



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-026-16

MEMORANDUM

TO: Air Quality Board

THROUGH: Bryce C. Bird, Executive Secretary

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

DATE: April 14, 2016

SUBJECT: FINAL ADOPTION: 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 the list of suspect asbestos-containing materials that need to be inspected for in residential structures. These modifications are found in Utah Code Annotated 19-2-102 and 19-2-104.

Amendments to R307-801 were originally proposed on October 7, 2015, and a 30-day comment period was held from November 1, 2015, through December 1, 2015. The Division of Air Quality (the Division) did not receive any comments during the comment period; however, members of the regulated community expressed concerns about the rule to Division staff after the comment period ended. Their concerns were focused on the standard in the rule for removing vermiculite, as contained in R307-801-13(10). In response to those concerns, the Division held a stakeholder's meeting on January 20, 2016.

During that meeting, the Division and the stakeholders came to an agreement to change the standard for removing vermiculite. As a result of the meeting, staff asked the Utah Air Quality Board (the Board) to revise the rule to give regulated entities 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." The Division also recommended that the Board open a second 30-day public comment period on the proposed rule revision.

On February 3, 2016, the Board re-proposed the rule for public comment including changes discussed in the stakeholder meeting, and a second 30-day public comment period was held. Comments were received, but no hearing was requested. The Division's responses to the comments are attached. The changes in the rule that resulted from the stakeholder meeting can be found at R307-801-13(10).

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

Staff Recommendation: Staff recommends that the Board adopt R307-801, including the changes that were made to R307-801-13(10).

Response to Comments

There were two commenters on the proposed amendments to R307-801. The first commenter was Steven Torman, who is a Building Official from the Ogden School District. The second commenter was Eldon Romney from Air Quality Consulting, LLC. Both commenters were concerned with DAQ's process of identifying issues with Title 19, Chapter 2 of the Utah Code as they relate to the state's asbestos program. DAQ met with the stakeholders to address their concerns, and committed to consult with them in the future regarding any proposed changes to the statute that would impact the regulated community. Because those comments do not address the rule, itself, they are not addressed below. The comments can be found in the Board packet. A summary of the comments and responses is provided below.

Summary of Comments and DAQ Responses

Comment: "Many of us in the regulated community have questioned the need to change the definition of asbestos to include "Libby amphibole" and then defining "Libby amphibole" to include six additional mineral types (R-307-801-3)."

DAQ Response: "Libby amphibole" was added to the Utah Asbestos Rule because it was required by H.B. 229. The legislation was enacted by the Utah State Legislature in an effort to further protect the public from loose fill vermiculite material. Salt Lake City, known as a Libby Montana sister site, had at least two locations that processed vermiculite. That material was used in homes and buildings as an insulation material throughout Utah. The purpose of regulating Libby amphibole is to protect homeowners, contractors, and the general public during renovation or demolition activities. R307-801-3 defines Libby amphibole by using six identifiable mineral types so that the Division can regulate it, as required by state law.

Comment: "In R307-801-8(2)(f), the change requires that course providers re-submit applications to provide asbestos courses every three years. That is overkill, and the reason proffered for this change was that it will ensure quality."

DAQ Response: The Division is not requesting that course materials be submitted every three years, but that the course materials are submitted in a time period not to exceed four years. This rule is similar to the requirements that are found in the Lead Based Paint Program. (R307-842-1(6)(a)). Re-accreditation requirements are put in place to ensure courses are up-to-date and of an acceptable quality.

Comments Received at the Division During Comment Period

1. Comment from Steven Torman

Gentlemen,

I have included comments from Mr. Eldon Romney below. As a School District Building Official It also concerns me that the DEQ has done this and has blindsided the Asbestos Advisory Council, by not discussing the issue and getting the information from those who are dealing with this on a daily basis. I do ask that you please consider the recommendations that Mr Romney has suggested.

Thank you for your time.

Steven L Torman
Ogden School District Building Official.

2. Comment from Eldon Romney

To the Air Quality Board:

First, I would like to address the process of making changes to the asbestos rule. DAQ approached Representative Edwards and requested changes to the rule without utilizing a long-standing resource that could have prevented a lot of the concern that exists now within certain members of the regulated community. That resource has been called the Asbestos Advisory Council,, theAsbestos Work Group and other names. It is comprised of volunteers with collective vast experience in all phases of asbestos; contractors, consultants, school officials, industry representatives and course providers. Had DAQ presented these changes to the group, they could have received free feedback and probably avoided the feeling in the regulated community that we were "blind-sided" by these proposed changes. This is especially poignant after having been told by ATLAS section employees for years the DAQ has a policy of not asking the Legislature directly for changes.

I request that DAQ adopt a policy in the future that all proposed changes to this rule be vetted by this group prior to going to the Legislature. The fact that DAQ has gone to the Legislature and made these changes without our input is an insult to the professional asbestos community; a community that wants and expects science-based solutions to science-based issues.

Many of us in the regulated community have questioned the need to change the definition ofasbestos to include "Libby amphibole" and then defining "Libby amphibole" to include six additional mineral types (R-307-801-3). We have asked why this was necessary and have been told, essentially, that the additional minerals are dangerous. We have asked what population is being protected by the new change and have been met with silence; there is apparently no scientific study showing any specific population that is at risk. Had we been given a chance to vet the issue earlier, we could have volunteered to provide inspection information and monitoring results from vermiculite projects that could have been considered prior to making changes. From what I can tell, this is regulation for regulation's sake.

Many of us feel that the fact that something is dangerous is not sufficient reason to regulate it. We should have some scientific data that supports the need for such a change. The fact that the Legislature has acted on DAQ's request does not mean our concern with how the rule was changed has ended.

