LRAPA
Lane Regional Air Protection Agency

A G E N D A

LANE REGIONAL AIR PROTECTION AGENCY

CITIZENS ADVISORY COMMITTEE MEETING

TUESDAY MARCH 31, 2026

12:00 P.M.

Virtual Participation

Teams:
Join the meeting now
Meeting ID: 232 232 269 122 3
Passcode: Uf3hF6zi

In-Person Participation

LRAPA
1010 Main Street
Springfield, Oregon 97477

[Note: Start times for agenda items are approximate.]

1.	**12:00**	**Call to Order/Agenda Review**
2.	**12:05**	**Public Participation**
3.	**12:10**	**Approval of February 24, 2026 Meeting Minutes**
4.	**12:15**	**Board Meeting Overview**
5.	**12:20**	**Draft Proposed Title 43 Asbestos Rule Review**
6.	**12:50**	**Upcoming CAC Topics:**

- **Rulemaking Updates: Titles 15 & 43**
- **Home Wood Heating Presentation**
- **Public Outreach Strategies**
- **ODF/LRAPA Smoke Management Plan Overview**
- **Industry Presentations/Site Visits**

7.	**12:55**	**Roundtable**
8.	**1:00**	**Adjournment**

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Nos esforzamos por proporcionar accesibilidad pública a los servicios, programas y actividades de LRAPA para personas con discapacidades. Las personas que necesiten adaptaciones especiales, como dispositivos de asistencia auditiva,

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CITIZENS ADVISORY COMMITTEE
MEETING MINUTES
MARCH 31, 2026
MEETING VIA TEAMS / LRAPA OFFICE, SPRINGFIELD OREGON

View recordings of meetings on our YouTube page

ATTENDANCE	
COMMITTEE PRESENT:	**LRAPA STAFF PRESENT:**
Kelly Wood, Chair	Travis Knudsen, Executive Director
Chris Cline	Max Hueftle, Operations Manager
Peter Dragovich	Rachelle Nicholas, Administrative Manager
Michael Koivula	Matt Sorensen, Public Affairs & Project Manager
Ben Larson	Colleen Wagstaff, Enforcement Manager
Jessi Preston	Heather Gravelle, Environmental Coordinator
Jo Rodgers	Morgan Kelley, Field Inspector/Compliance Officer
	Jaime McEvoy, Environmental Coordinator II
	Mandy Ramirez, Field Inspector/Compliance Officer
COMMITTEE ABSENT/EXCUSED:	**OTHERS PRESENT:**
Evelina Davidova-Kamis, Vice-Chair	Adam Jones, University of Oregon
Paul Metzler	Ed Park, Bakelite Synthetics
	Mike Pose, Northwest Hazmat
	Joe Skelly, Wray Construction LLC
	Kevin Rodriquez
AGENDA	**ACTION**
REGULAR MEETING	
1. Call to Order/Agenda Review.	**Chair Kelly Wood** convened the regular meeting at noon.
2. Public Participation.	**Travis Knudsen**, Executive Director, addressed the committee on public participation structure, noting he had consulted legal counsel on the matter. He clarified that the CAC has full agency to determine how it wishes to receive public input — options range from a formal designated comment period to a more flexible approach where participants are invited to chime in as topics arise.

	After discussion, the committee settled on a hybrid approach: a brief check-in at the start under public comment (none were raised), then open a time-limited participation during the proposed rulemaking discussion. Public participants were asked to keep comments to 3 minutes, with longer or more detailed input encouraged to be submitted in writing to staff.
3. Approval of February 24, 2026 Meeting Minutes.	**Michael Koivula** requested clarification on two terms from the February minutes. **Mr. Knudsen** explained that the "crosswalk document" refers to the color-coded table included in the CAC packet summarizing all proposed Title 43 changes, and that the "annual share out" is a yearly program update for the Oakridge woodstove changeout program — an EPA-funded effort that alternates its stakeholder gatherings between Eugene and Oakridge **MOTION: Peter Dragovich moved, and Michael Koivula seconded to approve the February 24, 2026 Meeting Minutes. The motion passed unanimously.**
4. Board Meeting Overview.	**Mr. Knudsen** provided an overview of the March Board meeting. The Board conducted its annual chair and vice chair election, which had been deferred from the prior month. **Matt Keating** was elected chair, and **David Loveall** retained his role as vice chair. A supplemental budget staff report was presented, indicating that LRAPA is currently under budget and that no supplemental budget is required at this time. **Mr. Knudsen** reported that the Budget Committee met prior to the Board meeting and was a positive and productive discussion.
5. Draft Proposed Title 43 Asbestos Rule Review.	**Mr. Knudsen** provided details on the documents provided in the agenda packet — the draft Notice of Proposed Rulemaking (NPR), the color-coded crosswalk, and the redlined Title 43 — and noted that LRAPA remains at Step 1 of its eight-step rulemaking process. The meeting's purpose was to gather feedback before the rules advance further. **Mr. Knudsen** provided a presentation of the most significant proposed changes, working from highest to lowest impact.

	Section 43-0030(2) & (3) – Title V Source Notification (Crosswalk #57 & 58): Expands the existing demolition notification requirement to include renovations, supporting proactive verification at high-likelihood asbestos sites. **Section 43-0035(2) – Owner Exemption Clarification** (Crosswalk #60 & 61): Changes "owner" to "owner-occupant," limiting the self-performed abatement exemption to individuals who both own and reside in the home. This closes a loophole previously available to landlords and house flippers. **Section 43-0040(2) – Emergency Survey Requirement** (Crosswalk #64): A new provision requiring an accredited inspector to survey all damaged areas of commercial buildings, apartments with five or more units, schools, churches, and industrial facilities before debris cleanup begins following a fire, flood, or natural disaster. **Section 43-0040(3) – Asbestos Survey Requirements** (Crosswalk #65): A new section establishing minimum survey standards, including accredited inspectors and labs, a minimum of three random samples for sprayed or troweled materials, and reports documenting location, scope, friability, and quantity. **Adam Jones**, University of Oregon, recommended clarifying the definition of "sprayed or troweled materials," noting that the classification of surfacing materials remains a gray area in the industry, with orange peel texture on gypsum board as a common example not considered surfacing by EPA or OSHA. **Mr. Jones** also recommended that survey report tables include all homogeneous materials sampled, including those testing negative. **Mike Pose**, Northwest Hazmat, questioned whether the three-sample minimum is appropriate for very small project areas and suggested that sampling requirements be scaled to project size. **Mr. Koivula** asked how the owner-occupant exemption applies to properties that are primarily owner-occupied but used occasionally as short-term rentals, such as

	Airbnb, or where the owner's intended use may change over time. Staff responded that properties used at any time as rentals would not qualify for the owner-occupant exemption and would require the use of an abatement contractor. **Chair Wood** noted that terms such as "resident," "dwelling," and "owner-occupied" are used interchangeably throughout the rules and emphasized the importance of clearly distinguishing between them. She also noted that LRAPA's definition of "facility" is more extensive than DEQ's and may benefit from simplification for clarity. **Section 43-0045(3) – Annual Notification and Job Size Thresholds** (Crosswalk #68): Defines small-scale friable projects as those under 40 square feet or 80 linear feet. Contractors pre-approved by LRAPA may report on qualifying jobs annually, providing a clear and consistent standard. **Section 43-0005(30) & (52) – Updated Definitions: Facility and Residential** (Crosswalk #37 & 46): Clarifies that "facility" includes commercial, industrial, and residential structures with five or more units, while "residential" applies to buildings used as a home both before and after the work is completed. Exclusions include fire training, full demolitions, and residential units within a commercial facility. **Chair Wood** noted that the proposed language is more difficult to follow than DEQ's parallel definitions and that some additions introduced confusion. **Mr. Knudsen** acknowledged that clarity is a primary goal of the rulemaking and welcomed feedback identifying areas of confusion. **Section 43-0005(50) – Regulated Area Definition** (Crosswalk #44): A new definition covering all areas where abatement work and waste packaging occur, with posted signage requirements and access limited to authorized personnel. **Section 43-0005(55) – Small Scale Definition** (Crosswalk #47): Revised to address situations where asbestos removal is incidental to a maintenance activity. The prior

	airborne concentration threshold has been removed; the definition is now based solely on project size. **Section 43-0010(2) – Sanding Prohibition** (Crosswalk #52): A new provision prohibiting sanding, grinding, sawing, or abrading of asbestos-containing materials unless handled and disposed of as friable asbestos. **Section 43-0015 1(e) & 3(f) – Record Retention** (Crosswalk #54 & 55): Increases monitoring and inspection record retention requirements for asbestos mills and manufacturing operations from two years to five years. **Mr. Knudsen** concluded the presentation and **Chair Wood** invited further discussion from CAC members and public participants. **Jessi Preston** asked whether a homeowner performing self-directed abatement under the owner-occupant exemption must disclose that work to a future buyer. **Mr. Knudsen** responded that LRAPA's rules do not include such a requirement. **Mr. Koivula** noted that Oregon real estate law requires disclosure of known defects. **Mr. Jones** noted that the color classification for the negative pressure enclosure definition (Crosswalk #40) should be elevated from yellow to orange given its practical significance to abatement contractors. He recommended LRAPA align more closely with the DEQ definition rather than adding a requirement to cover smooth, cleanable surfaces, which he characterized as unnecessarily wasteful of materials and landfill space. **Chair Wood** raised concern that the phrase "destruction due to natural disaster" in the asbestos abatement project definition was confusing, as a natural disaster does not constitute an abatement activity. **Mr. Knudsen** clarified the intent was to ensure disaster debris is assessed for asbestos before disposal. **Chair Wood** suggested replacing "destruction" with "mitigation" and **Mr. Jones** concurred that would be a good resolution. **Chair Wood** noted the "certified worker" definition lacked a specific reference to asbestos accreditation, and the disposal provision's reference to "certified landfill" being potentially more restrictive than DEQ's framework, which allows for approved alternative disposal locations.

