclosure through any opening other than a waste
42 load-out or a decontamination unit.

43 (f) The negative pressure enclosure of the work area shall

1 be constructed with the following specifications:

2 (i) Apply at least two layers of six mil or thicker
3 polyethylene sheeting or its equivalent to the floor extending at
4 least one foot up every wall and seal in place with duct tape or
5 its equivalent;

6 (ii) Apply at least two layers of four mil or thicker
7 polyethylene sheeting or its equivalent to the walls without
8 locating seams in wall or floor corners;

9 (iii) Seal all seams with duct tape or its equivalent;

10 (iv) Maintain the integrity of all enclosure barriers; and

11 (v) Where a wall or floor will be removed as part of the
12 NESHAP-sized asbestos abatement project, polyethylene sheeting
13 need not be applied to that regulated facility component or
14 structural member.

15 (g) View ports shall be installed in the enclosure or
16 barriers where feasible, and view ports shall be:

17 (i) At least one foot square;

18 (ii) Made of clear material that is impermeable to the
19 passage of air, such as an acrylic sheet;

20 (iii) Positioned so as to maximize the view of the inside of
21 the enclosure from a position outside the enclosure; and

22 (iv) Accessible to a person outside of the enclosure.

23 (h) A decontamination unit shall be constructed according to
24 the following specifications:

25 (i) The unit shall be attached to the enclosure or work
26 area;

27 (ii) The decontamination unit shall consist of at least
28 three chambers and meet all regulatory requirements of 29 CFR
29 1926.1101(j)(1)(i);

30 (iii) The clean room, which is the chamber that opens to the
31 outside, shall be no less than three feet wide by three feet long
32 by six feet high, when feasible;

33 (iv) The shower room, which is the chamber between the clean
34 and dirty rooms, shall have hot and cold or warm running water and
35 be no less than three feet wide by three feet long by six feet
36 high, when feasible;

37 (v) The dirty room, which is the chamber that opens to the
38 negative pressure enclosure or the designated work area, shall be
39 no less than three feet wide by three feet long by six feet high,
40 when feasible;

41 (vi) The dirty room shall be provided with an accessible
42 waste bag at any time that asbestos abatement project is being
43 performed.

1 (i) A separate waste load-out following the specifications
2 below may be attached to the enclosure for removal of
3 decontaminated waste containers and decontaminated or wrapped
4 tools from the enclosure.

5 (i) The waste load-out shall consist of at least one chamber
6 constructed of six mil or thicker polyethylene walls and six mil
7 or thicker polyethylene flaps or the equivalent on the outside and
8 inside entrances;

9 (ii) The waste load-out chamber shall be at least three feet
10 long, three feet high, and three feet wide; and

11 (iii) The waste load-out supplies shall be sufficient to
12 decontaminate bags, and shall include a water supply with a
13 filtered drain, clean rags, disposable rags or wipes, and clean
14 bags.

15 (j) Negative air pressure and flow shall be established and
16 maintained within the enclosure by:

17 (i) Maintaining at least four air changes per hour in the
18 enclosure;

19 (ii) Routing the exhaust from HEPA filtered ventilation
20 units to the outside of the regulated facility whenever possible;

21 (iii) Maintaining a minimum of 0.02 column inches of water
22 pressure differential relative to outside pressure; and

23 (iv) Maintaining a monitoring device to measure the negative
24 pressure in the enclosure.

25 (5) In lieu of two layers of polyethylene on the walls and
26 the floors as required by R307-801-13(4)(f)(i) and (ii), the
27 following work practices and controls may be used only under the
28 circumstances described below:

29 (a) When a pipe insulation removal asbestos abatement
30 project is conducted the following may be used:

31 (i) Drop cloths extending a distance at least equivalent to
32 the height of the RACM around all RACM to be removed, or extended
33 to a wall and attached with duct tape or equivalent;

34 (ii) Either the glove bag or wrap and cut methods may be
35 used; and

36 (iii) RACM shall be adequately wet before wrapping.

37 (b) When the RACM is scattered ACM and is found in small
38 patches, such as isolated pipe fittings, the following procedures
39 may be used:

40 (i) Glove bags, mini-enclosures as described in R307-801-
41 13(7)(c), or wrap and cut methods with drop cloths large enough to
42 capture all RACM fragments that fall from the work area may be
43 used.

1 (ii) If all asbestos disturbance is limited to the inside of
2 negative pressure glove bags or a mini-enclosure, then non-glove
3 bag or non-mini-enclosure building openings need not be sealed and
4 negative pressure need not be maintained in the space outside of
5 the glove bags or mini-enclosure during the asbestos removal
6 operation.

