



Oregon Department of Environmental Quality
Dec. 9-10, 2015
Oregon Environmental Quality Commission meeting
Temporary rulemaking, Action item: E

SB 705 Asbestos Survey 2015 Temporary Rulemaking

DEQ recommendation to EQC

DEQ recommends that the Environmental Quality Commission:

- 1) Determine that failure to act promptly would result in serious prejudice to the public interest or the interests of the parties concerned as provided under the Justification section of this staff report.
- 2) Adopt the temporary proposed rules in Attachment A as part of chapter 340 of the Oregon Administrative Rules, to be effective from Jan. 1, 2016, through June 29, 2016.

Overview

Short summary

DEQ is proposing these rules under the legislature's direction as expressed in Senate Bill 705 (2015). DEQ proposes rule changes that will require an owner of a residential building or a person proposing a demolition of a residential building to have an accredited inspector perform an asbestos survey before demolishing that building. In addition, the proposed rule changes require the owner of the residential building or the person performing a demolition of a residential building to submit to DEQ, upon DEQ's request, a copy of the asbestos survey report.

The proposed rule changes offer three exemptions to the pre-demolition survey requirement. First, if the residential building was built after Jan. 1, 2004, no pre-demolition survey is required. Second, if all of the material in the subject residential building is managed as asbestos-containing material, no pre-demolition survey is required. And third, DEQ may approve, on a case-by-case basis, a written request to waive the pre-demolition survey requirement. The written request must include supporting documentation that demonstrates, to DEQ's satisfaction, that a survey is not required. Under this exemption, no demolition may occur until DEQ has approved, in writing, the request for a pre-demolition survey waiver.

Background

DEQ proposes these rule changes because demolitions of residential buildings with unidentified asbestos-containing materials present an imminent risk to human health and the environment. These proposed rule changes facilitate and require the identification of asbestos-containing materials in residential buildings prior to demolition, thereby reducing the risk of the public's exposure to harmful asbestos fibers.

Statement of need

What need is DEQ trying to address?

With these proposed rule changes, DEQ is addressing both a statutory and a public health need. SB 705 directs DEQ to adopt rules that will require that an accredited inspector complete an asbestos survey before a residential building is demolished. In addition, SB 705 directs DEQ to establish a cut-off date such that any building constructed after that date is exempt from the pre-demolition survey requirement.

Also, there is a public health need to identify asbestos-containing materials in residential buildings prior to demolition. DEQ has determined that unidentified asbestos-containing materials in residential buildings may be disturbed during demolition without being subject to the protective work practices DEQ's rules require. The proposed rule changes fulfill these statutory and public health needs.

How would the proposed rule address the need?

The proposed rule changes would address both the statutory and public health needs by requiring that an accredited inspector complete an asbestos survey before a residential building is demolished. As required by Senate Bill 705, the proposed rule changes also establish Jan. 1, 2004, as a construction date of a residential building after which the asbestos survey requirement would not apply.

In determining the residential construction date for asbestos survey exemption, DEQ reviewed the legislative history of the bill, including committee actions and discussions. DEQ determined that the legislature intended the date of residential construction exemption to be some time in the past. In determining Jan. 1, 2004, as the appropriate past date for this exemption, DEQ relied on asbestos commodity summaries created by the United States Geological Survey. The USGS summaries show that 2003 was the first year where domestic production of asbestos was completely eliminated. In addition, in 2004 domestic consumption of asbestos consisted entirely of imported materials and was less than one tenth of the 1991 consumption level.

Justification ORS 183.335(5)

Consequences of not taking immediate action:

DEQ considered the consequences of not taking immediate action. Specifically, DEQ considered the consequences of not amending OAR 340-248-0250 and OAR 340-248-0270 with the proposed rule changes that SB 705 requires.

DEQ determined that the failure to act promptly would seriously prejudice the public interest by allowing unidentified asbestos-containing material to be disturbed during demolition without being subject to proper work practices. Specifically, the failure to act would increase the risk that unidentified asbestos-containing materials in residential buildings would become friable during demolition and expose workers and the neighboring public to hazardous asbestos fibers.

Affected parties:

DEQ determined the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.