	Mr. Jones shared that waste disposal is generally governed by Lane County Solid Waste rather than Title 43. Staff invited written comments on the redlined Title 43 to be submitted to CAC Coordinator, Heather Gravelle. **Mr. Jones** offered his availability as a technical resource going forward.
6. Upcoming CAC Topics.	The committee reviewed the following topics planned for upcoming meetings: • Continued Rulemaking Review: Titles 43 & 15 • Home Wood Heating Presentation • Public Outreach Strategies • ODF/LRAPA Smoke Management Plan Overview • Industry Presentations/Site Visits
7. Roundtable.	**Jo Rodgers** shared that future updates were anticipated related to program changes associated with new funding from OHA's Health Equity Grant. She explained that this funding will increase community-wide capacity, including enhanced response to air quality emergencies and expanded volunteer support. **Chris Cline** expressed concern about an early fire season, noting that the mid-June burn ban threshold is unlikely to hold, wildfires have already occurred on both sides of the freeway, and widespread drought will create competition for resources. **Jessi Preston** highlighted the federal Rural Health Transformation Grants as a potential funding opportunity and offered to forward information to staff. **Michael Koivula** noted the ongoing Sacred Heart demolition as a potential asbestos concern and mentioned asbestos being used in asphalt, noting that seemed unintelligent given asphalt's relatively short lifespan. **Chair Wood** indicated it is uncommon in Oregon and **Mr. Jones** noted it is more prevalent in areas where asbestos is actively mined, including parts of the East Coast. **Chair Wood** mentioned the McKenzie Watershed Council's Pure Water Partners subgroup, which works with local farmers of all sizes on sustainable farming practices aimed at maximizing yields while minimizing environmental impacts. She noted potential relevance to

	dust and air quality topics and offered to share more information at a future meeting.
8. Adjournment.	**Chair Kelly Wood** adjourned the Committee meeting at 1:00 p.m.

(Minutes recorded by Heather Gravelle)

LRAPA BOARD OF DIRECTORS AGENDA ITEM SUMMARY

LRAPA
Lane Regional Air Protection Agency

Director's Report for February 2026

Meeting Date: March 12, 2026
Department: Director's Office
lrapa-or.gov

Agenda Item No.10
Staff Contact: Travis Knudsen
541-736-1056 ext. 217

I. EXECUTIVE HIGHLIGHTS

Key accomplishments, challenges, and priorities from the past month.

EXECUTIVE SUMMARY

February brought continued favorable air quality across Lane County, with monitoring stations recording predominantly "Good" and "Moderate" conditions. The spring outdoor burning season officially reopened on March 1 for Eugene, Springfield, and Oakridge, and LRAPA issued a press release reminding residents of the rules and alternatives to burning.

LRAPA hosted the Oakridge Air semi-annual partner meeting on February 26, highlighting strong outcomes from the Targeted Airshed Grant program. Roughly 7% of all households and 12% of single-family homes in the city have received upgrades estimated to reduce annual PM2.5 emissions by 4.56 tons while lowering energy costs for participating households.

In early March, LRAPA became aware that the Oregon Department of Forestry and DEQ had developed a new statewide outdoor burning tool called Before You Burn (beforeyouburn.net) without direct coordination with LRAPA. Because LRAPA has independent authority over outdoor burning curtailment in Lane County under Title 47, ensuring the tool accurately reflects our curtailment status is critical to avoid confusing residents and creating compliance issues. Staff arranged a meeting with ODF, DEQ, and the site developer on March 5 to discuss integration. For the March 6 public launch, Lane County zones on the site direct residents to contact LRAPA directly. Staff are now working with ODF to provide GIS data so the tool can properly reflect our burning zones going forward. Board members who receive questions about this tool should direct the public to LRAPA's daily burn advisory as the authoritative source for Lane County.

LRAPA participated in a CIS Best Practices audit on February 24, the agency's first since 2019-2020, assessing risk management practices across governance, personnel, fleet, contracts, and operations. Staff demonstrated strong practices and meaningful progress on formalizing the administrative infrastructure built over the past year. CIS has indicated that liability premiums will decrease slightly and property rates are expected to drop 10 to 12 percent at renewal.

Staff developed five new SOPs in January and February covering workers' compensation and return-to-work procedures, emergency action and continuity of operations, driving eligibility, a driving acceptability matrix, and supporting incident reporting forms. These policies were developed in part to support the CIS audit and reflect continued investment in building a strong operational foundation.

Following Board direction on audit services, LRAPA received proposals from two of the ten firms solicited and is currently evaluating them against the RFQ criteria. An update will be presented at a future meeting.

Spending remains below target across all funds at 40% of budgeted annual expenditures through January, and financial reserves continue to support four months of operating budget as targeted.

II. PROTECTING PUBLIC HEALTH & SERVING OUR COMMUNITY

Aligns with Customer/Stakeholder Perspective of the Balanced Scorecard framework and LRAPA's current goals 1, 2, and 5 which focus on public health protection, community engagement, and stakeholder relationships.

II.A. Air Quality Status & Trends for February 2026

*These metrics support **Goal 1 (Public Health Protection and Air Quality Education)** and **Goal 4 (Regional Air Monitoring and Analysis)**, tracking our performance against targets for "Good" and "Moderate" AQI days, data completeness, and timely reporting).*

February

Site	Date	Max AQI	Pollutant
Eug/Spfld	4-Feb-26	66	PM
Oak	7-Feb-26	74	PM
CottGrv	7-Feb-26	64	PM

AQI	Eug/Spfld	Oak	CottGrv	AQI Range	PM2.5 Range, ug/m3	Ozone Range, ppb
Good	21	18	19	0-50	0-9	0-54
Moderate	7	10	9	51-100	9.1-35.4	55-70
USG	0	0	0	101-150	35.5-55.4	71-85
Unhealthy	0	0	0	151-200	55.5-125.4	86-105
Very Unhealthy	0	0	0	201-300	125.5-225.4	106-200
Hazardous	0	0	0	301+	225.5+	201+

Attachment No. 1: Air Quality Index (AQI) charts for Lane County (February 2026)
Attachment No. 2: PM2.5 index charts for Lane County (February 2026)

II.B. Community Response & Complaint Resolution

*This section supports **Goal 1 (Public Health Protection and Air Quality Education)** metrics for complaint response to demonstrates our commitment to addressing community concerns promptly and effectively.*

The number of unique complainants is noted in "(#)"

February 28, 2026
Smoke complaints: 39
31 - Outdoor Burning (29)
8 - Home Wood Heating (7)
Industry: 3
1 - Bakelite Chemicals LLC
1 - International Paper
1 - A & M Autobody Collision Repair Center
Asbestos: 1
Miscellaneous: 6
4 - Unknown Odor (3)
1 - Burning Industrial Engines
1 - Vehicle Emissions
Total: 49

Category	2021	2022	2023	2024	2025	2026
Dust	26	12	7	8	17	4
Ag Burning/spraying	7	2	3	3	22	0
General Air Quality	8	1	25	32	30	3
Home Wood Heating	57	67	52	39	70	14
Industry	336	198	97	75	108	14
Outdoor Burning	243	292	254	253	266	48
Slash Burning	10	6	12	9	3	0
Asbestos	9	22	10	12	21	9
Miscellaneous	31	80	62	91	95	8
Unknown	71	45	65	79	136	15
Total:	**798**	**725**	**587**	**601**	**768**	**115**

*Notes: LRAPA received 49 complaints in February 2026. Smoke-related complaints increased from 23 in January to 39 in February, primarily driven by outdoor burning (31) and home wood heating (8). Industry complaints decreased from 11 to 3.

II.C. Smoke Management & Wildfire Resilience

*This section aligns with **Goal 2 (Enhanced Wildfire Smoke Preparedness)**, tracking our smoke monitoring, advisory issuance, and coordination with state agencies, as well as smoke management activities for outdoor burning and home wood heating.*

Outdoor Burning, 2025-2026 Season

LRAPA regulates outdoor burning in Lane County to protect air quality and public health. Under Title 47, LRAPA has authority to regulate open burning practices, including determining when burns can occur. LRAPA aims to allow burning whenever possible while preventing air quality deterioration. Outdoor burning is only curtailed when monitoring or forecasts show potential for unhealthy air quality impacts.

Periods of Curtailment

Start	End	Areas	Curtailment	Reason
Nov. 1, 2025	Mar. 1, 2026	Eugene/Springfield UGB; Oakridge	Full Prohibition	By Rule, Title 47-015(2)
Dec. 30, 2025	Jan. 1, 2026	All Lane County	Full Prohibition	Air Stagnation

Home Wood Heating, 2025-2026 Season

LRAPA regulates home wood heating under Title 16 to reduce PM2.5 emissions during periods of poor air quality. An advisory system (Yellow/Red Days) indicates when curtailment is needed. Yellow Day advisory request voluntary curtailment of wood burning except for those who depend on it as their primary heat source. Red Day advisories prohibit visible smoke from chimneys, with exemptions for economic hardship. Like outdoor burning, LRAPA only issues wood burning curtailment when air quality monitoring or forecasts indicate potential health impacts.

Periods of Curtailment

Areas	Yellow Days	Red Days
Eugene/Springfield	17	0
Oakridge	11	0

The home wood heating season, which is closed during the summer months, officially reopened on October 1st. No curtailment days have been needed this season as air quality conditions remain favorable since October.

Outdoor Burning Letter Permits, 2025-2026 Season

LRAPA has authority to issue outdoor burning letter permits under Title 47. These permits allow specified burning that would otherwise be prohibited. This program also supports ecological benefits of prescribed fire while protecting public health through strict oversight and timing. LRAPA coordinates closely with land managers to ensure burns are conducted with minimal air quality impacts.

Permit No.	Issue Date	Permittee	Location	Material	Volume
20B25-06-01	June 30, 2025	River to Ridges Partnership	85 units in Lane County	Ecological Burning	1456 acres
20B25-11-01	November 17, 2025	Casey Jones	82578 Sprague Ln	Dexter	50 cubic yards
20B25-11-02	November 17, 2025	U.S. Fish & Wildlife	Hwy 36 & Alvadore Road	Ecological Burning	28 cubic yards
20B25-12-01	December 2, 2025	Scott Gielish	32960 Dillard Rd	Land-clearing	60 cubic yards
20B25-12-02	December 2, 2025	Scott Gielish	T18S R3W sec. 33 Next door to 32960 Dillard Rd	Forest type debris	500 cubic yards
20B25-12-03	January 5, 2026	Willamalane Park & Rec District	205 Dorris Street, Springfield	Land-clearing	30 cubic yards
20B25-12-04	January 5, 2026	Port of Siuslaw	Map & Taxlot # 18-11-19-00-0011-00 (Rose Hill Rd), Florence	Land-clearing & demolition debris	69 cubic yards
20B26-01-02	January 26, 2026	Robbie Garcia	85393 Glenada Road	Land-clearing	60 cubic yards

Wildfire Smoke Intrusions & Air Quality Advisories

LRAPA participates in Oregon's Wildfire Response Protocol for Severe Smoke Episodes, a coordinated system that connects federal, state, and local agencies during significant smoke events. LRAPA's role includes issuing local air quality advisories, coordinating public health messaging, and representing Lane County's interests in state-level response planning.