7 (iii) A remote decontamination unit may be used as described
8 in R307-801-13(7)(d) only if an attached decontamination unit is
9 not feasible.

10 (c) When a preformed RACM pipe insulation asbestos abatement
11 project in a crawl space or pipe chase less than six feet high or
12 less than three feet wide is conducted, the following may be used:

13 (i) Drop cloths extending a distance at least six feet
14 around all preformed RACM pipe insulation to be removed or
15 extended to a wall and attached with duct tape or equivalent; or

16 (ii) The open top catch bag method.

17 (6) During outdoor asbestos abatement projects, the work
18 practices of R307-801-13 shall be followed with the following
19 modifications:

20 (a) Negative pressure need not be maintained if there is not
21 an enclosure;

22 (b) Six mil polyethylene drop cloth, or equivalent, large
23 enough to capture all RACM fragments that fall from the work area
24 shall be used; and

25 (c) A remote decontamination unit as described in R307-801-
26 13(7)(d) may be used.

27 (7) Special work practices.

28 (a) If the wrap and cut method is used:

29 (i) The regulated facility component shall be cut at least
30 six inches from any RACM on that component;

31 (ii) If asbestos will be removed from the regulated facility
32 component to accommodate cutting, the asbestos removal shall be
33 performed using a single glove bag for each cut, and no RACM shall
34 be disturbed outside of a glove bag;

35 (iii) The wrapping shall be leak-tight and shall consist of
36 two layers of six mil polyethylene sheeting, each individually
37 sealed with duct tape, and all RACM between the cuts shall be
38 sealed inside wrap; and

39 (iv) The wrapping shall remain intact and leak-tight
40 throughout the removal and disposal process.

41 (b) If the open top catch bag method is used:

42 (i) The material to be removed can only be performed RACM
43 pipe insulation, and it shall be located in a crawl space or a

1 pipe chase less than six feet high or less than three feet wide;

2 (ii) Asbestos waste bags that are leak-tight and strong
3 enough to hold contents securely shall be used;

4 (iii) The bag shall be placed underneath the stripping
5 operation to minimize ACM falling onto the drop cloth;

6 (iv) All material stripped from the regulated facility
7 component shall be placed in the bag;

8 (v) One asbestos abatement worker shall hold the bag and
9 another asbestos abatement worker shall strip the ACM into the
10 bag; and

11 (vi) A drop cloth extending a distance at least six feet
12 around all preformed RACM pipe insulation to be removed, or
13 extended to a wall and attached with duct tape or equivalent shall
14 be used.

15 (c) If glove bags are used, they shall be under negative
16 pressure, and the procedures required by 29 CFR
17 1926.1101(g)(5)(iii) shall be followed.

18 (d) A remote decontamination unit may be used under the
19 conditions set forth in R307-801-13(5)(b), (6), when there is an
20 area insufficient to construct a connected decontamination unit,
21 or when approved by the director. The remote decontamination unit
22 shall meet all construction standards in R307-801-13(4)(h) and
23 shall include:

24 (i) Outerwear shall be HEPA vacuumed or removed, and
25 additional clean protective outerwear shall be put on;

26 (ii) Either polyethylene sheeting shall be placed on the
27 path to the decontamination unit and the path shall be blocked or
28 taped off to prevent public access, or asbestos abatement workers
29 shall be conveyed to the remote decontamination unit in a vehicle
30 that has been lined with two layers of six mil or thicker
31 polyethylene sheeting or its equivalent; and

32 (iii) The polyethylene path or vehicle liner shall be
33 removed at the end of the project, and disposed of as ACWM.

34 (e) Mini-enclosures, when used under approved conditions,
35 shall conform to the requirements of 29 CFR 1926.1101(g)(5)(vi).

36 (8) For asbestos-containing mastic removal projects using
37 mechanical means, such as a power buffer, to loosen or remove
38 mastic from the floor, in lieu of two layers of polyethylene
39 sheeting on the walls, splash guards of six mil or thicker
40 polyethylene sheeting shall be placed from the floor level a
41 minimum of three feet up the walls.

42 (9) Persons who improperly disturb more than the SSSD amount
43 of asbestos-containing material and contaminate an area with

1 friable asbestos shall:

2 (a) Have the emergency clean-up portion of the project,
3 including any portions not contained within a regulated facility
4 or in common use areas that cannot be isolated, performed as soon
5 as possible by a company or companies certified according to R307-
6 801-5, and, asbestos abatement supervisor(s), and asbestos
7 abatement worker(s) certified according to R307-801-6.