DEQ determined the proposed rules may affect development costs if the development requires the demolition of an existing residential building constructed prior to 2004. Specifically, the proposed rules will affect development costs by increasing the cost of demolishing a residential building. In these instances, at a minimum, the cost of demolition will increase by the cost of the asbestos survey. At a maximum the cost of demolition will increase by the cost of the asbestos survey and the cost of asbestos abatement. DEQ also determined that these rules may have an impact on residential home owners. Based on estimates of conducting asbestos surveys and of the average cost of properly treating asbestos containing materials found in those surveys, the average cost of demolishing a residential building that contains asbestos may increase by approximately \$9,600.

Public notice

DEQ is not required to provide advance notice to the public before adopting a temporary rule. ORS 183.335(5). In this case, DEQ did provide advance notice in several ways.

DEQ provided notice of the proposed rulemaking and the advisory committee meeting by:

- Emailing interested parties through the following GovDelivery mailing lists:
 - Solid Waste Permits (3215 recipients)
 - Air Toxics Statewide (3,517 recipients)
 - Asbestos Issues (2,671 recipients)
 - Hazardous Waste Permits (2,558 recipients)
 - Hazardous Waste Training (6,505 recipients)
 - Rulemaking (6,742 recipients)
 - SB 705 Asbestos Survey Rulemaking (287 recipients)
- Posting the Draft Rules, Advisory Committee Charter, Advisory Committee Roster, and committee meeting minutes on this rulemaking's advisory committee web page: [SB 705 Asbestos Survey Rules Advisory Committee](#)
- Directly emailing approximately 205 interested parties
- Posting announcements about the advisory committee meeting on Facebook and Twitter
- Holding an advisory committee meeting that was open to the public
- Posting information about the advisory committee meeting on the DEQ event calendar: [DEQ Calendar](#)

Advisory Committee

DEQ convened an advisory committee that met Oct. 19, 2015.

The advisory committee was made up of representatives from a host of sectors likely to be interested in the proposed rule changes. The objectives of the advisory committee were to:

- Provide general feedback on the clarity and effectiveness of the proposed rule changes;
- Discuss and provide recommendations on setting an appropriate cut-off year such that residential buildings constructed after that date would not be subject to the pre-demolition survey requirement;
- Discuss and provide recommendations on the requirement to send a copy of the asbestos survey report to DEQ upon DEQ's request;
- Discuss and provide input on the fiscal impacts of the proposed rule changes.

The scope of relevant advisory committee discussion was limited to the rule making required to implement Senate Bill 705.

Advisory Committee Roster

Sector/Description	Name	Representation
1. State agencies		
Oregon OSHA	Kathleen Kincade	State agency worker health and safety
Construction Contractors Board	Tim Lenihan	State agency contractor regulations
2. Local air authorities Advisory, not voting		
Southwest Clean Air Authority	Gerry Strawn	Sister agency in SW Washington
Lane Regional Air Protection Agency	Robbye Lanier	Sister agency in Lane County
3. Local government		
City of Portland Portland Bureau of Development Services	Nancy Thorington	Portland development and review advisory committee
Counties Tillamook County Solid Waste Program	Dave McCall	County solid waste management
Cities League of Oregon Cities	Erin Doyle	City perspectives statewide
Metro	Bruce Philbrick	Solid waste management
4. Trade associations		
Oregon Home Builders Association	Scott Barrie	Home building industry perspectives
Oregon Remodeler's Association Olson & Jones Construction	Jeff Jones	Remodeling industry perspectives
Oregon Recycling and Refuse Association Gresham Sanitary Service	Larry Head	Refuse collection perspectives
Oregon Recycling and Refuse Association Republic Services	Brian May	Refuse disposal perspectives

Sector/Description	Name	Representation
5. Asbestos abatement contractors		
Lake Oswego Insulation	John Mayer	Portland and statewide contractor
Performance Abatement Services	Darren Watts	Portland and statewide contractor
Enviromex Contracting	Areli Rodriguez	Willamette Valley and minority owned contractor
SMAF Environmental E	John Hill	Eastern Oregon contractor
6. Asbestos training providers		
Asbestos Training Project	Ed Edinger	Statewide asbestos trades training provider
7. Asbestos surveyors		
Bullseye Analytical	Marilyn Bull	Willamette Valley asbestos surveyor
PBS Environmental	Derek May	Statewide asbestos surveyor
Eastern Oregon Environmental Recovery	Dave Ammons	Eastern Oregon asbestos surveyor
8. Construction businesses		
Contractor Fish Construction NW, Inc.	Justin Wood	Construction contractor and Home Builders Association perspectives
Deconstruction Contractor Lovett Deconstruction	Scott Yelton	Deconstruction contractor perspective
9. Citizens		
Neighborhood representative	Maryhelen Kincaid	Involved citizen at neighborhood level
Citizen representative United Neighborhoods for Reform	John Sandie	Involved citizen and participated in legislative discussions