Air Quality Advisories Issued

Start Date	End Date	Areas Affected	Primary Pollutant
08-22-2025	08-25-2025	Southern Willamette Valley	Ozone
09-02-2025	09-07-2025	Eastern Lane County	PM2.5/Wildfire
09-29-2025	09-30-2025	W. Lane County & Intermittent Eug/Spring	PM2.5/Wildfire

Oregon Wildfire Response Protocol for Severe Smoke Episodes Meetings		
Date	**Topic**	**Advisory Issued**
07-11-2025	Prep for Coordination Calls	n/a
07-16-2025	Review Active Wildfires	No
08-22-2025	Ozone & Flat Fire	Yes
08-25-2025	Flat Fire, Emigrant Fire, & OR Fires	No
08-27-2025	Emigrant Fire, Flat Fire, & OR Fires	No
09-02-2025	Emigrant Fire & OR Fires	Yes
09-04-2025	Emigrant Fire & OR Fires	Yes
09-05-2025	Emigrant Fire & OR Fires	Yes
09-29-2025	Moon Complex Fire & Emigrant Fire	Yes

II.D. Community Outreach, Education, & Building Partnerships

*This section supports **Goal 5 (Partnerships and Interagency Coordination)** metrics for partner engagement and stakeholder communication, strengthening relationships with stakeholders and enhancing public understanding of air quality issues.*

Media Log			
Date	***Media***	***Reporter***	***Topic***
1-5-2026	Register Guard	Alan Torres	Amazon purchases $2M lot for e-commerce **LINK**
1-6-2026	Lookout	Michael Zhang	Deed shows land owned by Amazon **LINK**
1-7-2026	DJC Oregon	Alan Torres	Amazon purchases $2M lot **LINK**
1-9-2026	KEZI	News Staff	Air stagnation & Yellow HWH **LINK**
1-9-2026	KLCC	News Staff	Air stagnation & Yellow HWH **LINK**
1-13-2026	Prism News	Elena Rodriguez	Air stagnation & Yellow HWH **LINK**
1-16-2026	Register Guard	Alan Torres	Freezing Temps and AQ **LINK**
2-4-2026	Lookout	Ashli Blow	Tear-gas effects on Air Quality **LINK**
2-20-2026	Register Guard	Alan Torres	Eugene weighs 2 versions of industrial health standards **LINK**

Oregon Particulate Matter Coordinators Meeting (Feb. 24th, Online)

Travis Knudsen, Executive Director, and Matt Sorensen, Public Affairs Manager attended this annual two-day meeting hosted by DEQ, which brings together Oregon particulate matter professionals for project sharing, peer learning, and collaboration. There were updates from the EPA, DEQ regarding legislative activity in Salem, OSU research on PM health impacts, indoor air quality and prescribed fire smoke, DEQ's PM monitoring program, OSU's woodstove testing, and Portland's Clean Air Construction program.

Share the Air Newsletter (Feb. 25th, Online)

LRAPA's first quarterly newsletter of 2026 focused on the most recent EPA National Emissions Inventory (NEI), breaking down the sources behind Lane County's air emissions with an accompanying visual handout. Additional highlights included a recap of 2025 air quality and wildfire impacts, and reminders about asbestos testing requirements before construction projects and the upcoming LRAPA title 43 asbestos rulemaking process.

Oakridge Air Semi-Annual Meeting (Feb. 26th, LRAPA Office)

LRAPA hosted the semi-annual meeting bringing together South Willamette Solutions, Oakridge city staff and residents, Oregon Health Authority, Lane County, and other stakeholders to review progress under the Oakridge Air Targeted Airshed Grant project.

The meeting highlighted strong program outcomes: 104 Oakridge homes received full upgrades, including wood stove replacements, ductless heat pump installations, and weatherization. This represents roughly 7% of all households and 12% of single-family homes in the city. The upgrades are estimated to reduce annual PM2.5 emissions by 4.56 tons while also lowering household energy costs and improving safety, comfort, and heating reliability. The program

additionally supported local contractors and workforce development, keeping federal investment circulating within the community.

Spring Outdoor Burning Season Begins March 1st (Mar. 1st, Lane County)

LRAPA issued a press release reminding residents in the Eugene UGB, Springfield and its UGB, and Oakridge that outdoor yard debris burning is permitted beginning March 1 under their respective city ordinances. The release also highlighted alternatives to burning, best practices for those who do burn, and the importance of checking the daily burn advisory before starting their fire.

Before You Burn (BYB) ODF & DEQ Partnership Meeting (Mar. 5th, Online)

Travis Knudsen, Executive Director, and Matt Sorensen, Public Affairs Manager, met with leadership from the Oregon Department of Forestry and the Oregon Department of Environmental Quality to discuss ODF's new Before You Burn website (beforeyouburn.net) and resources developed for the public. The conversation focused on ensuring LRAPA, local fire districts, and residents across the state can use the site to get clear, consistent information about outdoor burning rules and locate their local fire district.

Lane County Community Wildfire Protection Plan (CWPP) Workshop #2 (Mar. 10th, Bob Keefer Center)

Matt Sorensen, Public Affairs Manager, represented LRAPA at the second Lane County CWPP workshop, joining City of Eugene emergency preparedness staff, city managers, fire authorities, land managers, ODF, U.S. National Forests, and other regional stakeholders. The workshop is part of an ongoing effort to update Lane County's Community Wildfire Protection Plan, with participants examining challenges communities face in reducing wildfire risk, exploring anticipated future trends, and developing updated action items and implementation plan spanning multiple organizations and activity types.

III. MAINTAINING REGULATORY EXCELLENCE

Aligns with Internal Process Perspective of the Balanced Scorecard framework and LRAPA's current goals 3 and 4—ensuring compliance with air quality standards through effective monitoring, permitting, and enforcement.

III.A. Stationary Source Permitting Progress & Efficiency

*This section supports **Goal 3 (Public Health Protection and Air Quality Education)** metrics for permit issuance timeliness, permit backlog rate, and area NAAQS compliance.*

Permitted Sources

- Currently 15 sources hold a Title V operating permit in Lane County.
- Currently approximately 275 sources hold an ACDP.

Permits in Queue			
Category of Permit Activity	**Title V**	**ACDP**	**Total In Queue**
New	0	3	3
Renewals	1	5	6
Modifications	3	6	9
Constructions	-	-	-
Terminated Permits	-	-	-

Stationary Sources Permits Issued, *Year-to-Date*

- Title V Operating Permits: 0
- Air Contaminant Discharge Permits: 10

Permits on public notice from February 1 to February 28, 2026		
Source Number and Name	**Reason for Public Notice**	**Type of Permit**

Permits on public notice from February 1 to February 28, 2026		
203129 Bakelite Chemicals LLC	Significant permit modification to reclassify the facility from a major to an area source of HAPs.	Title V Operating Permit modification on public notice January 13 – February 17, 2026.
203129 Bakelite Chemicals LLC	Permit modification to establish a limit on oxidizer bypass hours and include federally enforceable limits on throughputs to limit Hazardous Air Pollutants (HAPs).	Construction Air Contaminant Discharge Permit (C-ACDP) on public notice January 13 – February 17, 2026.
207092 Rexius Forest By-Products, Inc.	Permit renewal.	Simple Air Contaminant Discharge Permit (Simple ACDP) on public notice February 26 – April 2, 2026.

Permit Backlog as of March 2, 2026			
Permit Type	**Permits by Type**	**Permits Extended Administratively**	**Percentage of Total (%)**
Title V	15	1	7%
Standard	24	3	13%
Simple	26	2	8%
Total	**65**	6	**9%**

III.B. Asbestos Program Oversight

*This section supports **Goal 3** (**Public Health Protection and Air Quality Education**) initiatives related to operating the asbestos program, including inspections and rule updates. LRAPA protects public health from asbestos hazards through effective oversight and education.*

LRAPA administers the asbestos program in Lane County under title 43. This program regulates the handling, removal, and disposal of asbestos-containing materials to prevent public exposure to this hazardous substance. LRAPA reviews asbestos survey reports, processes abatement notifications, conducts inspections, and enforces compliance with asbestos regulations to protect workers and the public.

Asbestos Notices **Feb. 1, 2026 to Feb. 28, 2026**							*Year-to-Date* ↓
Year	**2020**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**
Total Asbestos Abatement Notices	439	408	465	466	436	431	53

III.C. Enforcement

*This section supports **Goal 3** (**Public Health Protection and Air Quality Education**) metrics for enforcement action resolution and evaluations completed. The enforcement program ensures that regulations are followed, and violations are addressed.*

LRAPA's compliance program ensures that air quality regulations are followed by stationary sources, asbestos contractors, and the general public. This section provides an overview of enforcement actions taken during the reporting period, including notices of non-compliance, civil penalties, and case resolutions.

Enforcement **Feb. 1, 2026 to Feb. 28, 2026**					
Category of Violation	**New**	**Follow-Up Action**	**Pending**	**Closed**	**Total**
Asbestos	1	-	1	1	**3**
Industrial	2	-	2	2	**6**

Outdoor Burning	1	-	3	-	**4**
Fugitive Dust	-	-	-	-	**-**
Home Wood Heating	-	-	-	-	**-**
Totals	**4**	**-**	**6**	**3**	**13**

Attachment No. 3: February 2026, Enforcement Actions Detail Report.

	2020	2021	2022	2023	2024	2025	2026
Notices of Non-compliance and Warnings	15	21	24	19	7	18	11
Notices of Violation with Civil Penalties	26	17	24	15	5	12	1

IV. STRENGTHENING ORGANIZATIONAL CAPACITY

Aligns with Learning & Growth Perspective of the Balanced Scorecard framework and LRAPA's current goal 6—developing staff capabilities and improving operational systems.