In R-307-801-8.2(f) the change requires that course providers re-submit applications to provide asbestos courses every three years. That is overkill, and the reason proffered for this change was that it will ensure quality. The Division personnel audit the asbestos courses on a regular basis and receive course materials given to the students; further documentation does little to ensure quality. If the Division is concerned about providers that do not teach on a regular basis, then they should target providers that have not given a course in the last 3 or 4 years and not make a rule that necessitates all providers submitting redundant paperwork. As an instructor for asbestos courses for the University of Utah, Rocky Mountain Center for Occupational and Environmental Health, I do not see where re-submission at least every four years will really affect the course quality for good.

Many amendments to the initial proposed rule changes have taken place over the past 9 months or so. The process has been extremely time-consuming and cumbersome. Much of what we have had to do could have been much more effectively handled if the above-proposed group had been included in the process earlier on. We appreciate the fact that the ATLAS staff has listened to some of our concerns. There are other changes that DAQ apparently would like to make, and we feel it is imperative that we be included prior to DAQ approaching the Legislature. We also feel it is appropriate that DAQ and the regulated community conduct some research to provide scientific data to support any changes.

Thanks to the Air Quality Board for taking the time to consider these comments. I think all of us in the regulated community look forward to working with DAQ to make the asbestos rules sufficiently protective and workable.

Sincerely,

--

Eldon C. Romney, REHS, LEHS, CAC
Air Quality Consulting, LLC
1264 W. Pitchfork Road
Murray, UT 84123

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
44 renovation projects in single or multifamily residential
45 structures where they do not live or intend to live immediately

1 after the regulated work activity or project is complete; or

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

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

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

15 (2) General Provisions.

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

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

23
24 **R307-801-3. Definitions.**

25 The following definitions apply to R307-801:

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

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

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

38 "AHERA Facility" means any structure subject to the federal
39 AHERA requirements.

40 "Asbestos" means the asbestiform varieties of serpentine
41 (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite
42 (amosite), anthophyllite, actinolite-tremolite, and Libby
43 amphibole.

44 "Asbestos Abatement Project" means any activity involving the
45 removal, repair, demolition, salvage, disposal, cleanup, or other

1 disturbance of regulated asbestos-containing material greater than
2 the small scale short duration (SSSD) amount of asbestos-
3 containing material.

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

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

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

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

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

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

40 (b) Inspections performed by employees or agents of federal,
41 state, or local government solely for the purpose of regulatory
42 oversight and/or determining compliance with applicable statutes
43 or regulations; or

44 (c) Visual inspections of the type described in AHERA, 40
45 CFR 763.90(i), solely for the purpose of determining completion of

1 response actions.

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

5 "Asbestos NESHAP" means the National Emission Standards for
6 Hazardous Air Pollutants, 40 CFR Part 61, Subpart M, National
7 Emission Standard for Asbestos.

8 "Asbestos Removal" means the stripping of friable ACM from
9 regulated facility components or the removal of structural
10 components that contain or are covered with friable ACM from a
11 regulated facility.

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

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

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

28 "Containerized" means sealed in a leak-tight and durable
29 container.

30 "Debris" means friable or regulated asbestos-containing
31 material that has been dislodged and has fallen from its original
32 substrate and position or which has fallen while remaining
33 attached to substrate sections or fragments.

34 "Demolition Project" means the wrecking, salvage, or removal
35 of any load-supporting structural member of a regulated facility
36 together with any related handling operations, or the intentional
37 burning of any regulated facility. This includes the moving of an
38 entire building, but excludes the moving of structures, vehicles,
39 or equipment with permanently attached axles, such as trailers,
40 motor homes, and mobile homes that are specifically designed to be
41 moved.

42 "Director" means the Director of the Utah Division of Air
43 Quality.

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

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

11 "Encapsulant" means a permanent coating applied to the
12 surface of friable ACM for the purpose of preventing the release
13 of asbestos fibers. The encapsulant creates a membrane over the
14 surface (bridging encapsulant) or penetrates the material and
15 binds its components together (penetrating encapsulant).

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

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

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

26 "Government Official" means an engineer, building official,
27 or health officer employed by a governmental jurisdiction that has
28 a responsibility for public safety or health in the jurisdiction
29 where the structure is located.

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

33 "Inaccessible" means in a physically restricted or obstructed
34 area, or covered in such a way that detection or removal is
35 prevented or severely hampered.

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

39 "Libby Amphibole" means loose-fill vermiculite type
40 insulation material originating in Libby, Montana, or elsewhere,
41 used in regulated facilities subject to this rule and has greater
42 than 1% asbestiform varieties of serpentine (chrysotile),
43 riebeckite (crocidolite), cummingtonite-grunerite (amosite),
44 anthophyllite, and actinolite-tremolite, as defined earlier in
45 this section, and winchite, richterite, tremolite, magnesio-

1 riebikite, magnesio-arfvedsonite, and edenite using United States
2 Environmental Protection Agency Method EPA/600/R93/116 or other
3 method as approved by the director.

4 "Management Plan" means a document that meets the
5 requirements of AHERA for management plans for asbestos in
6 schools.

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

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

12 "NESHAP Amount" means combined amounts in a project that
13 total:

14 (a) 260 linear feet (80 linear meters) of pipe covered with
15 RACM;

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

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

22 "NESHAP Facility" means any institutional, commercial,
23 public, industrial, or residential structure, installation, or
24 building, (including any structure, installation, or building
25 containing condominiums or individual dwelling units operated as a
26 residential co-operative, but excluding residential buildings
27 having four or fewer dwelling units); any ship; and any active or
28 inactive waste disposal site. For purposes of this definition, any
29 building, structure, or installation that contains a loft used as
30 a dwelling is not considered a residential structure,
31 installation, or building. Any structure, installation, or
32 building that was previously subject to the Asbestos NESHAP is not
33 excluded, regardless of its current use or function.