The advisory committee provided a diverse set of recommendations and input. On the issue of the appropriate construction date for survey requirement exemption the advisory committee gave the following input:

- Asbestos can still be found in some construction materials today;
- General use of asbestos diminished greatly after 1990;
- The exemption date should be in the future;
- The exemption date should not be a date certain but rather conditioned on a time when asbestos is no longer used at all;
- The exemption date should be determined on a material by material basis.

On the issue of the proposed rule change requiring parties to submit the asbestos survey report to DEQ upon DEQ's request, the advisory committee provided differing input. Some advisory committee members recommended that, since local jurisdictions differ in scope and resources, the burden of accepting and handling asbestos surveys should not fall on local jurisdictions. Other committee members recommended that the proposed rules should require that a copy of the survey be sent to local jurisdictions' building departments. The advisory committee also considered Washington's Southwest Clean Air Agency's rule that requires an asbestos survey prior to obtaining a demolition permit.

The advisory committee recommended that DEQ should allow an exemption to the pre-demolition survey requirement if the owner of the residential property or the person conducting the demolition treats the entirety of the affected facility as asbestos-containing materials. In this way, the demolition would proceed with the highest level of public safety while avoiding the cost of performing the asbestos survey. DEQ incorporated this recommendation into the proposed rule changes.

The advisory committee reviewed the fiscal impact statement, specifically impacts on small businesses. The committee determined that the proposed rule changes would likely have a beneficial fiscal impact on small-sized licensed asbestos abatement contractors and may have a negative fiscal impact on small-sized remodelers, demolishers, and residential building developers.

Implementation

Notification

If approved, the proposed rules would become effective Jan. 1, 2016. DEQ would notify affected parties through direct email and GovDelivery notice to the same parties previously notified in this rulemaking.

DEQ will also publish the adopted rules in the Oregon Bulletin.

DEQ will implement the proposed rule changes by conducting education and outreach among stakeholders, requesting asbestos survey reports from demolitions of residential buildings, and performing site inspections. If DEQ observes violations during site inspections, the implementation of these proposed rule changes may result in additional compliance and enforcement actions. In addition, DEQ intends to follow this temporary rulemaking with a permanent rulemaking in 2016.

Compliance and enforcement

- Affected parties - construction contractors, residential homeowners, residential developers, residential property owners
- DEQ staff – regional asbestos specialists, Office of Compliance and Enforcement

Measuring, sampling, monitoring and reporting

- Affected parties - construction contractors, residential homeowners, residential developers, Residential Property Owners
- DEQ staff – regional asbestos specialists

Outreach and Education

- Affected parties – construction contractors, residential homeowners, residential developers, residential property owners
- DEQ staff – regional asbestos specialists

Five-year review ORS 183.405

Oregon law requires DEQ to review new rules within five years after EQC adopts them. However, these are temporary rules. The law requires that temporary rules expire after 180 days. As these rules will no longer be in effect in five years, they are not subject to the five-year review requirement.

DIVISION 248

ASBESTOS REQUIREMENTS

Asbestos Emission Standards and Procedural Requirements

340-248-0250

Asbestos Abatement Project Exemptions

(1) Any person who conducts or provides for the conduct of an asbestos abatement project must comply with the provisions of OAR 340 division 248 except as provided in this rule.

(2) The following asbestos abatement projects are exempt from certain provisions of this Division as listed in this Section:

(a) Asbestos abatement conducted inside a single private residence is exempt from OAR 340-248-0110 through 340-248-0180, 340-248-0210 through 340-248-0240 and 340-248-0260 through 340-248-0270 if the residence is occupied by the owner and the owner occupant is performing the asbestos abatement work.

(b) Asbestos abatement conducted outside of a single private residence by the owner is exempt from the notification requirements contained in OAR 340-248-0260, if the residence is not a rental property, a commercial business, or intended to be demolished.

~~(c)~~ Renovation activities at residential buildings with four or fewer dwelling units are exempt from the provisions of OAR 340-248-0270(1).