IV.A. Staff Development & Agency Growth

*This section supports **Goal 6 (Organizational Excellence and Operational Efficiency)** metrics focused on staff retention, professional development, and employee satisfaction, essential for achieving operational excellence.*

LRAPA maintains a skilled workforce to carry out our mission of protecting air quality in Lane County. This section provides an overview of our current staffing levels, vacancies, and professional development activities. Our commitment to staff development ensures we have the expertise needed to address complex air quality challenges effectively.

Department	FTE	Vacancies
Administration	5.0	0.0
Operations	10.0	2.0
Finance	2.0	0.0
Technical services	2.0	0.0
Total	**19.0**	**2.0**
Agency at 89% of staffing capacity		

LRAPA currently maintains 19.0 FTE across four departments. We presently have 17.0 FTE filled, representing 89% of our authorized staffing capacity.

The agency continues to hold two vacant positions as we navigate federal budget uncertainty and assess operational priorities. The cautious approach maintains financial flexibility while ensuring LRAPA can continue delivering essential air quality protection services to Lane County.

LRAPA remains committed to thoughtful workforce planning and staff development strategies that balance operational needs with fiscal responsibility during this period of federal budget uncertainty.

Staff Professional Development, *Year-to-Date*

Training	Participation	Completion Date	Provider
Introduction to Continuous Monitoring Systems	3	January	Air Knowledge
Observing Source Tests	1	January	Air Knowledge
Regulation of Hazardous Air Pollutants (HAPs) from Stationary Sources	3	January	Air Knowledge
Compliance Assurance Monitoring	4	February	WESTAR
Aggregate, Asphalt, & Concrete Batching Plants	2	February	WESTAR
Function of Common Air Pollution Control Devices	1	February	WESTAR
Wage & Service Record Submission	1	February	PERS
What's New in ASAP	1	February	US Department of Treasury
CIS Annual Conference	1	February	CIS

Compliance Assurance Monitoring (February 10th, virtual)
Staff attended WESTAR Council's online training on Compliance Assurance Monitoring (CAM), focusing on EPA's 40 CFR Part 64 requirements for monitoring emission units at major sources. This course provides comprehensive training on regulatory reviews involving CAM requirements, which apply to emission units with active control devices whose potential pre-control device emissions are at or above major source thresholds. The training emphasized that emission units with approved CAM plans require sufficient monitoring to provide reasonable assurance of compliance with applicable permit terms and conditions. Staff gained understanding of CAM timing, implementation requirements, and how to evaluate CAM plans as part of Title V permit reviews, enhancing LRAPA's capacity to conduct thorough regulatory reviews of major sources subject to federal CAM requirements.

Aggregate, Asphalt, & Concrete Batching Plants (February 11th –12th, virtual)
Staff attended WESTAR Council's virtual training on Aggregate, Asphalt, and Concrete Batching Plants. Attendees completing this course gain a basic understanding of the general information associated with aggregate, asphalt, and concrete batching operations plants.

Function of Common Air Pollution Control Devices (February 18th-20th, virtual)
Staff attended WESTAR Council's introductory course on air pollution control devices, designed for agency inspectors and permit writers, responsible for reviewing air pollution control equipment. This foundational training provided a comprehensive understanding of different types and operating characteristics of control devices used for particulate matter, volatile organic compounds, carbon monoxide, acid gases, and hazardous air pollutants.

This training enhanced staff technical knowledge of control device technologies and operating principles, strengthening LRAPA's capacity to conduct effective inspections, evaluate permit applications, and ensure proper operation and maintenance of pollution control equipment at regulated facilities throughout Lane County.

PERS Wage & Service Record Submissions (February 18th, virtual)
Staff attended a one-hour webinar training with Oregon PERS on wage and service record submissions, which are required after each payday. The training focused on proper procedures for submitting employee wage and service information through PERS' Employer Data Exchange system. Topics covered included accurate completion of Detail 2 Wage and Service records, proper use of wage codes, reporting hours worked and subject salary, calculating and reporting employee IAP contributions, and meeting PERS' regular reporting deadlines based on LRAPA's pay frequency. This training ensures accurate and timely PERS reporting compliance, which is essential for proper calculation of employee retirement benefits and maintaining LRAPA's good standing with the PERS system.

US Department of Treasury "What's New in ASAP" (February 18th, virtual)
Staff attended a one-hour webinar hosted by the US Department of Treasury on updates to the Automated Standard Application for Payments (ASAP) system, the secure web-based electronic payment portal federal agencies use to transfer funds to recipient organizations. ASAP allows LRAPA to request and receive federal grant payments from pre-authorized accounts established by funding agencies.
The training focused on new functionality released in March 2026, specifically enhanced security measures requiring federal agency certification before new or changed bank account information becomes active for recipient payments. Additional topics included system navigation, payment request procedures, account

management features, reporting capabilities, and security requirements including multi-factor authentication protocols. Staff also received updates on the various organizational roles within ASAP (Point of Contact, Financial Official, Authorizing Official, and Payment Requestor) and their respective responsibilities.
This training ensures LRAPA staff maintain current knowledge of the ASAP system, enabling efficient management of federal grant fund drawdowns and compliance with Treasury payment system requirements essential for timely receipt of federal funding.

CIS 24th Annual Conference (February 25th-27th, virtual)
Staff attended the City/County Insurance Services (CIS) 24th Annual Conference, a three-day event focused on risk management, human resources, employee benefits, and safety for Oregon local government agencies. This annual conference brings together city and county professionals for learning, networking, and collaboration on practical strategies to strengthen local operations and services.
Key topics and sessions attended included:

- **HR Essentials:** Fostering effective workplace relationships, HR resources for managing critical incidents, navigating property and liability claims, and progressive discipline practices
- **Employee Benefits & Leave Management:** Maximizing CIS benefits programs, understanding canopy coverage for life changes, and comprehensive guidance on leave and accommodations requirements
- **Risk Management:** Cybersecurity essentials and threat assessments, safety and emergency management fundamentals, and building resilient safety committees
- **Workplace Culture & Wellness:** Strategies for preventing burnout and promoting employee wellbeing, recruitment best practices, and creating inclusive workplace cultures
- **Legal & Documentation:** Documentation best practices for workplace leaders, evolving emergency resilience strategies, and crisis management approaches

The conference provided valuable professional development in areas directly applicable to LRAPA's HR operations, risk management, and organizational culture initiatives. Sessions emphasized practical tools and strategies specifically designed for small public agencies with limited resources, making the content highly relevant to LRAPA's operational context.

IV.B. Operational Improvements & Innovation

*This section supports **Goal 6** (**Organizational Excellence and Operational Efficiency)** metrics for technology adoption and systems modernization, enhancing our efficiency and effectiveness in serving Lane County.*

LRAPA is working to improve our systems and processes to enhance efficiency and effectiveness. These improvements support our ability to fulfill our mission and provide better service to the public. Current initiatives focus on technology upgrades, document management, and standardized procedures.

Current activities underway:

LINFO Database Upgrade: LRAPA successfully transitioned to our central database system (LINFO) version 3.0 in summer 2025, which enhances our permit tracking, complaint management, and reporting capabilities. The system has been fully operational, and staff are actively using it while documenting bugs and identifying needed user-interface and functionality improvements.

LCOG has implemented select user interface updates and bug fixes to address immediate operational needs. To advance more substantial system enhancements, LRAPA is working with a staffing partner to secure a contract developer with experience in modern development tools, including AI-assisted coding, to accelerate progress on system improvements. The first development priority will be creation of an enforcement module within LINFO to

better support compliance and enforcement workflows. Additional priorities include user interface improvements identified by staff during daily use.

This approach positions LRAPA to make meaningful progress on system functionality in 2026 while maintaining LCOG's role in addressing routine fixes and ongoing support.

Standard Operating Procedures (SOPs): SOP development across all departments continues to build on the administrative framework established in prior months. In January and February, staff developed two agency-wide operational SOPs: a Workers' Compensation and Return-to-Work SOP (v1.0) establishing LRAPA's processes for reporting, investigating, and managing work-related injuries in compliance with Oregon law, including a transitional work program for injured employees; and an Emergency Action Plan and Continuity of Operations SOP (v1.0) documenting emergency response procedures for the LRAPA building and a continuity framework identifying essential functions, orders of succession, alternate work locations, and critical systems recovery procedures. The COOP plan was walked through with the Management Team on February 3.

Staff also developed three additional SOPs in February to support fleet safety and risk management: a Driving Eligibility SOP (v1.0) establishing qualifications and requirements for individuals authorized to drive on LRAPA business, a Driving Acceptability Matrix (v1.0) providing a point-based evaluation system for assessing driving records, and supporting forms for employee injury reporting and incident investigation. These policies were developed in coordination with the CIS Best Practices audit preparation and reflect LRAPA's continued investment in building a strong operational foundation.

CIS Best Practices Audit: On February 24, LRAPA participated in a Best Practices audit conducted by City County Insurance Services (CIS), our member-owned insurance pool. These audits assess whether agencies have appropriate policies, procedures, and practices in place to manage organizational risk across areas such as governance, personnel, contract management, fleet operations, and facilities. The purpose is collaborative, helping member agencies identify gaps and strengthen practices before problems occur.

This was LRAPA's first Best Practices audit since 2019-2020. Executive Director Travis Knudsen and Administrative Manager Rachelle Nicholas participated in the structured interview and document review on behalf of the agency. LRAPA was able to demonstrate strong practices in many areas and show meaningful progress on formalizing the administrative infrastructure that was not comprehensively documented. Where gaps remain, those were acknowledged along with the work underway to address them.

Formal feedback from CIS is expected in the coming weeks. Once received, staff will review any recommendations and develop action items as appropriate. Separately, CIS has indicated that liability premiums will decrease slightly this year, with property rates expected to decrease 10 to 12 percent. LRAPA's insurance broker, AssuredPartners, will provide guidance on coverage options as part of the upcoming renewal process.

V. ENSURING FISCAL RESPONSIBILITY

Aligns with Financial Stewardship Perspective of goal 7—managing financial resources effectively and transparently.

V.A. Budget Performance & Stability

*This section supports **Goal 7** (**Financial Sustainability and Transparency)** metrics for budget variance and maintaining adequate reserves (4 months of operating budget), ensuring LRAPA can fulfill its mission consistently.*

Please refer to the December 2025 financial update (Agenda item number 7).