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

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

41 "Open Top Catch Bag" means either an asbestos waste bag or
42 six mil polyethylene sheeting which is sealed at both ends and
43 used by certified asbestos abatement workers, in a manner not to
44 disturb the matrix of the asbestos-containing material, to collect
45 preformed RACM pipe insulation in either a crawl space or pipe

1 chase less than six feet high or less than three feet wide.

2 "Phased Project" means either an asbestos abatement,
3 renovation, or demolition project that contains multiple start and
4 stop dates corresponding to separate operations or areas where the
5 entire asbestos abatement, renovation, or demolition project
6 cannot or will not be performed continuously.

7 "Preformed RACM Pipe Insulation" means prefabricated
8 asbestos-containing thermal system insulation on pipes formed in
9 sections that can be removed without disturbing the matrix of the
10 asbestos-containing material.

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

16 "Regulated Asbestos-Containing Material (RACM)" means friable
17 ACM, Category I non-friable ACM that has become friable, Category
18 I non-friable ACM that will be or has been subjected to sanding,
19 grinding, cutting, or abrading, or Category II non-friable ACM
20 that has a high probability of becoming or has become crumbled,
21 pulverized, or reduced to powder by the forces expected to act on
22 the material in the course of demolition or renovation project
23 operations.

24 "Regulated Facilities" means residential facilities, AHERA
25 facilities, or NESHAP facilities where:

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

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

32 "Regulated Facility Component" means any part of a regulated
33 facility including equipment.

34 "Renovation Project" means any activity involving the
35 removal, repair, salvage, disposal, cleanup, or other disturbance
36 of greater than the SSSD amount of RACM, but less than the NESHAP
37 amount of RACM, and the intent of the project is not asbestos
38 abatement or demolition. Renovation Projects can be performed in
39 NESHAP or residential facilities, but cannot be performed in AHERA
40 facilities.

41 "Renovator" means a person who is certified according to
42 R307-801-6 and is responsible for ensuring work that is conducted
43 on a renovation project is performed in accordance with the
44 regulatory requirements and best work practices for a greater than
45 the SSSD amount of RACM, but less than the NESHAP amount of RACM,

1 where the intent of the project is to perform a renovation project
2 and not to perform an asbestos abatement or demolition project.
3 Renovation projects can be performed in NESHAP or residential
4 facilities but cannot be performed in AHERA facilities.

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

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

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

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

18 "Structural Member" means any load-supporting member of a
19 regulated facility, such as beams and load-supporting walls or any
20 non-load supporting member, such as ceilings and non-load
21 supporting walls.

22 "Suspect or Suspected Asbestos-Containing Material" means all
23 building materials that have the potential to contain asbestos,
24 except building materials made entirely of glass, fiberglass,
25 wood, metal, or rubber.

26 "Training Hour" means at least 50 minutes of actual learning,
27 including, but not limited to, time devoted to lecture, learning
28 activities, small group activities, demonstrations, evaluations,
29 and hands-on experience.

30 "TSCA" means the Toxic Substances Control Act.

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

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

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

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

42 "Working Day" means weekdays, Monday through Friday,
43 including holidays.

44
45 **R307-801-4. Adoption and Incorporation of 40 CFR 763 Subpart E.**

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

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

9
10 **R307-801-5. Company Certification.**

11 (1) All persons shall operate under:

12 (a) An asbestos company certification before contracting for
13 hire, at a regulated facility, to conduct asbestos inspections,
14 create management plans, create project designs, or conduct
15 asbestos abatement projects, or

16 (b) Either an asbestos renovation company certification or
17 asbestos company certification before contracting for hire to
18 conduct asbestos abatement or renovation projects at a regulated
19 facility.

20 (2) To obtain an asbestos company certification or an
21 asbestos
22 renovation company certification, all persons shall submit a
23 properly completed application for certification on a form
24 provided by the director and pay the appropriate fee.

25 (3) Unless revoked or suspended, an asbestos company
26 certification or an asbestos renovation company certification
27 shall remain in effect until the expiration date provided by the
28 director.

29
30 **R307-801-6. Individual Certification.**

31 (1) All persons shall have an individual certification to
32 conduct asbestos inspections, create management plans, create
33 project designs, conduct asbestos renovation projects, or conduct
34 asbestos abatement projects at a regulated facility.

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

38 (a) Provide personal identifying information;

39 (b) Pay the appropriate fee;

40 (c) Complete the appropriate form or forms provided by the
41 director;

42 (d) Provide certificates of initial and current refresher
43 training, if applicable, that demonstrates accreditation in the
44 appropriate discipline. Certificates from courses approved by the
45 director, courses approved in a state that has an accreditation

1 program that meets the TSCA Title II Appendix C Model
2 Accreditation Plan (MAP), or courses that are approved by EPA
3 under TSCA Title II are acceptable unless the director has
4 determined that the course does not meet the requirements of TSCA
5 accreditation training required by R307-801; and

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

10 (3) Duration and Renewal of Certification.

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

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

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

17 (ii) Submit a current certificate of TSCA accreditation, or
18 for the renovator certification, a training certificate from a
19 renovator course accredited by the director, for initial or
20 refresher training in the appropriate discipline; and

21 (iii) Pay the appropriate fee.

22
23 **R307-801-7. Denial and Cause for Suspension and Revocation of**
24 **Company and Individual Certifications.**

25 (1) An application for certification may be denied if the
26 individual, applicant company, or any principal officer of the
27 applicant company has a documented history of non-compliance with
28 the requirements, procedures, or standards established by R307-
29 801, R307-214-1, which incorporates the Asbestos NESHAP, AHERA, or
30 with the requirements of any other entity regulating asbestos
31 activities and training programs.