(d) Demolition activities at residential buildings with four or fewer dwelling units, that were constructed after January 1, 2004, are exempt from the provisions of OAR 340-248-0270(1).

(e) Demolition activities at residential buildings with four or fewer dwelling units are exempt from the provisions of OAR 340-248-0270(1) if all of the materials at the affected facility are treated, removed, handled, managed, transported and disposed of as asbestos-containing material.

~~(f)~~ Projects involving the removal of mastics and roofing products that are fully encapsulated with a petroleum-based binder and are not hard, dry, or brittle are exempt from OAR 340-248-0110 through 340-248-0280 provided the materials are not made friable.

~~(g)~~ Projects involving the removal of less than three square feet or three linear feet of asbestos-containing material are exempt from OAR 340-248-0110 through 340-248-0180 and the notification requirements in 340-248-0260 provided that the removal of asbestos is not the primary objective, is part of a needed repair operation, and the methods of removal comply with

~~are in compliance with~~ OAR 437 division 3 "Construction" Subsection Z and **29 C.F.R. § 1926.1101(g)(i) through (iii) (1998)**. Asbestos abatement projects may not be subdivided into smaller sized units in order to qualify for this exemption.

~~(h)~~ Projects involving the removal of asbestos-containing materials that are sealed from the atmosphere by a rigid casing are exempt from OAR 340-248-0110 through 340-248-0280, provided the casing is not broken or otherwise altered such that asbestos fibers could be released during removal, handling, and transport to an authorized disposal site.

(3) Any person who removes non-friable asbestos-containing material not exempted under OAR 340-248-0250(2) must comply with the following:

(a) Submit asbestos removal notification and the appropriate fee to the Department Business Office on a Department form in accordance with OAR 340-248-0260.

(b) Remove nonfriable asbestos materials in a manner that ensures the material remains nonfriable.

(c) A nonfriable asbestos abatement project is exempt from the asbestos licensing and certification requirements under OAR 340-248-0100 through 340-248-0180. The exemption ends whenever the asbestos-containing material becomes friable.

(4) Emergency fire fighting is not subject to this division.

(5) Asbestos containing waste material that is handled and disposed of in compliance with a solid waste permit issued pursuant to ORS 459 is not subject to OAR 340-248-0205(1).

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 96, f. 9-2-75, ef. 9-25-75; DEQ 22-1982, f. & ef. 10-21-82; DEQ 9-1988, f. 5-19-88 (and corrected 6-3-88), ef. 6-1-88; DEQ 4-1990, f. & cert. ef. 2-7-90 (and corrected 5-21-90 & 7-8-91); DEQ 8-1990, f. 3-13-90, cert. ef. 4-23-90; DEQ 18-1991, f. & cert. ef. 10-7-91; Section (1)(a) - (d) renumbered from 340-025-0465(4)(a) - (d); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1993, f. & cert. ef. 11-4-93; Renumbered from 340-025-0466; DEQ 19-1994, f. 9-6-94, cert. ef. 10-1-94; DEQ 15-1995, f. & cert. ef. 6-16-95; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5620; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

340-248-0270

Asbestos Abatement Work Practices and Procedures

(1) Except as OAR 340-248-0250 provides, prior to performing a demolition or renovation activity on a facility, the owner or operator of a facility must have an accredited inspector thoroughly survey the affected facility, or part of the facility where the demolition or renovation

operation will occur, for the presence of asbestos-containing material, including nonfriable asbestos material.

(2) The owner or operator of a facility that requires a survey underpursuant to OAR 340-248-0270(1) must send a copy of the survey report to the department upon request by the department and keep a copy of the survey report onsite at the facility during any demolition or renovation activity.

(3) For demolitions of residential buildings, the department may approve, on a case-by-case basis, requests to waive the asbestos survey requirement of OAR 340-248-0270(1). The owner or operator of the residential building must submit a written request to the department, along with supporting documentation that demonstrates to the department's satisfaction that a survey is not warranted. The owner or operator of the residential building must obtain the department's written approval waiving the asbestos survey requirement prior to any demolition activity. The owner or operator of the residential building must maintain as readily available at the demolition site a copy of the department's written approval under this rule.