8 (b) Have an asbestos clean-up plan designed by a Utah
9 certified asbestos project designer for the non-emergency portion
10 of the project and have the asbestos clean-up plan submitted to
11 the director for approval. An asbestos clean-up plan is not
12 required when the disturbance results from a natural disaster,
13 fire, or flooding.

14 (c) Submit the project notification form required by R307-
15 801-11 and 12 to the director for acceptance no later than the
16 next working day after the disturbance occurs or is discovered.
17 For fee calculation purposes, the size of the emergency clean-up
18 project is the area that has been contaminated or potentially
19 contaminated by the disturbance and not the amount of asbestos-
20 containing material disturbed.

21 (d) Notify the director of project completion by telephone,
22 fax, or electronic means by the day of completion and before
23 leaving the site.

24 (10) For asbestos abatement, renovation, or demolition
25 projects that remove or otherwise disturb loose-fill vermiculite
26 type insulation materials assumed to be regulated asbestos-
27 containing material or found to contain greater than 1% regulated
28 asbestiform fibers, then the material being removed is considered
29 regulated asbestos-containing material and shall meet all the
30 appropriate regulatory requirements of R307-801.

31 (a) Regulated vermiculite shall be removed to the maximum
32 extent possible, or by following a work practice that has been
33 established by the director, or by an alternative work practice as
34 approved by the director. [~~and the area where the regulated~~
35 ~~vermiculite was found shall be sprayed with a bridging or~~
36 ~~penetrating encapsulant to help minimize the amount of asbestiform~~
37 ~~fibers becoming airborne.]~~

38

39 **R307-801-14. Disposal and Handling of Asbestos Waste.**

40 (1) Owners and operators of regulated facilities shall
41 containerize asbestos-containing waste material (ACWM) while
42 adequately wet.

43 (2) ACWM containers shall be leak-tight and strong enough to

1 hold contents securely and be labeled with an OSHA warning label
2 found in 29 CFR 1926.1101(k)(8).

3 (3) Containers shall be labeled with the waste generator's
4 and contractor's names, addresses, and telephone numbers before
5 they are removed from the asbestos renovation or abatement work
6 area.

7 (4) Containerized regulated asbestos-containing material
8 (RACM) shall be disposed of at a landfill which complies with 40
9 CFR 61.150.

10 (5) The waste shipment record shall include a list of items
11 and the amount of ACWM being shipped. The waste generator
12 originates and signs this document.

13 (6) Owners and operators of regulated facilities where an
14 asbestos abatement or renovation project has been performed shall
15 report in writing to the director if a copy of the waste shipment
16 record, signed by the owner or operator of the designated waste
17 disposal site, is not received by the waste generator within 45
18 working days from the date the waste was accepted by the initial
19 transporter. Include in the report the following information:

20 (a) A copy of the waste shipment record for which a
21 confirmation of delivery was not received; and

22 (b) A cover letter signed by the waste generator explaining
23 the efforts taken to locate the asbestos waste shipment and the
24 results of those efforts.

25
26 **R307-801-15. Records.**

27 (1) Certified asbestos abatement or renovation companies
28 shall maintain records of all asbestos abatement or renovation
29 projects that they perform at regulated facilities and shall make
30 these records available to the director or authorized
31 representative upon request. The records shall be retained for at
32 least five years. Maintained records shall include the following:

33 (a) Names and certification numbers of the asbestos
34 abatement workers, asbestos abatement supervisors, or renovators
35 who performed the asbestos abatement or renovation project;

36 (b) Location and description of the asbestos abatement or
37 renovation project and amount of friable asbestos-containing
38 material (ACM) removed;

39 (c) Start and stop dates of the asbestos abatement or
40 renovation project;

41 (d) Summary of the procedures used to comply with applicable
42 requirements including copies of all notification forms;

43 (e) Waste shipment records maintained in accordance with 40

1 CFR Part 61, Subpart M; and

2 (f) Asbestos inspection reports associated with the asbestos
3 abatement or renovation project.

4 (2) All persons subject to the inspection requirements of
5 R307-801-9 shall maintain copies of asbestos inspection reports
6 for at least one year after asbestos abatement, renovation, or
7 demolition projects have ceased, and shall make these reports
8 available to the director or authorized representative upon
9 request.

10
11 **R307-801-16. Certified Renovator Work Practices.**

12 (1) Certified renovators are responsible for ensuring
13 compliance with R307-801 at all renovation projects at regulated
14 facilities to which they are assigned.