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

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

37 (b) Permitting the duplication or use of a certificate of
38 TSCA accreditation for the purpose of preparing a falsified
39 written submittal; or

40 (c) Repeated work practice violations.

41
42 **R307-801-8. Approval of Training Courses.**

43 (1) To obtain approval of a training course, the course
44 provider shall provide a written application to the director that
45 includes:

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

3 (b) The course curriculum;

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

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

11 (e) The names and qualifications of all course instructors,
12 including all academic credentials and field experience in
13 asbestos abatement projects, inspections, project designs,
14 management planning, or renovation projects;

15 (f) An example of numbered certificates issued to students
16 who attend the course and pass the examination. The certificate
17 shall include a unique certificate number; the name of the
18 student; the name of the course completed; the dates of the course
19 and the examination; an expiration date one year from the date the
20 student completed the course and examination, or for the purposes
21 of the renovator course, a progressive lengthening of the
22 refresher training schedule of one year after the initial
23 training, three years after the first refresher training, and five
24 years after the second refresher training and all subsequent
25 refresher training courses; the name, address, and telephone
26 number of the training provider that issued the certificate; and a
27 statement that the person receiving the certificate has completed
28 the requisite training for TSCA or director accreditation;

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

31 (h) Payment of the appropriate fee.

32 (2) To maintain approval of a training course, the course
33 provider shall:

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

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

40 (c) Keep the records specified for training providers in the
41 MAP for three years;

42 (d) Permit the director or authorized representative to
43 attend, evaluate, and monitor any training course without
44 receiving advance notice from the director and without charge to
45 the director; and

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

5 (i) The name and qualifications of each course instructor,
6 including appropriate academic credentials and field experience in
7 asbestos abatement projects, inspections, management plans,
8 project designs, or renovations; and

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

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

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

16 (a) Notify the director of the location, date, and time of
17 the course at least ten working days before the first day of the
18 course;

19 (b) Update the training notification form as soon as
20 possible before, but no later than one day before the original
21 course date if the course is rescheduled or canceled before the
22 course is held; and

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

26 (4) Renovator Certification Course. The renovator
27 certification course shall be a minimum of eight training hours,
28 with a minimum of two hours devoted to hands-on training
29 activities, and shall include an examination of at least 25
30 questions that the student shall pass with a 70% or greater
31 proficiency rate. Instruction in the topics described in R307-801-
32 8(4)(c), (d), and (e) shall be included in the hands-on portion of
33 the course. The minimum curriculum requirements for the renovator
34 certification course shall adequately address the following
35 topics:

36 (a) The physical characteristics of asbestos and asbestos-
37 containing materials, including identification of asbestos,
38 aerodynamic characteristics, typical uses, physical appearance, a
39 review of hazard assessment considerations, and a summary of
40 renovation project control options;

41 (b) Potential health effects related to asbestos exposure,
42 including the nature of asbestos-related diseases, routes of
43 exposure, dose-response relationships and the lack of a safe
44 exposure level, synergism between cigarette smoking and asbestos
45 exposure, and latency period for diseases;

1 (c) Personal protective equipment, including selection of
2 respirator and personal protective clothing, and handling of non-
3 disposable clothing;

4 (d) State-of-the-art work practices, including proper work
5 practices for renovation projects, including descriptions of
6 proper construction and maintenance of barriers and
7 decontamination enclosure systems, positioning of warning signs,
8 lock-out of electrical and ventilation systems, proper working
9 techniques for minimizing fiber release, use of wet methods, use
10 of negative pressure exhaust ventilation equipment, use of HEPA
11 vacuums, and proper clean-up and disposal procedures and state-of-
12 the-art work practices for removal, encapsulation, enclosure, and
13 repair of ACM, emergency procedures for unplanned releases,
14 potential exposure situations, transport and disposal procedures,
15 and recommended and prohibited work practices. New renovation
16 project techniques and methodologies may be discussed;

17 (e) Personal hygiene, including entry and exit procedures
18 for the work area, methods of decontamination, avoidance of
19 eating, drinking, smoking, and chewing (gum or tobacco) in the
20 work area, and methods to limit exposures to family members;

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

24 (g) Relevant federal and state regulatory requirements,
25 procedures, and standards, including:

26 (i) OSHA standards for permissible exposure to airborne
27 concentrations of asbestos fibers and respiratory protection (29
28 CFR 1910.134);

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

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

32 (h) Recordkeeping and notification requirements for
33 renovation projects including records and project notification
34 forms required by state regulations and records recommended for
35 legal and insurance purposes;

36 (i) Supervisory techniques for renovation projects,
37 including supervisory practices to enforce and reinforce the
38 required work practices and discourage unsafe work practices; and

39 (j) Course review, including a review of key aspects of the
40 training course.

41 (5) Renovator Recertification Course. The renovator
42 recertification course shall be a minimum of four hours, shall
43 adequately address changes in the federal regulations, state
44 administrative rules, state-of-the-art developments, appropriate
45 work practices, employee personal protective equipment,

1 recordkeeping, and notification requirements for renovation
2 projects, and shall include a course review.

3
4 **R307-801-9. Asbestos Abatement, Renovation, and Demolition**
5 **Projects: Requirement to Inspect.**

6 (1) Applicability. Contractors are required to have an
7 asbestos inspection performed by a Utah certified asbestos
8 inspector working for a Utah certified asbestos company. The
9 asbestos inspection report shall be on-site and available when
10 regulated work activities are being performed. Owners of
11 residential structures including condominium owners of four units
12 or less, not otherwise subject to the Asbestos NESHAP, are not
13 required to perform asbestos inspections. Owners of a condominium
14 complex of more than four units are subject to R307-801, may also
15 be subject to the Asbestos NESHAP, but are required to perform
16 asbestos inspections.

