

Asbestos Program

Temporary Rules: Residential Building Demolition and Asbestos Surveys

December 9, 2015
DEQ HQ

Today's Presentation Topics

- Summary
- Current Asbestos Survey Rules
- SB 705
- Proposed Temporary Rules
- Conclude with Recommendation

Summary

- Proposing the adoption of temporary rules requiring an asbestos survey prior to the demolition of a residential building.
- Acceleration of Oregon's housing market has resulted in an increase in residential demolitions and a public need for the proposed asbestos survey requirement.
- The proposed rules timely implement Senate Bill 705 by requiring the survey prior to residential demolition by January 1, 2016.

Current Asbestos Survey Rules

OAR 340-248-0270(1) creates a **blanket asbestos survey requirement** for all demolition and renovation activities.

OAR 340-248-0250(2)(c) **exempts residential buildings** with four or fewer dwelling units from the blanket asbestos survey requirement.

Senate Bill 705

SB 705 does the following:

- 1) Directs DEQ to adopt rules prohibiting the demolition of a residential building without an asbestos survey.
- 2) Directs DEQ to determine a date after which a residential building built will be exempt from the survey requirement.
- 3) Gives DEQ authority to outline procedure for conducting the survey.
- 4) Gives DEQ authority to establish other exemptions.

Proposed Temporary Rules

The proposed temporary rule amendments implement SB 705 by doing the following:

- 1) Amend 250(2)(c), residential survey exemption, by narrowing its scope to renovations, thereby requiring asbestos survey prior to demolition.
- 2) Establish January 1, 2004, as a residential building exemption date.
- 3) Requires submittal of asbestos survey results upon request by DEQ.
- 4) Two additional exemptions:
 - A) Entire residential building treated as if it were asbestos containing material
 - B) Case-by-case waiver

Recommendation

DEQ recommends that the EQC:

- 1) Determine that a 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 the staff report.
- 2) Adopt the temporary proposed rules in Attachment A of the staff report as part of Chapter 340 of the Oregon Administrative Rules, to be effective from January 1, 2016, through June 29, 2016.