15 (2) Certified renovators working at regulated facilities
16 shall:

17 (a) Perform all of the tasks described in R307-801-13(3) and
18 shall either perform or direct workers who perform all tasks
19 described in R307-801-13(3);

20 (b) Provide training to workers on the work practices
21 required by R307-801-13(3) that will be used when performing
22 renovation projects;

23 (c) Be physically present at the work site when all work
24 activities required by R307-801-13(3)(b) are posted, while the
25 work area containment required by R307-801-13(3)(b) is being
26 established, and while the work area cleaning required by R307-
27 801-13(3)(i) is performed;

28 (d) Be on-site and direct work being performed by other
29 individuals to ensure that the work practices required by R307-
30 801-13(3) are being followed, including maintaining the integrity
31 of the containment barriers and ensuring that dust or debris does
32 not spread beyond the work area;

33 (e) Have with them at the work site their current Utah
34 Renovator certification card; and

35 (f) Prepare the records required by R307-801-15.

36
37 **R307-801-17. Asbestos Information Distribution Requirements.**

38 (1) Utah Abatement/Renovation pamphlet. Utah asbestos
39 abatement and renovation companies shall provide owners and
40 occupants of single and multi-family residential structures with
41 the Utah Abatement/Renovation Pamphlet "Asbestos Hazards During
42 Abatement and Renovation Activities" when those structures will be
43 re-occupied after the regulated activities are completed.

1 (2) No more than 60 days before beginning an abatement or
2 renovation project in a regulated facility, the company performing
3 the abatement or renovation project shall:

4 (a) Provide the owner of the regulated facility with the
5 pamphlet, and comply with one of the following:

6 (i) Obtain, from the owner, a written acknowledgment that
7 the owner has received the pamphlet; or

8 (ii) Obtain a certificate of mailing at least seven working
9 days prior to the abatement or renovation project; and

10 (b) If the owner does not occupy the regulated facility,
11 provide an adult occupant of the regulated facility with the
12 pamphlet, and comply with one of the following:

13 (i) Obtain, from the adult occupant, a written
14 acknowledgment that the occupant has received the pamphlet, or
15 certify in writing that a pamphlet has been delivered to the
16 regulated facility and that the company performing the abatement
17 or renovation project has been unsuccessful in obtaining a written
18 acknowledgment from an adult occupant. Such certification shall
19 include the address of the unit undergoing abatement or renovation
20 activities, the date and method of delivery of the pamphlet, names
21 of the persons delivering the pamphlet, reason for lack of
22 acknowledgment (e.g., occupant refuses to sign, no adult occupant
23 available), the signature of a representative of the company
24 performing the abatement or renovation project, and the date of
25 signature; or

26 (ii) Obtain a certificate of mailing at least seven working
27 days prior to the abatement or renovation project.

28 (3) Abatement or renovation projects in common areas. No
29 more than 60 working days before beginning abatement or renovation
30 projects in common areas of a regulated facility, the company
31 performing the abatement or renovation project shall:

32 (a) Provide the owner with the pamphlet and comply with one
33 of the following:

34 (i) Obtain, from the owner, a written acknowledgment that
35 the owner has received the pamphlet; or

36 (ii) Obtain a certificate of mailing at least seven working
37 days prior to the abatement or renovation project;

38 (b) Comply with one of the following:

39 (i) Notify in writing, or ensure written notification of,
40 each regulated facility and make the pamphlet available upon
41 request prior to the start of abatement or renovation project.
42 Such notification shall be accomplished by distributing written
43 notice to each affected unit in the regulated facility. The notice

1 shall describe the general nature and locations of the planned
2 abatement or renovation project, the expected starting and ending
3 dates, how the occupant can obtain the pamphlet and a copy of the
4 required records at no cost to the occupants; or

5 (ii) Post informational signs describing the general nature
6 and locations of the abatement or renovation project and the
7 anticipated completion date while the abatement or renovation
8 project is ongoing. These signs shall be posted in areas where
9 they are likely to be seen by the occupants of all of the affected
10 units in the regulated facility. The signs shall be accompanied by
11 a posted copy of the pamphlet or information about how interested
12 occupants can review a copy of the pamphlet or obtain a copy from
13 the abatement or renovation company at no cost to occupants. The
14 signs shall also include information about how interested
15 occupants can review a copy of the required records from the
16 abatement or renovation company at no cost to the occupants;

17 (c) Prepare, sign, and date a statement describing the steps
18 performed to notify all occupants of the regulated facility of the
19 intended abatement or renovation project and to provide the
20 pamphlet; and

21 (d) If the scope, locations, or expected starting and ending
22 dates of the planned abatement or renovation project change after
23 the initial notification, and the company provided written initial
24 notification to each affected unit, the company performing the
25 abatement or renovation project shall provide further written
26 notification to the owners and occupants of the regulated facility
27 of the revised information for the ongoing or planned activities.
28 This subsequent notification shall be provided before the company
29 performing the abatement or renovation project initiates work
30 beyond that which was described in the original notice.