FY26 Line Items to Note: These line items are above 91% of the budgeted spending to date. (Target spending to date is 59% as if January 31, 2026).

- **General Fund** – The GF Personnel Services line item is at 92.3% of our targeted amount of 59% for January. It is expected that this line item will remain under budget for the year.
- **Special Revenue Fund (Title V)** – nothing to note.
- **Grant Fund** – nothing to note.

FY26 Summary of Expenditures: **59%** of the year has elapsed **as of 1/31/26**, and spending is below that threshold in each of the LRAPA funds. These are the categories we must consider when asking the question "Were we below or over budget for the year?":

- **General Fund** Total Actual Expenditures as a % of Budgeted Annual Expenditures: **41%**
- **Special Revenue Fund** Total Actual Expenditures as a % of Budgeted Annual Expenditures: **40%**
- **Grant Fund Total** Actual Expenditures as a % of Budgeted Annual Expenditures: **38%**
- **All Funds Consolidated** Actual Expenditures as a % of Budgeted Annual Expenditures: **40%**

Grant Fund Details as of 10/31/2026

- **Targeted Airshed Grant 1.0** (November 2019 – November 2025)
  - Total grant amount: $4,938,190
  - Spent to date: $4,938,190
  - Remaining grant balance: $0
  - Awaiting federal reimbursement (as of 12/31/25): $0
  - Percentage of grant awaiting reimbursement: 0%

- **Targeted Airshed Grant TAG 2.0** (January 2022 – August 2027)
  - Total grant amount: $2,739,425
  - Spent to date: $617,299.37
  - Remaining grant balance: $2,122,125.63
  - Awaiting federal reimbursement (as of 10/3/25): $355,884.17
  - Percentage of grant awaiting reimbursement: 13%

Please Note: *LRAPA's practice is to keep the percentage of grant awaiting reimbursement below 25%.*

V.B. Financial Transparency & Reporting

*This section supports **Goal 7 (Financial Sustainability and Transparency)** metrics for financial reports provided to the Board (target: monthly) and timely audit completion (target: before December 31). Transparency in financial matters builds trust with our stakeholders and ensures accountability.*

Fiscal Year: 2025-2026	Status	Completion Date
Budget FY26	Adopted	May 2025
Prior Year Audit - FY25	Completed	February 2026
Current Year Audit FY26	Scheduling is Pending	To be scheduled by April 2026

Auditor Selection Process: Following Board direction at the November 2025 and January 2026 meetings, LRAPA initiated a competitive procurement process for audit services for FY26 and subsequent years. Staff conducted an Informal Written Quotes method consistent with the Board's objectives for competition, transparency, and administrative efficiency. Board Chair Saxion and Vice-Chair Loveall reviewed the RFQ before distribution and provided input on evaluation criteria ordering.

On January 26, 2026, LRAPA issued a Request for Written Quotes to ten qualified Oregon CPA firms, including LRAPA's current auditor and firms recommended by local government partners. The RFQ requested quotes for FY26 audit services with options for FY27 and FY28 renewals.

By the February 23 deadline, LRAPA received proposals from two firms: Isler CPA (Eugene) and Pauly, Rogers and Co., P.C. (Tigard). Both firms hold current Oregon Municipal Auditor licenses, confirmed independence from the Agency, and submitted proposals responsive to the RFQ requirements.

Staff are currently evaluating the proposals against the criteria outlined in the RFQ, which include Oregon government audit experience, deadline commitment and reliability, technology and document management, staff qualifications, and price. A contract recommendation will be presented to the Board at a future meeting, with the selected auditor beginning FY26 audit fieldwork in fall 2026.

VI. BOARD CALENDAR

A tentative review of upcoming initiatives, events, and board business.

2026	2027
January – ~~Preview upcoming appointments on board and committees.~~ – ~~City of Eugene Public Health Standards Code Amendments~~ – ~~Director's Contract Approval~~ **February** – ~~Oakridge Air Update~~ – ~~FY'25 Audit Report & Presentation~~ – ~~Appoint new Budget Committee members, and appoint Budget Officer~~ **March** – ~~Potential Supplemental Budget~~ – ~~Budget Committee Meeting for FY'26-27~~ – ~~Elect the Board Chair and Vice-Chair~~ **April** – Budget Committee Meeting for FY'26-27 – Approve Budget – Legislative Short Session Review – Auditor Engagement Update **May** – Public Hearing of FY'26-27 Approved Budget, Board Adoption – Oakridge Air Update – Caselle Update on Resolution #26-01 **June** – Outdoor Burning Season Review **July** – Rulemaking Review – Review PERS UAL Liability & Investment Strategy **August** – No Meeting **September** – Review Local Partner Dues Calculation for FY'26-27 – Wildfire Smoke Management Season Update – Annual Review of Board Designated LGIP Account **October** – Approve Local Dues Calculation for FY'26-27. – Smoke Management Season Update/Review **November** – Audit Update, FY'26-27 – Home Wood Heating Season Update **December** – No Meeting	**January** – Preview upcoming appointments on board and committees. – Oakridge Air update **February** – Appoint new Budget Committee members, and appoint Budget Officer – Elect the Board Chair and Vice-Chair **March** – Potential Supplemental Budget – Budget Committee Meeting for FY'27-28 **April** – Budget Committee Meeting for FY'27-28; Approve Budget – Executive Director's Performance Evaluation Process **May** – Public Hearing of FY'27-28 Approved Budget, Board Adoption – Oakridge Air Update **June** – Outdoor Burning Season Review **July** – Rulemaking Review – Review PERS UAL Liability & Investment Strategy **August** – No Meeting **September** – Review Legislative Long Session. – Review Local Partner Dues Calculation for FY'27-28. – Wildfire Smoke Management Season Update – Annual Review of Board Designated LGIP Account **October** – Approve Local Dues Calculation for FY'27-28. – Smoke Management Season Update/Review **November** – Audit Update, FY'27-28 – Home Wood Heating Season Update **December** – No Meeting

VII. LRAPA STRATEGIC GOALS REFERENCE SHEET

These ongoing and sustained goals are designed to ensure comprehensive performance management across four key perspectives. This reference sheet provides an overview of each strategic goal and its associated performance metrics.

MISSION: To protect public health, quality of life and the environment as a leader and advocate for the continuous improvement of air quality in Lane County.

VISION: Community partners working together to ensure clean air for everyone.

GOAL 1: Public Health Protection and Air Quality Education

Protect public health through air quality initiatives and foster community engagement via educational programs, prompt response to public concerns, and efforts to ensure equitable protection from air pollution for all communities.

Lag Indicators	Lead Indicators
- % of days in "Good" or "Moderate" AQI categories by monitoring location (target: 95% annually) - Number of days with PM2.5 or PM10 exceeding NAAQS 24-hour standards (target: 0) - % of complaints responded to (target: 95%)	- Number of educational events/programs conducted quarterly (target: 2 per quarter) - Number of wood heating advisories issued (target: prior to 150 AQI in metro) - Email listserv growth (target: >3% increase annually)

GOAL 2: Enhanced Wildfire Smoke Preparedness

Address the increasing threat of wildfire smoke intrusions to public health in Lane County through public education, collaboration with local jurisdictions, and enhanced monitoring and communication during wildfire events. In addition to seeking funding avenues which directly support this new and growing smoke management service need.

Lag Indicators	Lead Indicators
- Response time to publish smoke advisories during events (target: before 1pm on days needed)	- Maintain LRAPA supported commercial air sensors in Lane County (target: approximately 75) - State smoke advisory engagement (target: 100% participation)

GOAL 3: Public Health Protection and Air Quality Education

Ensure compliance with National Ambient Air Quality Standards (NAAQS) and other health-based benchmarks, manage air quality permits for regulated sources, and implement best practices in emissions control, balancing economic development with environmental protection through rigorous permitting processes.

Lag Indicators	Lead Indicators
- % of area in compliance with NAAQS standards (target: 100%) - % of permits issued within target timeframes (target: 90%) - Permit backlog rate (target: <20%)	- Number of annual Full Compliance Evaluations completed vs. EPA committed (target: 100%) - % of enforcement actions resolved within 6 months (target: 80%)

GOAL 4: Regional Air Monitoring and Analysis

Collect, analyze, and report comprehensive air quality data across Lane County to inform policy decisions, alert the public, and track long-term air quality trends.

Lag Indicators	Lead Indicators
- % data completeness for monitoring network (target: >95%) - Timeliness of data reporting to the public and EPA (target: 100% on schedule)	- % of monitors calibrated on schedule (target: 100%) - % uptime for real-time data systems (target: 98%) - Number of monitoring site quality assurance audits completed vs. EPA committed (target: 100%)

GOAL 5: Partnerships and Interagency Coordination

Build and maintain strong relationships with various stakeholders, including industry, local jurisdictions, and community groups, to foster collaboration, improve communication, and ensure that LRAPA's work is responsive to community needs and concerns.

Lag Indicators	Lead Indicators
- Number of industry outreach initiatives completed annually (target: 1 per year) - Number of community outreach initiatives completed annually (target: 1 per year) - Number of partner outreach engagements completed annually (target: 5 per year)	- Diversity of inter-agency meetings attended (target: prioritize local, then state, then federal engagements) - Number of monitoring site quality assurance audits completed vs. EPA committed (target: 100%) - Communication frequency with key stakeholders (target: Quarterly communication) - Number of council presentations delivered (target: 1 per jurisdiction annually)

GOAL 6: Organizational Excellence and Operational Efficiency

Strengthen LRAPA's internal systems, workflows, and operational capacity through technology integration, process improvement, and staff development to enhance organizational effectiveness and service delivery.