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

(1) ~~Prior to performing a demolition or renovation activity on a facility the owner or operator of a facility must have an accredited inspector thoroughly survey the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos-containing material, including nonfriable asbestos material.~~

(2) ~~The owner or operator of a facility that requires a survey pursuant to OAR 340-248-0270(1) must keep a copy of the survey report onsite at the facility during any demolition or renovation activity.~~

(~~a~~3) Remove all asbestos-containing materials before any activity begins that would break up, dislodge, or disturb the materials or preclude access to the materials for subsequent removal. Asbestos-containing materials need not be removed if: before demolition if:

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

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

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

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

- (Bb) Notify the Department immediately of the occurrence;
- (Ce) Keep the exposed asbestos-containing materials and any asbestos-contaminated waste material adequately wet at all times until a licensed asbestos abatement contractor begins removal activities;
- (Dd) Have the licensed asbestos abatement contractor remove and dispose of the asbestos-containing waste material.
- (e5) Asbestos-containing materials must be adequately wetted when they are being removed. In renovation, maintenance, repair, and construction operations, where wetting would unavoidably damage equipment or is incompatible with specialized work practices, or presents a safety hazard, adequate wetting is not required if the owner or operator:
 - (Aa) Obtains prior written approval from the Department for dry removal of asbestos-containing material;
 - (Bb) Keeps a copy of the Department's written approval available for inspection at the work site;
 - (Ce) Adequately wraps or encloses any asbestos-containing material during handling to avoid releasing fibers;
 - (Dd) Uses a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the asbestos abatement project.
- (d6) When a facility component covered or coated with asbestos-containing materials is being taken out of the facility as units or in sections:
 - (Aa) Adequately wet any asbestos-containing materials exposed during cutting or disjuncting operation;
 - (Bb) Carefully lower the units or sections to ground level, not dropping them or throwing them;
 - (Ce) Asbestos-containing materials do not need to be removed from large facility components such as reactor vessels, large tanks, steam generators, but excluding beams if the following requirements are met:
 - (iA) The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the regulated asbestos-containing material; and
 - (iiB) The component is encased in leak-tight wrapping; and
 - (iiiE) The leak-tight wrapping is labeled according to OAR 340-248-0280(2)(b) during all loading and unloading operations and during storage.
- (e7) For friable asbestos materials being removed or stripped:

- | (~~Aa~~) Adequately wet the materials to ensure that they remain wet until they are disposed of in accordance with OAR 340-248-0280;
- | (~~Bb~~) Carefully lower the materials to the floor, not dropping or throwing them;
- | (~~Ce~~) With prior written approval from the Department, transport the materials to the ground via dust-tight chutes or containers if they have been removed or stripped above ground level and were not removed as units or in sections.
- | (~~Dd~~) Enclose the area where friable asbestos materials are to be removed with a negative pressure enclosure prior to abatement unless written approval for an alternative is granted by the Department.
- | (~~Ee~~) A minimum of one viewing window will be installed in all enclosures, including negative pressure enclosures, in accordance with the following:
 - | (~~iA~~) Each viewing window must be a minimum of two feet by two feet and be made of a material that will allow a clear view inside the enclosure.
 - | (~~iiB~~) For large enclosures, including negative pressure enclosures, install one viewing window for every 5,000 square feet of area when spatially feasible.
- | (~~f8~~) Any person that demolishes a facility under an order of the State of Oregon or a local governmental agency, issued because the facility is structurally unsound and in danger of imminent collapse must comply with the following:
 - | (~~Aa~~) Obtain written approval from the Department for an ordered demolition procedure before that demolition takes place; and
 - | (~~Bb~~) Send a copy of the order and an asbestos abatement project notification (as described in OAR 340-248-0260) to the Department before commencing demolition work; and
 - | (~~Ce~~) Keep a copy of the order, Department's approval, and the notification form at the demolition site during all phases of demolition until final disposal of the project waste at an authorized landfill; and
 - | (~~Dd~~) Keep asbestos-containing materials and asbestos contaminated debris adequately wet during demolition and comply with the disposal requirements set forth in OAR 340-248-0280 or 340-248-0290.
- | (~~g9~~) Persons performing asbestos abatement outside full negative pressure containment must obtain written approval from the Department before using mechanical equipment to remove asbestos-containing material.

- | (~~h10~~) Before a facility is demolished by intentional burning, all asbestos-containing material must be removed and disposed of in accordance with OAR 340-248-0010 through 340-248-0290.