17 (2) Except as described in R307-801-9(1) and 9(3), the owner
18 and operator shall ensure that the regulated facility to be
19 demolished, abated, or renovated is thoroughly inspected for
20 asbestos-containing material by an inspector certified under the
21 provisions of R307-801-6. An asbestos inspection report shall be
22 generated according to the provisions of R307-801-10 and completed
23 prior to the start of the asbestos abatement, renovation, or
24 demolition project if materials required to be identified in R307-
25 801-10(3) will be disturbed during that project. The operator
26 shall make the asbestos inspection report available on-site to all
27 persons who have access to the site for the duration of the
28 renovation, abatement, or demolition project, and to the director
29 or authorized representative upon request.

30 (3) If the regulated facility has been ordered to be
31 demolished because it is found by a government official to be
32 structurally unsound and in danger of imminent collapse or a
33 public health hazard, the operator may demolish the regulated
34 facility without having the regulated facility inspected for
35 asbestos. If no asbestos inspection is conducted, the operator
36 shall:

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

40 ; or

41 (b) reduce the amount of ACWM by segregating the ACWM from
42 non-ACWM debris under the direction of an asbestos inspector
43 certified according to R307-801-6 working for a company certified
44 according to R307-801-5 and clean and encapsulate non-porous
45 debris as non-ACWM by asbestos abatement supervisors or asbestos

1 abatement workers who are certified according to R307-801-6 and
2 working for a company certified according to R307-801-5.

3 (4) If an asbestos inspection report older than three years
4 will be used for a regulated asbestos renovation, abatement, or
5 demolition activity, the asbestos inspection report shall be
6 reviewed and updated, as necessary, by an inspector who is
7 certified according to R307-801-6 and working for a company
8 certified according to R307-801-5. The report does not need to be
9 reviewed until a time that it will be used for regulatory purposes
10 such as an abatement, renovation, or demolition activity. If the
11 inspection report is still accurate, then the inspector shall
12 provide written documentation stating that the inspection report
13 is still accurate. If the inspection report is not accurate, then
14 the inspector shall provide written documentation, including new
15 sample results, if necessary, such that the inspection report
16 meets all requirements of R307-801.

17
18 **R307-801-10. Asbestos Abatement, Renovation, and Demolition**
19 **Projects: Asbestos Inspection Procedures.**

20 Asbestos inspectors shall use the following procedures when
21 conducting an asbestos inspection of facilities to be abated,
22 demolished, or renovated:

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

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

29 (3) Identify all accessible suspect asbestos-containing
30 material (ACM) in the affected facility or part of the facility
31 where

32 the abatement, demolition, or renovation project will occur.

33 Residential facilities built on or after January 1, 1981, are only
34 required to identify all accessible sprayed-on or painted-on
35 ceiling treatment that contained or may contain asbestos fiber,
36 asbestos cement siding or roofing materials, resilient flooring
37 products including vinyl asbestos tile, sheet vinyl products,
38 resilient flooring backing material, whether attached or
39 unattached, and mastic, thermal-system insulation or tape on a
40 duct or furnace, or vermiculite type insulation materials in the
41 affected facility or part of the facility where the abatement,
42 demolition, or renovation project will occur.

43 (4) Follow the sampling protocol in 40 CFR 763.86 (Asbestos-
44 Containing Materials in Schools) or a sampling method approved by
45 the director to demonstrate that suspect ACM required to be

1 identified by R307-801-10(3) does not contain asbestos.

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

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

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

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

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

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

20 (iii) A statement of whether the material was assumed to
21 contain asbestos, sampled and demonstrated to contain asbestos, or
22 sampled and demonstrated to not contain asbestos; and

23 (iv) A written determination or table of whether the
24 material is regulated asbestos-containing material (RACM),
25 Category I non-friable ACM, Category II non-friable ACM that may
26 or will become friable when subjected to the proposed abatement,
27 renovation, or demolition project activities, or other suspect ACM
28 that has either not been tested and assumed to contain asbestos,
29 or has been tested by an accredited asbestos laboratory and found
30 not to contain asbestos greater than 1%.

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

34 (i) Which suspect ACM required to be identified by R307-801-
35 10(3) the sample represents;

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

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

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

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

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

45 (7) Floor plans or architectural drawings and similar

1 representations may be used to identify the location of suspect
2 ACM or samples required to be identified by R307-801-10(3).

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

4 (a) Persons or laboratories accredited by a nationally
5 recognized testing program such as the National Voluntary
6 Laboratory Accreditation Program (NVLAP), or

7 (b) Persons or laboratories that have been rated overall
8 proficient by demonstrating passing scores for at least two of the
9 last three consecutive rounds out of the four annual rounds of the
10 Bulk Asbestos Proficiency Analytical Testing program administered
11 by the American Industrial Hygiene Association (AIHA) or an
12 equivalent nationally-recognized interlaboratory comparison
13 program.
14
15

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

18 (1) Demolition Projects.

19 (a) The operator shall submit a properly completed
20 demolition notification form at least ten working days before the
21 start of a demolition project along with payment of the
22 appropriate fee. The operator cannot start the demolition project
23 until all regulated asbestos-containing material (RACM) has been
24 properly removed.

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

31 (c) If the regulated facility has been ordered to be
32 demolished by a government official because it is found to be
33 structurally unsound and in danger of imminent collapse or a
34 public health hazard, the operator shall submit a demolition
35 project notification form, with a copy of the order signed by the
36 appropriate government official, as soon as possible before, but
37 no later than, the next working day after the demolition project
38 begins.

39 (2) Asbestos Abatement and Renovation Projects.