Lag Indicators	Lead Indicators
- Employee satisfaction/engagement scores (target: 85% satisfaction) - Staff retention rate (target: >85% annually) - % completion of internal systems modernization (target: 100% of planned upgrades, e.g. LINFO)	- Number of staff professional development training completed (Target: 2 per staff per year) - Number of staff utilizing advancing technologies in workflows (target: > 50%)

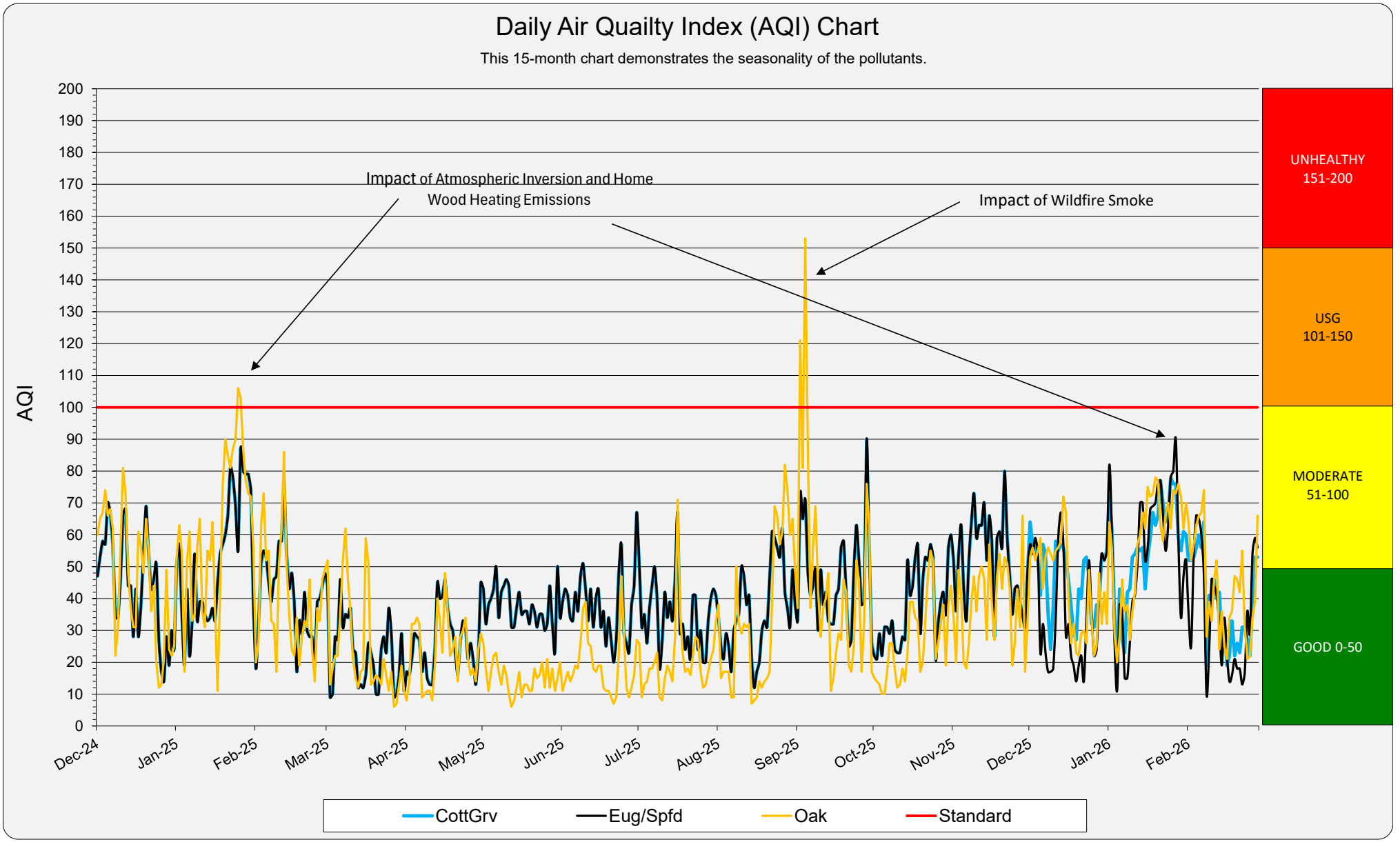
GOAL 7: Financial Sustainability and Transparency

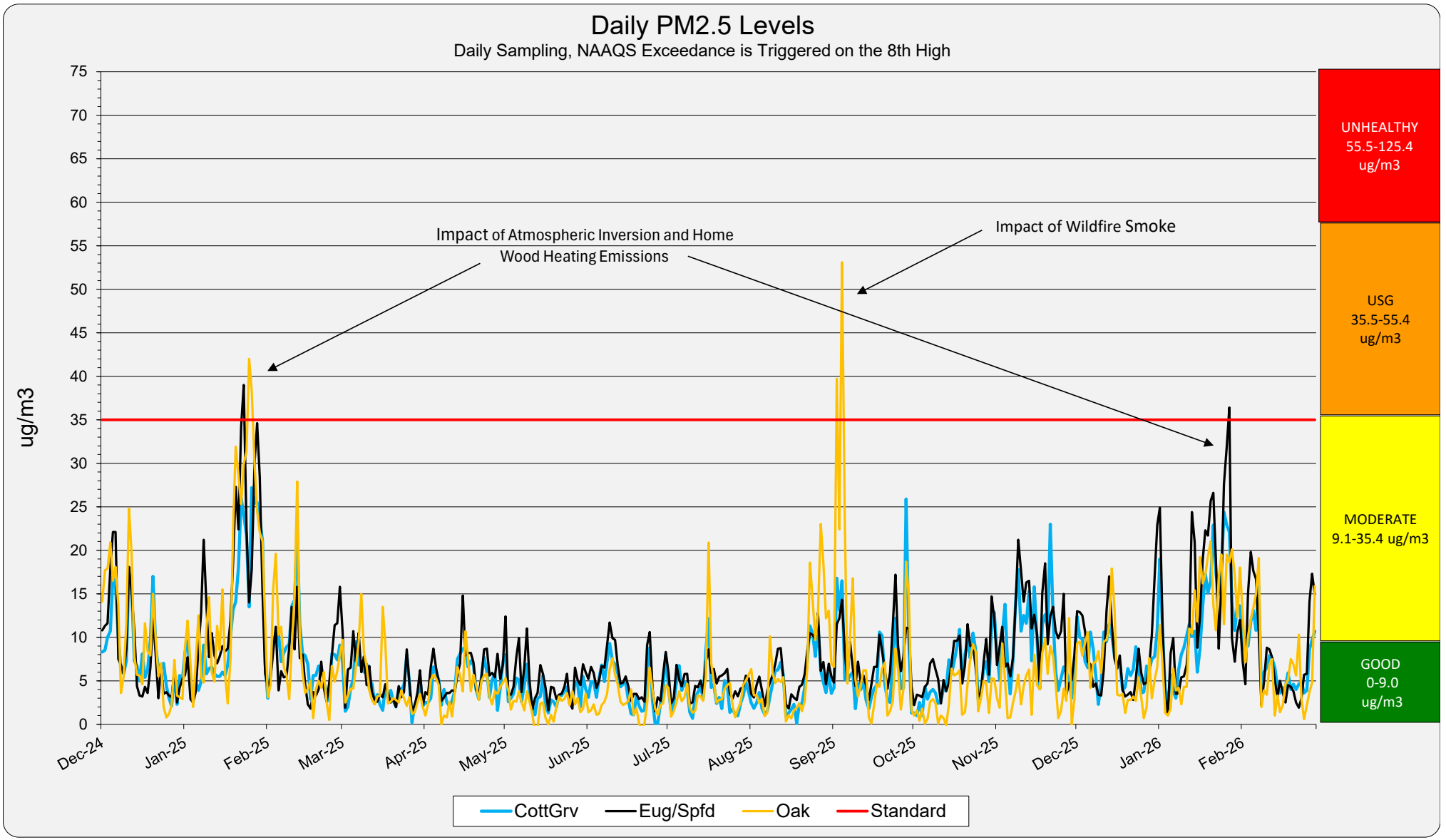
Ensure LRAPA's long-term financial stability and improve fiscal transparency through diversified funding sources, robust financial management practices, and clear communication of financial decisions to stakeholders.

Lag Indicators	Lead Indicators
- Reserve fund supporting annual operating budget (target: 4 months) - Budget variance (target: within 10% of planned)	- Number of financial reports provided to Board & public (target: monthly to Board) - Audit completed before state deadline (target: Dec. 31)

Daily Air Quailty Index (AQI) Chart

This 15-month chart demonstrates the seasonality of the pollutants.





Attachment 2

NEW/OPEN ENFORCEMENT ACTIONS DETAIL REPORT
02/01/2026 – 02/28/2026
Report of open actions initiated since last report

NEW (Enforcement actions issued in the current reporting period:

1. 9WOOD INC. (SPRINGFIELD)

   A. Violation: Fugitive dust was observed emitting from the dumpster in Respondent's parking lot and was traveling across 'A' Street and depositing on neighboring properties.

   B. Initial Action Taken: NON #3954 issued 2/4/2026

   C. Subsequent Action: None – Respondent immediately remedied the fugitive dust emissions. No further action.

   D. Resolution: CASE CLOSED on 2/6/2026

   E. Source Type: TITLE V

   F. Initiated By: INSPECTION

2. WILLAMETTE VALLEY SANDBLASTING (EUGENE)

   A. Violation: Failure to comply with their ACDP 208923 conditions to perform visible emissions survey of plant

   B. Initial Action Taken: NON #3956 issued 2/19/2026

   C. Subsequent Action: PENDING

   D. Resolution: PENDING

   E. Source Type: ACDP

   F. Initiated By: INSPECTION

3. LODGE ENVIRONMENTAL (EUGENE)

   A. Violation: During an inspection of an asbestos abatement project the Respondent failed to install a viewing window which is a violation of 43-015-11-F-5.

   B. Initial Action Taken: NON #3957 issued 2/4/2026

   C. Subsequent Action: PENDING

D. Resolution: PENDING

E. Source Type: ASBESTOS

F. Initiated By: INSPECTION

4. GIELISH, SCOTT (EUGENE)

A. Violation: Outdoor burning unattended, failure to promote efficient combustion and failure to follow strict wind vectors when burning.

B. Initial Action Taken: NON #3958 issued 2/25/2026

C. Subsequent Action: PENDING

D. Resolution: PENDING

E. Source Type: OUTDOOR BURNING

F. Initiated By: COMPLAINT

PENDING (Enforcement actions issued prior to 02/01/2026 with no reporting action in the current reporting period):

1. JEFFREY HEITZMAN & JANICE CASTLE (EUGENE)

A. Violation: Outdoor burning of prohibited materials including construction/ demolition debris.

B. Initial Action Taken: NON #3948 issued 1/15/2026

C. Subsequent Action: NCP #2025-3948 ($3,388) issued 1/15/2026:

D. Resolution: PENDING

E. Source Type: OUTDOOR BURNING

F. Initiated By: COMPLAINT

2. RADIUS RECYCLING (EUGENE)

A. Violation: Outdoor burning where prohibited and outdoor burning of prohibited materials.

B. Initial Action Taken: NON #3951 issued 1/14/2026

C. Subsequent Action: PENDING – waiting for additional information due 3/15/2026

D. Resolution: PENDING

E. Source Type: OUTDOOR BURNING

F. Initiated By: COMPLAINT

3. GREENSIDE CONSTRUCTION INC. (HAPPY VALLEY)

A. Violation: During an inspection, no signage identifying an air curtain incinerator activities and information was present at Buford Park in Eugene which is in violation of their Permit No. 206131 condition 6.1.c. ii.