- | (~~i11~~) None of the operations in section (1) through (4) of this rule may cause any visible emissions. Any local exhaust ventilation and collection system or vacuuming equipment used during an asbestos abatement project, must be equipped with a HEPA filter or other filter of equal or greater collection efficiency.

- | (~~j12~~) The Director may approve, on a case-by-case basis, requests to use an alternative to the requirements contained in this rule. The contractor or facility owner or operator must submit a written description of the proposed alternative and demonstrate to the Director's satisfaction that the proposed alternative provides public health protection equivalent to the protection that would be provided by the specific requirement, or that such level of protection cannot be obtained for the asbestos abatement project.

- | (~~k13~~) Final Air Clearance Sampling Requirements apply to projects involving more than 160 square feet or 260 linear feet of asbestos-containing material. Before containment around such an area is removed, the person performing the abatement must have at least one air sample collected that documents that the air inside the containment has no more than 0.01 fibers per cubic centimeter of air. The air sample(s) collected may not exceed 0.01 fibers per cubic centimeter of air. The Department may grant a waiver to this section or exceptions to the following requirements upon receiving an advanced written request:
 - | (~~Aa~~) The air clearance samples must be performed and analyzed by a party who is National Institute of Occupational Safety and Health (NIOSH) 582 certified and financially independent from the person(s) conducting the asbestos abatement project;

 - | (~~Bb~~) Before final air clearance sampling is performed the following must be completed:
 - | (~~iA~~) All visible asbestos-containing material and asbestos-containing waste material must be removed according to the requirements of this section;

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

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

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

 - | (~~Ce~~) Air clearance sampling inside containment areas must be aggressive and comply with the following procedures:
 - | (~~iA~~) Immediately before starting the sampling pumps, direct exhaust from a minimum one horse power forced air blower against all walls, ceilings, floors, ledges, and other surfaces in the containment;

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

(~~iiiE~~) Start sampling pumps and sample an adequate volume of air to detect concentrations of 0.01 fibers of asbestos per cubic centimeter according to NIOSH 7400 method;

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

(~~vE~~) As an alternative to meeting the requirements of paragraphs (A) through (D) of this subsection, air clearance sample analysis may be performed according to Transmission Electron Microscopy Analytical Methods prescribed by **40 CFR 763, Appendix A to Subpart E (Interim Transmission Electron Microscopy Analytical Methods)**.

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

Stat. Auth.: ORS 468 & ORS 468A

Stats. Implemented: ORS 468A.745

Hist.: DEQ 96, f. 9-2-75, ef. 9-25-75; DEQ 22-1982, f. & ef. 10-21-82; DEQ 9-1988, f. 5-19-88. ef. 6-1-88 (and corrected 6-3-88); DEQ 18-1991, f. & cert. ef. 10-7-91; Renumbered from 340-025-0465(6) - (12); DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 18-1993, f. & cert. ef. 11-4-93; Renumbered from 340-025-0468; DEQ 15-1995, f. & cert. ef. 6-16-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-032-5640; DEQ 1-2002, f. & cert. ef. 2-4-02; DEQ 19-2002(Temp), f. & cert. ef. 12-23-02 thru 6-21-03; DEQ 9-2003, f. 5-21-03, cert. ef. 6-21-03

Enrolled
Senate Bill 705

Sponsored by Senator DEMBROW, Representative KENY-GUYER; Senators MONNES ANDERSON, SHIELDS, Representatives FREDERICK, NOSSE, SMITH WARNER

CHAPTER

AN ACT

Relating to demolition of residential structures; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 468A.700 to 468A.760.

SECTION 2. (1) The Environmental Quality Commission shall adopt rules prohibiting the demolition of a residence or residential building unless an asbestos survey has been conducted by an inspector accredited in accordance with rules adopted by the commission for the purpose of determining whether asbestos-containing materials are present at the residence or residential building and for other purposes as determined by the commission.

(2) The commission may, by rule:

(a) Establish the procedures for conducting the survey described in subsection (1) of this section; and

(b) Establish exemptions to the prohibition described in subsection (1) of this section.

(3) This section does not apply to a residence or residential building constructed on or after a date identified by the commission by rule.

SECTION 3. (1) Section 2 of this 2015 Act becomes operative on January 1, 2016.

(2) The Environmental Quality Commission may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the commission to exercise, on or after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the commission by section 2 of this 2015 Act.

SECTION 4. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by Senate April 30, 2015

Repassed by Senate June 15, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 9, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State