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

44 (b) If the amount of RACM that would be disturbed or
45 rendered inaccessible by the asbestos abatement or renovation

1 project is greater than the SSSD amount, but less than the NESHAP
2 amount, then the operator shall:

3 (i) Submit an asbestos abatement project notification form
4 at least one working day before asbestos removal begins as
5 described in R307-801-12, unless the removal was properly included
6 in an annual asbestos notification form submitted pursuant to
7 R307-801-11(2)(e);

8 (ii) Remove RACM according to 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 (c) If the amount of RACM that would be disturbed or
13 rendered inaccessible by the asbestos abatement project is greater
14 than or equal to the NESHAP amount, then the operator shall:

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

18 (ii) Remove RACM according to the asbestos work practices of
19 R307-801-13, the certification requirements of R307-801-5 and 6,
20 and the disposal requirements of R307-801-14 before performing
21 general building remodeling activities.

22 (d) If the asbestos abatement or renovation project is an
23 emergency asbestos abatement or renovation project, then the
24 notification form shall be submitted as soon as possible before,
25 but no later than, the next working day after the emergency
26 asbestos abatement or renovation project begins.

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

33 (i) The asbestos abatement projects are unplanned operation
34 and maintenance activities;

35 (ii) The asbestos abatement projects are less than NESHAP-
36 sized; and

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

40 (3) Owners and operators of general building remodeling
41 activities are not required to submit an asbestos abatement
42 project or renovation notification form to the director that do
43 not disturb suspect asbestos containing materials, do not disturb
44 building materials found to contain RACM by an inspector who is
45 certified according to R307-801-6, or do not disturb materials

1 that will become RACM as part of the general building remodeling
2 activities.

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

6 (5) Revise the notification form, as necessary, when any
7 information on the original notification or any subsequent
8 notification forms changes.

9

10 **R307-801-12. Asbestos Abatement, Renovation, and Demolition**
11 **Projects: Notification Procedures and Contents.**

12 (1) All notification forms required by R307-801-11 shall be
13 submitted in writing on the appropriate form provided by the
14 director and shall be postmarked or received by the director in
15 accordance with R307-801-11, or shall be submitted using the
16 Division of Air Quality electronic notification system and
17 received by the director in accordance with R307-801-11. The type
18 of notification and whether the notification is original or
19 revised shall be indicated.

20 (2) If the notification is an original demolition project
21 notification form, an original asbestos abatement project
22 notification form for a NESHAP-sized asbestos abatement project,
23 or an original asbestos annual notification form, the written
24 notice shall be sent with an original signature by U.S. Postal
25 Service, commercial delivery service, or hand delivery, or with an
26 electronic signature if submitted using the Division of Air
27 Quality electronic notification system. If the U.S. Postal Service
28 is used, the submission date is the postmark date. If other
29 service or hand delivery is used, the submission date is the date
30 that the document is received by the director. If the Division of
31 Air Quality electronic notification system is used, the submission
32 date is the date that the notification is received by the
33 director.

34 (3) An original asbestos notification form for a less than
35 NESHAP-sized asbestos abatement or renovation project or any
36 revised notification may be submitted by any of the methods in
37 R307-801-12(2), or by facsimile, by the date specified in R307-
38 801-11. The sender shall ensure that the fax is legible.

39 (4) All original notification forms shall contain the
40 following information:

41 (a) The name, address, and telephone number of the owner of
42 the regulated facility, the general contractor, the demolition
43 contractor, and the asbestos renovation or abatement contractor,
44 if applicable;

45 (b) Whether the operation is an asbestos abatement,

1 demolition, or a renovation project;

2 (c) A description of the regulated facility that includes
3 the total size of the structure or structures in square feet,
4 including the square footage of all floors in a multilevel or
5 multi-floor structure, the age, the future, present, and prior
6 uses of the facility, including any additional regulated
7 structures affected by the project;

8 (d) The names and certification numbers of the inspectors
9 and companies;

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

12 (f) The location and address, including building number or
13 name and floor or room number, street address, city, county,
14 state, and zip code of each regulated facility being demolished or
15 renovated;

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

19 (h) A description of planned asbestos abatement, demolition,
20 or renovation project work, including the asbestos abatement,
21 demolition, and renovation project techniques to be used and a
22 description of the affected regulated facility components or
23 structural members; and

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

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

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

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

34 (c) The days that the demolition project will be conducted;
35 and

36 (d) If the regulated facility will be demolished under an
37 order of a government official, the name, title, government
38 agency, and authority of the government official ordering the
39 demolition project, the date the order was issued, and the date
40 the demolition project was ordered to commence. A copy of the
41 order shall be attached to the demolition project notification
42 form.

43 (6) In addition to the information required in R307-801-
44 12(4) and (5), an original demolition project notification form
45 for phased demolition projects shall include:

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

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

4 (7) In addition to the information required in R307-801-
5 12(4), (5), and (6), an original asbestos abatement project
6 notification form shall include:

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

9 (b) The start and stop dates for asbestos abatement project
10 preparation;

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

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

16 (e) The name and location of the waste disposal site where
17 the ACWM will be disposed, including the name and telephone number
18 of the waste disposal site contact;

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

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

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

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

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

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

35 (c) A description of work practices and engineering controls
36 to be used to prevent emissions of asbestos at the asbestos
37 abatement project work site;

38 (d) The name and location of the waste disposal site where
39 the asbestos-containing waste material (ACWM) will be disposed,
40 including the name and telephone number of the waste disposal site
41 contact;

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

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

1 (10) A revised notification form shall contain the following
2 information:

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

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

9 (c) The date that the original notification form was
10 submitted;

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

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

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

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

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

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

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

37 (a) If the new start date and work times are later than the
38 original start date and work times, then notice by telephone, fax,
39 or electronic means shall be given as soon as possible before the
40 start date and a revised notification form shall be submitted in
41 accordance with R307-801-12(10) as soon as possible before, but no
42 later than, the original start date. If the written notification
43 form is received by the director no later than the day before the
44 original start date and work times, no notice by telephone is
45 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
44 waste bags so that no visible residue is observed before leaving
45 the work area.