B. Initial Action Taken: NON #3953 issued 1/27/2026

C. Subsequent Action: PENDING – waiting for additional information due 3/15/2026

D. Resolution: PENDING

E. Source Type: ACI

F. Initiated By: INSPECTION

4. AURORA INNOVATIONS, LLC / HYDROFARM (EUGENE)

A. Violation: Aurora Innovations LLC (Aurora) has allegedly allowed perlite fines processed at the facility to become fugitive and cause visible deposition on neighboring properties and is a violation of ACDP permit #200053 Permit Condition G4. It is also alleged that Aurora failed to monitor baghouse pressure drop or conduct fugitive surveys in 2024. The failure to monitor baghouse pressure drop and to conduct fugitive emission surveys are in violation of ACDP permit #200053 Permit Conditions 27 & 13.

B. Initial Action Taken: NON #3949 issued 1/22/2026

C. Subsequent Action: PENDING

D. Resolution: PENDING

E. Source Type: ACDP

F. Initiated By: COMPLAINT

5. DUST 2 DIAMONDS, LLC (SPRINGFIELD)

A. Violation: Performed an asbestos abatement project without possessing a license to perform asbestos abatement; openly accumulated friable asbestos-containing materials.

B. Initial Action Taken: NON #3908 issued 9/6/2024

C. Subsequent Action: NCP #2024-3908 ($8,400) issued 9/6/2024; request for reduction approved and reduced to $4,800 with a payment plan of $100; payments are on schedule as of 2/28/2026.

D. Resolution: PENDING

E. Source Type: ASBESTOS

F. Initiated By: INSPECTION

6. REMEDIOS ROMERO (COTTAGE GROVE)

A. Violation: Respondent conducted the burning of prohibited materials, including painted wood, metal, tin cans, plastic bags, food waste, plastics fiberglass roofing and general household garbage in a burn barrel.

B. Initial Action Taken: NON #3930 issued 08/06/2025

C. Subsequent Action: NCP #2025-3930 ($1,019) issued 08/06/2025; no response, default order and judgment (DOJ) in process

D. Resolution: PENDING

E. Source Type: OUTDOOR BURNING

F. Initiated By: COMPLAINT

CLOSED ENFORCEMENT CASES Enforcement closed in the current reporting period 02/01/2026 – 02/28/2026):

1. PACIFIC ENVIRONMENTAL GROUP (EUGENE)

A. Violation: Conducting an asbestos abatement project without having the required asbestos survey on site.

B. Initial Action Taken: NON #3955 issued 1/15/2026

C. Subsequent Action: None – Respondent submitted the survey. No further action.

D. Resolution: CASE CLOSED 02/04/2026

E. Source Type: ASBESTOS

F. Initiated By: INSPECTION

2. 9WOOD INC. (SPRINGFIELD)

   A. Violation: Fugitive dust was observed emitting from the dumpster in Respondent's parking lot and was traveling across 'A' Street and depositing on neighboring properties.

   B. Initial Action Taken: NON #3954 issued 2/4/2026

   C. Subsequent Action: None – Respondent immediately remedied the fugitive dust emissions. No further action.

   D. Resolution: CASE CLOSED on 2/6/2026

   E. Source Type: TITLE V

   F. Initiated By: INSPECTION

3. AURORA INNOVATIONS, LLC / HYDROFARM (EUGENE)

   A. Violation: Aurora Innovations LLC submitted their 2024 Annual Report late. Condition 28 of LRAPA issued ACDP permit #200053 requires annual reporting of information from the previous year to be submitted by February 15th. The 2024 report was not received by LRAPA until 6/23/2025.

   B. Initial Action Taken: NON #3946 issued 1/22/2026

   C. Subsequent Action: None – Respondent submitted the complete 2025 annual report on 02/13/2026. No further action.

   D. Resolution: CASE CLOSED on 2/25/2026

   E. Source Type: ACDP

   F. Initiated By: INSPECTION

State of Oregon
DEQ Department of Environmental Quality

LRAPA
Lane Regional Air Protection Agency

State of Oregon Department of Environmental Quality and
Lane Regional Air Protection Agency

Notice of Proposed Rulemaking

XX XX, 2026

Title 43 Asbestos Requirements Update 2026

Lane Regional Air Protection Agency (LRAPA) Rules and Regulations Asbestos Requirements Updates 2026 Request for Hearing, XX XX, 2026 at LRAPA's Board of Director's Meeting

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Introduction

LRAPA and DEQ invite public input on proposed updates to LRAPA Title 43 Asbestos Requirements Rules.

Request for other options

During the public comment period, LRAPA staff asks for public comment on whether there are other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Overview

Short summary of proposed rule changes

LRAPA proposes to update Title 43 Asbestos Requirements to improve clarity, consistency, and alignment with federal regulations and Oregon Department of Environmental Quality standards.

The proposed changes fall into three categories:

- **Formatting and consistency changes**: Updates to section numbering, terminology standardization (replacing "shall" with "must" or "may"), and formatting improvements to enhance rule clarity and readability.
- **Technical clarifications**: Refinements to notification requirements, exemption criteria, recordkeeping standards, and fee structures to eliminate ambiguity and ensure consistent interpretation.
- **Substantive improvements**: Updates to align with current federal asbestos regulations (40 CFR Part 61), clarification of renovation versus demolition requirements, and enhanced requirements for owner-occupant exemptions.

Background:

LRAPA's Title 43 Asbestos Requirements regulate the handling, removal, and disposal of asbestos-containing materials to protect public health and air quality. These rules must remain consistent with federal National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements and coordinate with Oregon DEQ's asbestos program rules in division 248.

Key changes include:

- Renumbering all sections from 43-0XX format to 43-00XX format for consistency with LRAPA's overall rule structure

- Converting fee schedules to table format and relocating to the end of the title for easier reference and amendment

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- Extending recordkeeping requirements from two years to five years to match requirements in other LRAPA titles

- Clarifying exemptions for owner-occupant renovations to prevent misuse while maintaining appropriate flexibility

- Updating notification thresholds to align with current federal interpretations

- Adding explicit requirement for fee table submission with notifications

Affected parties:

These rule changes would affect the following categories of parties involved in renovation, demolition, or asbestos abatement activities in Lane County:

1. **Asbestos abatement contractors.** Licensed asbestos abatement contractors operating in Lane County are directly subject to Title 43 notification, work practice, and disposal requirements. Based on a review of LRAPA's asbestos contractor records and DEQ's list of licensed asbestos abatement contractors, approximately 135 licensed contractors have performed or are licensed to perform asbestos abatement work in Lane County.
2. **Building and facility owners.** Owners of commercial, industrial, and institutional facilities in Lane County are subject to Title 43 survey, notification, and abatement requirements when conducting renovation or demolition activities. This includes owners of facilities with five or more dwelling units.
3. **Demolition contractors.** Contractors performing demolition of structures in Lane County must comply with Title 43 notification, survey, and work practice requirements prior to and during demolition activities.
4. **Residential building owners and supervisors.** Any person who owns, controls, or supervises a residential building being demolished, and any person who owns, operates, controls, or supervises the demolition of a residential building in Lane County, is subject to Title 43 requirements. This includes owners of single-family homes, duplexes, and other residential structures with four or fewer dwelling units where demolition activities may disturb asbestos-containing materials.
5. **Renovation contractors.** Contractors performing renovation activities at facilities in Lane County are subject to Title 43 requirements where asbestos-containing materials may be disturbed. The proposed rules clarify that renovation activities are subject to the same notification and work practice requirements as demolition activities.
6. **Property managers.** Property managers overseeing commercial, industrial, and multi-family residential properties in Lane County may be subject to Title 43 requirements when coordinating renovation or demolition activities on behalf of building owners.
7. **Title V major sources.** The 13 Oregon Title V Operating Permit Program sources located in Lane County are subject to Title 43 notification requirements for both renovation and demolition projects, including projects where no asbestos-containing material is present. These facilities include major industrial and manufacturing operations in the Eugene-Springfield area.

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8. **Institutional entities.** Institutional facilities such as the University of Oregon, public schools, hospitals, and other large institutional buildings in Lane County are subject to Title 43 requirements when conducting renovation or demolition activities. These facilities often have older building stock with a higher likelihood of containing asbestos-containing materials.
9. **Residential owner-occupants.** Owner-occupants conducting asbestos abatement on their own residential property may qualify for a limited exemption from certain Title 43 requirements. The proposed rules clarify that this exemption applies only to persons who both own and reside in the property, and only where the property is used or intended to be used as their residence before and after the renovation.

Effects on fees:

The proposed rules reorganize the fee structure into table format but do not change fee amounts. The reorganization will make the fee schedule easier to reference and update in future rulemakings.

Procedural summary

More information

Information about this rulemaking is on LRAPA's web page: www.lrapa-or.gov

Public Hearings

LRAPA is requesting authority from the LRAPA Board and DEQ's Environmental Quality Commission (EQC) to act as hearings officer and staff plans to hold one public hearing. Anyone can attend a hearing in person, or by webinar or teleconference.

Date: [TBD]

Start time: [TBD]

Street address: 1010 Main Street

Room: LRAPA Conference Room

City: Springfield, Oregon 97477

Teleconference phone number: [TBD]

Webinar link: [TBD]

How to comment on this rulemaking proposal

LRAPA is asking for public comment on the proposed rule changes. Anyone can submit comments and questions about this rulemaking. A person can submit comments by email, regular mail or at the public hearing.

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Comment deadline

LRAPA will only consider comments on the proposed rules that LRAPA receives in writing by [TBD time and date], along with oral comments made at the time of the public hearing.

Submit comment online

Any person can submit comments online by going to www.lrapa-or.gov or via email to rules@lrapa-or.gov..