31 (4) Written acknowledgment. The written acknowledgments
32 required by paragraphs R307-801-17(2)(a)(i), (2)(b)(i), and
33 (3)(a)(i) shall:

34 (a) Include a statement recording the owner or occupant's
35 name and acknowledging receipt of the pamphlet prior to the start
36 of abatement or renovation project, or no later than the day after
37 the start of an emergency abatement or renovation project, the
38 address of the regulated facility undergoing an abatement or
39 renovation project, the signature of the owner or occupant as
40 applicable, and the date of signature;

41 (b) Be either a separate sheet or part of any written
42 contract or service agreement for the abatement or renovation
43 project; and

1 (c) Be written in the same language as the text of the
2 contract or agreement for the abatement or renovation project or,
3 in the case of a non-owner occupied regulated facility, in the
4 same language as the lease or rental agreement or the pamphlet.

5

6 **KEY: air pollution, asbestos, asbestos hazard emergency response,**
7 **schools**

8 **Date of Enactment or Last Substantive Amendment: 2015**

9 **Notice of Continuation: February 6, 2013**

10 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d);**
11 **19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part**
12 **763, Subpart E**

NOTICE OF
CHANGE IN PROPOSED RULE

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Rule Information

DAR file no: 39848 Date filed:
 State Admin Rule Filing Key: 157185
 Utah Admin. Code ref. (R no.): R307-801

Agency Information

1. Agency: ENVIRONMENTAL QUALITY - Air Quality
 Room no.: Fourth Floor
 Building:
 Street address 1: 195 N 1950 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3085
 Mailing address 1: PO BOX 144820
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-4820

Contact person(s):

Name:	Phone:	Fax:	E-mail:	Remove:
Ryan Stephens	801-536-4419	801-536-0085	rstephens@utah.gov	

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Title

2. Title of rule or section (catchline):
 Utah Asbestos Rule.

Notice Type

3. Type of notice: Change in Proposed Rule
 Changes DAR No.: 39848
 (If you do not know the DAR no., call 801-538-3218.)

Rule Purpose

4. Purpose of the rule or reason for the change:

The purpose of the change is to make Subsection 13(10)(a) of the Rule less ambiguous for the regulated community.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No Yes

Rule Summary

6. Summary of the rule or change:

The change in the proposed rule allows alternative work practice standards to be used for removing vermiculite. The previous rule only relied on the standard described as "to the maximum extent possible."

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No Yes

There is no fiscal impact on the state budget from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended substantive requirement of the rule was meant to be when it was proposed.

B) Local government:

Affected: No Yes

There is no fiscal impact on the local governments of Utah from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended substantive requirement of the rule was meant to be when it was proposed.

C) Small businesses:

Affected: No Yes

("small business" means a business employing fewer than 50 persons)

There is no fiscal impact on small businesses from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended meaning of the rule was when it was proposed.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

There is no fiscal impact on other persons from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended meaning of the rule was when it was proposed.

Compliance Cost Information

8. Compliance costs for affected persons:

There are no compliance costs resulting from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended meaning of the rule was when it was proposed.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:
There is no fiscal impact on businesses resulting from the change in proposed rule. The new standard only makes the rule easier for members of the regulated community to understand. It does not change what the intended meaning of the rule was when it was proposed.
- B) Name and title of department head commenting on the fiscal impacts:
Alan Matheson, Executive Director

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.
State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601 (3); Article IV) :
19-2-104

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page)
 Publisher
 Date Issued (mm/dd/yyyy)
 Issue, or version (including partial dates)
 ISBN Number
 ISSN Number
 Cost of Incorporated Reference
 Adds, updates, removes-- SELECT ONE --

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 03/16/2016

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 03/23/2016

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, one term per field, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
air pollution, asbestos, schools, asbestos hazard emergency response

File Information

15. Attach an RTF document containing the text of this rule change (filename):

No document is associated with this filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee,
and title: Bryce Bird
Director

Date 01/21/2016
(mm/dd/yyyy):