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

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

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

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

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

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

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

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

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

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

41 (f) The negative pressure enclosure of the work area shall
42 be constructed with the following specifications:

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

1 its equivalent;

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

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

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

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

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

13 (i) At least one foot square;

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

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

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

19 (h) A decontamination unit shall be constructed according to
20 the following specifications:

21 (i) The unit shall be attached to the enclosure or work
22 area;

23 (ii) The decontamination unit shall consist of at least
24 three chambers and meet all regulatory requirements of 29 CFR
25 1926.1101(j)(1)(i);

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

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

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

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

40 (i) A separate waste load-out following the specifications
41 below may be attached to the enclosure for removal of
42 decontaminated waste containers and decontaminated or wrapped
43 tools from the enclosure.

44 (i) The waste load-out shall consist of at least one chamber
45 constructed of six mil or thicker polyethylene walls and six mil

1 or thicker polyethylene flaps or the equivalent on the outside and
2 inside entrances;

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

5 (iii) The waste load-out supplies shall be sufficient to
6 decontaminate bags, and shall include a water supply with a
7 filtered drain, clean rags, disposable rags or wipes, and clean
8 bags.

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

11 (i) Maintaining at least four air changes per hour in the
12 enclosure;

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

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

17 (iv) Maintaining a monitoring device to measure the negative
18 pressure in the enclosure.

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

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

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

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

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

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

34 (i) Glove bags, mini-enclosures as described in R307-801-
35 13(7)(c), or wrap and cut methods with drop cloths large enough to
36 capture all RACM fragments that fall from the work area may be
37 used.

38 (ii) If all asbestos disturbance is limited to the inside of
39 negative pressure glove bags or a mini-enclosure, then non-glove
40 bag or non-mini-enclosure building openings need not be sealed and
41 negative pressure need not be maintained in the space outside of
42 the glove bags or mini-enclosure during the asbestos removal
43 operation.

44 (iii) A remote decontamination unit may be used as described
45 in R307-801-13(7)(d) only if an attached decontamination unit is

1 not feasible.

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

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

8 (ii) The open top catch bag method.

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

12 (a) Negative pressure need not be maintained if there is not
13 an enclosure;

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

17 (c) A remote decontamination unit as described in R307-801-
18 13(7)(d) may be used.

19 (7) Special work practices.

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

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

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

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

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

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

34 (i) The material to be removed can only be performed RACM
35 pipe insulation, and it shall be located in a crawl space or a
36 pipe chase less than six feet high or less than three feet wide;

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

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

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

43 (v) One asbestos abatement worker shall hold the bag and
44 another asbestos abatement worker shall strip the ACM into the
45 bag; and

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

5 (c) If glove bags are used, they shall be under negative
6 pressure, and the procedures required by 29 CFR
7 1926.1101(g)(5)(iii) shall be followed.

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

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

16 (ii) Either polyethylene sheeting shall be placed on the
17 path to the decontamination unit and the path shall be blocked or
18 taped off to prevent public access, or asbestos abatement workers
19 shall be conveyed to the remote decontamination unit in a vehicle
20 that has been lined with two layers of six mil or thicker
21 polyethylene sheeting or its equivalent; and

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

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

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

32 (9) Persons who improperly disturb more than the SSSD amount
33 of asbestos-containing material and contaminate an area with
34 friable asbestos shall:

35 (a) Have the emergency clean-up portion of the project,
36 including any portions not contained within a regulated facility
37 or in common use areas that cannot be isolated, performed as soon
38 as possible by a company or companies certified according to R307-
39 801-5, and, asbestos abatement supervisor(s), and asbestos
40 abatement worker(s) certified according to R307-801-6.

41 (b) Have an asbestos clean-up plan designed by a Utah
42 certified asbestos project designer for the non-emergency portion
43 of the project and have the asbestos clean-up plan submitted to
44 the director for approval. An asbestos clean-up plan is not
45 required when the disturbance results from a natural disaster,

1 fire, or flooding.

2 (c) Submit the project notification form required by R307-
3 801-11 and 12 to the director for acceptance no later than the
4 next working day after the disturbance occurs or is discovered.
5 For fee calculation purposes, the size of the emergency clean-up
6 project is the area that has been contaminated or potentially
7 contaminated by the disturbance and not the amount of asbestos-
8 containing material disturbed.

9 (d) Notify the director of project completion by telephone,
10 fax, or electronic means by the day of completion and before
11 leaving the site.

12 (10) For asbestos abatement, renovation, or demolition
13 projects that remove or otherwise disturb loose-fill vermiculite
14 type insulation materials assumed to be regulated asbestos-
15 containing material or found to contain greater than 1% regulated
16 asbestiform fibers, then the material being removed is considered
17 regulated asbestos-containing material and shall meet all the
18 appropriate regulatory requirements of R307-801.

19 (a) Regulated vermiculite shall be removed to the maximum
20 extent possible, or by following a work practice that has been
21 established by the director, or by an alternative work practice as
22 approved by the director.

23

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

25 (1) Owners and operators of regulated facilities shall
26 containerize asbestos-containing waste material (ACWM) while
27 adequately wet.

28 (2) ACWM containers shall be leak-tight and strong enough to
29 hold contents securely and be labeled with an OSHA warning label
30 found in 29 CFR 1926.1101(k)(8).

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

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

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

41 (6) Owners and operators of regulated facilities where an
42 asbestos abatement or renovation project has been performed shall
43 report in writing to the director if a copy of the waste shipment
44 record, signed by the owner or operator of the designated waste
45 disposal site, is not received by the waste generator within 45

1 working days from the date the waste was accepted by the initial
2 transporter. Include in the report the following information:

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

5 (b) A cover letter signed by the waste generator explaining
6 the efforts taken to locate the asbestos waste shipment and the
7 results of those efforts.

8

9 **R307-801-15. Records.**

10 (1) Certified asbestos abatement or renovation companies
11 shall maintain records of all asbestos abatement or renovation
12 projects that they perform at regulated facilities and shall make
13 these records available to the director or authorized
14 representative upon request. The records shall be retained for at
15 least five years. Maintained records shall include the following:

16 (a) Names and certification numbers of the asbestos
17 abatement workers, asbestos abatement supervisors, or renovators
18 who performed the asbestos abatement or renovation project;

19 (b) Location and description of the asbestos abatement or
20 renovation project and amount of friable asbestos-containing
21 material (ACM) removed;

22 (c) Start and stop dates of the asbestos abatement or
23 renovation project;

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

26 (e) Waste shipment records maintained in accordance with 40
27 CFR Part 61, Subpart M; and

28 (f) Asbestos inspection reports associated with the asbestos
29 abatement or renovation project.

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

36

37 **R307-801-16. Certified Renovator Work Practices.**

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

41 (2) Certified renovators working at regulated facilities
42 shall:

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

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

4 (c) Be physically present at the work site when all work
5 activities required by R307-801-13(3)(b) are posted, while the
6 work area containment required by R307-801-13(3)(b) is being
7 established, and while the work area cleaning required by R307-
8 801-13(3)(i) is performed;

9 (d) Be on-site and direct work being performed by other
10 individuals to ensure that the work practices required by R307-
11 801-13(3) are being followed, including maintaining the integrity
12 of the containment barriers and ensuring that dust or debris does
13 not spread beyond the work area;

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

16 (f) Prepare the records required by R307-801-15.
17

18 **R307-801-17. Asbestos Information Distribution Requirements.**

19 (1) Utah Abatement/Renovation pamphlet. Utah asbestos
20 abatement and renovation companies shall provide owners and
21 occupants of single and multi-family residential structures with
22 the Utah Abatement/Renovation Pamphlet "Asbestos Hazards During
23 Abatement and Renovation Activities" when those structures will be
24 re-occupied after the regulated activities are completed.

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

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

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

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

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

37 (i) Obtain, from the adult occupant, a written
38 acknowledgment that the occupant has received the pamphlet, or
39 certify in writing that a pamphlet has been delivered to the
40 regulated facility and that the company performing the abatement
41 or renovation project has been unsuccessful in obtaining a written
42 acknowledgment from an adult occupant. Such certification shall
43 include the address of the unit undergoing abatement or renovation
44 activities, the date and method of delivery of the pamphlet, names
45 of the persons delivering the pamphlet, reason for lack of

1 acknowledgment (e.g., occupant refuses to sign, no adult occupant
2 available), the signature of a representative of the company
3 performing the abatement or renovation project, and the date of
4 signature; or

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

7 (3) Abatement or renovation projects in common areas. No
8 more than 60 working days before beginning abatement or renovation
9 projects in common areas of a regulated facility, the company
10 performing the abatement or renovation project shall:

11 (a) Provide the owner with the pamphlet and comply with one
12 of the following:

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

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

17 (b) Comply with one of the following:

18 (i) Notify in writing, or ensure written notification of,
19 each regulated facility and make the pamphlet available upon
20 request prior to the start of abatement or renovation project.
21 Such notification shall be accomplished by distributing written
22 notice to each affected unit in the regulated facility. The notice
23 shall describe the general nature and locations of the planned
24 abatement or renovation project, the expected starting and ending
25 dates, how the occupant can obtain the pamphlet and a copy of the
26 required records at no cost to the occupants; or

27 (ii) Post informational signs describing the general nature
28 and locations of the abatement or renovation project and the
29 anticipated completion date while the abatement or renovation
30 project is ongoing. These signs shall be posted in areas where
31 they are likely to be seen by the occupants of all of the affected
32 units in the regulated facility. The signs shall be accompanied by
33 a posted copy of the pamphlet or information about how interested
34 occupants can review a copy of the pamphlet or obtain a copy from
35 the abatement or renovation company at no cost to occupants. The
36 signs shall also include information about how interested
37 occupants can review a copy of the required records from the
38 abatement or renovation company at no cost to the occupants;

39 (c) Prepare, sign, and date a statement describing the steps
40 performed to notify all occupants of the regulated facility of the
41 intended abatement or renovation project and to provide the
42 pamphlet; and

43 (d) If the scope, locations, or expected starting and ending
44 dates of the planned abatement or renovation project change after
45 the initial notification, and the company provided written initial

1 notification to each affected unit, the company performing the
2 abatement or renovation project shall provide further written
3 notification to the owners and occupants of the regulated facility
4 of the revised information for the ongoing or planned activities.
5 This subsequent notification shall be provided before the company
6 performing the abatement or renovation project initiates work
7 beyond that which was described in the original notice.

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

11 (a) Include a statement recording the owner or occupant's
12 name and acknowledging receipt of the pamphlet prior to the start
13 of abatement or renovation project, or no later than the day after
14 the start of an emergency abatement or renovation project, the
15 address of the regulated facility undergoing an abatement or
16 renovation project, the signature of the owner or occupant as
17 applicable, and the date of signature;

18 (b) Be either a separate sheet or part of any written
19 contract or service agreement for the abatement or renovation
20 project; and

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

25
26 **KEY: air pollution, asbestos, asbestos hazard emergency response,**
27 **schools**

28 **Date of Enactment or Last Substantive Amendment: 20160**

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

30 **Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(d);**
31 **19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part**
32 **763, Subpart E**