By mail

LRAPA
Heather Gravelle
1010 Main Street
Springfield, OR 97477

At the hearing

[TBD date]

Note for public university students:

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify that you wish to keep your email address confidential.

Sign up for rulemaking notices

Get email or updates about this rulemaking or other agency activities by joining the General News & Updates email listserv: https://www.lrapa-or.gov/air-quality-protection/public-calendar/sign-up-for-updates/

What will happen next?

Following the public comment period and hearing, LRAPA staff will prepare a written response to comments. LRAPA staff may modify the rule proposal based on comments and consistent with the scope of this rulemaking notice. The LRAPA Board will then consider adoption of the rule changes at its meeting on [TBD date].

Following adoption by the LRAPA Board, LRAPA will submit the adopted rules to the EQC for review. LRAPA will coordinate with DEQ to schedule a presentation of the Board-adopted rules to the EQC after the Board adoption date.

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Statement of need

What need would the proposed rule address?

The current Title 43 Asbestos Requirements rules contain inconsistencies in formatting, terminology, and organization that can create confusion for regulated entities and make the rules more difficult to administer and enforce. Additionally, some provisions require clarification to ensure alignment with current federal asbestos NESHAP requirements and to address ambiguities that have emerged through implementation.

Specific needs include:

1. Formatting and structural consistency: The current rules use inconsistent outline numbering (43-0XX vs. 43-00XX format), inconsistent terminology ("shall" vs. "must"), and have fees embedded within rule text rather than organized in tables. This makes the rules harder to navigate and amend.

2. Recordkeeping alignment: Current record retention requirements vary between two and five years depending on the section, creating confusion and inconsistency with recordkeeping requirements in other LRAPA titles.

3. Federal regulation alignment: Some rule provisions reference outdated or incomplete federal regulatory citations. Direct incorporation of current federal requirements will improve clarity and ensure continued federal approval.

4. Clarification of exemptions: The owner-occupant exemption provisions need clarification regarding properties intended for rental or commercial use after renovation, which has been a source of confusion and potential misuse.

5. Notification threshold clarity: The term "small-scale" in notification requirements has been interpreted inconsistently. Removal of this qualifier will align LRAPA's rules with DEQ language and current federal interpretations.

6. Fee table submission requirement: While fee tables are required with notifications, this is not explicitly stated in the current rules, leading to incomplete submissions.

7. Administrative efficiency: The current organization of fees within narrative text makes them difficult to reference and cumbersome to update in future rulemakings.

How would the proposed rule address the need?

The proposed rule changes address these needs through the following modifications:

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1. Structural and Formatting Improvements

- Renumber all sections from 43-0XX format to 43-00XX format (e.g., 43-001 becomes 43-0001) for consistency with LRAPA's overall numbering system.
- Replace "shall" with "must" or "may" throughout to use modern, clearer regulatory language.
- Standardize capitalization of "Board," "Title," and "Section" references.
- Apply consistent number formatting (write out numbers under ten followed by the numeral in parentheses; use only numerals for ten and above).
- Update all DEQ rule references to current citations as applicable.
- Add "section" before section references for clarity.

2. Fee Structure Reorganization

- Convert fee list currently in LRAPA 43-015-10.A.(1) and (2) to table format (new section 43-8010 Table 1).
- Move fee table to end of title for ease of reference and future amendments.
- Explicitly require submission of fee table with notifications (new section 43-0030(3)).
- Remove description of "Residential Building" from fee section since definition is provided elsewhere in rules.

3. Recordkeeping Standardization

- Update recordkeeping requirements currently in LRAPA 43-015-1.E. and 43-015-3.F. from two years to five years to match requirements in section 34-016 and other LRAPA titles.

4. Federal Regulation Alignment

- Remove reference to OAR 340-248-0230 currently in LRAPA 43-015-5 and add entire text of 40 CFR 61.155 for asbestos to nonasbestos conversion operations to ensure direct alignment with current federal standards.
- Update all references to federal regulations as needed for current accuracy.

5. Notification and Exemption Clarifications

- Remove "small-scale" qualifier from notification language in LRAPA 43-045-3 to align with DEQ language and eliminate ambiguity. All friable projects less than 40 square feet or 80 linear feet now clearly meet the threshold regardless of whether asbestos removal is the primary purpose, consistent with how the rule has been interpreted.

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- Add "renovation" to work practice requirements throughout to clarify that requirements apply to both demolition and renovation projects.
- Clarify owner-occupant exemption in LRAPA 43-015-8.A. (now proposed to be 43-0035(2)) by:
- Specifying "owner-occupant" rather than just "owner" to prevent commercial entities from claiming the exemption.
- Adding "or intended to be used" language to account for properties that will become rental or commercial properties after renovation.
- Merging rule language with the same qualifying condition (currently A(1) and A(2)) to simplify the exemption structure.
- Remove duplicate requirement regarding "open storage or open accumulation of friable asbestos material" (current LRAPA 43-015-8.B.).

6. Administrative Clarifications

- Make leading sentence in LRAPA 43-015-8 a subsection (now proposed to be 43-0035(1)) for better organization.
- Move OSHA jurisdiction note from LRAPA 43-015-8 to General Provisions section (now proposed to be 43-0010(4)) for more logical placement.
- Combine paragraphs in LRAPA 43-015-6.B. that contain requirements for the same project types to reduce redundancy.
- Clarify in multiple sections that requirements apply to "renovation" in addition to demolition to eliminate ambiguity about scope.

7. Minor Technical Corrections

Throughout the title, apply minor non-substantive formatting changes for consistency and readability.

How will LRAPA know the rule addressed the need?

LRAPA will evaluate the success of these rule changes through:

1. Reduced confusion and inquiries: Fewer questions from regulated entities about notification thresholds, exemption applicability, and recordkeeping requirements will indicate improved clarity.

2. Improved compliance rates: More complete and accurate initial notifications, with proper fee tables included, will demonstrate that requirements are clearer.

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3. Consistent enforcement: Elimination of ambiguous language will enable more consistent application of requirements across different project types and situations.

4. Administrative efficiency: Reorganized fee structure will streamline future fee updates and reduce time spent navigating rules.

5. Federal approval maintenance: Continued EPA approval of LRAPA's asbestos program as meeting federal NESHAP requirements will confirm adequate alignment.

6. Stakeholder feedback: Positive feedback from asbestos contractors, building owners, and other regulated entities about improved rule clarity and usability.

Federal relationship

ORS 183.332, ORS 468A.327 and OAR 340-011-0029 require DEQ, and in some cases LRAPA, to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so. This section complies with those statutes and rules to clearly identify the relationship between the proposed rule changes and applicable federal requirements.

The proposed rules are not different from or in addition to federal requirements. LRAPA's asbestos program operates under delegation from the Environmental Protection Agency (EPA) to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos under 40 CFR Part 61, Subpart M. The proposed rule changes are primarily organizational, clarification, and formatting updates that maintain alignment with federal asbestos NESHAP requirements.

What alternatives did LRAPA consider if any?

LRAPA considered not proposing these rule amendments and maintaining the current Title 43 Asbestos Requirements structure. However, this alternative would not address the identified needs for improved clarity, consistency, and alignment with current federal standards. The organizational and clarification changes in the proposed rules will benefit regulated entities by making requirements easier to understand and follow, while maintaining all necessary protections for public health and the environment.

Rules affected, authorities, supporting documents

ORS 183.335(2)(b)

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Lead division

Air Quality

Program or activity

LRAPA Asbestos Program

Chapter 340 action

NA

Other authority

LRAPA action: LRAPA proposes to amend the following sections in Title 43 Asbestos Requirements:

Adopt				
43-0020	43-0025	43-0030	43-0035	43-0040
43-0045	43-0050	43-0055	43-0060	43-8010 Table 1
Amend				
43-005	43-0010	43-0015		
Renumber				
43-001 to 43-0001	43-002 to 43-0002	43-005 to 43-0005	43-010 to 43-0010	43-015 to 43-0015
Repeal				
43-015-1	43-015-2	43-015-3	43-015-4	43-015-5
43-015-6	43-015-7	43-015-8	43-015-9	43-015-10
43-015-11	43-015-12	43-015-13	43-015-14	43-015-15
43-015-16	43-015-17	43-015-18	43-015-19	43-015-20

The notice must list the authorizing statutes, and the statutes implemented. These statutes are listed at the end of each rule in this format:

The authorizing statute is the statute that gives LRAPA the authority to make a rule on a general topic. The statute being implemented is the specific statute that a rule is explaining or expanding on.

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Statutory authority - ORS

Statutory Authority - ORS				
468.020	468.065	468A.035	468A.135	

Statutes implemented - ORS

Statutes Implemented - ORS				
468A.700	468A.760			

Documents relied on for rulemaking

Document title	Document location
Oregon DEQ Division 248 Asbestos Requirements (OAR 340-248-0010 through 340-248-0280)	https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1522
Federal Asbestos NESHAP Regulations (40 CFR Part 61, Subpart M)	https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-61/subpart-M
Licensed Asbestos Abatement Contractors, 2026	On file with LRAPA
LRAPA Historical Asbestos Contractors Spreadsheet	On file with LRAPA
LRAPA Rules and Regulations	https://www.lrapa-or.gov/air-quality-protection/about-lrapa/regulations-rules/
Citizens Advisory Committee Meeting Minutes, February 24 and 31, 2026	On file with LRAPA

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Rules summary

As OAR 166-500-0030(1)(e) requires, the following are included to provide a brief summary of the proposed new rules and existing rules affected by this rulemaking.

LRAPA Title 43 Asbestos Requirements

Rule Number	Rule Title	Explanation
43-0001	Policy	Renumbered from 43-001 for formatting consistency; housekeeping changes including "shall" to "must"
43-0002	Applicability	Renumbered from 43-002 for formatting consistency; updated section references
43-0005	Definitions	Renumbered from 43-005 for formatting consistency; added new definitions for "unforeseen emergency" and "visible emissions"; removed redundant definitions; updated terminology
43-0010	General Provisions	Renumbered from 43-010 for formatting consistency; added prohibition on sanding/grinding asbestos without proper handling; incorporated Oregon OSHA jurisdictional note from former 43-015-8
43-0015	Emission Standards and Procedural Requirements: Asbestos Requirements for Mills, Roadways and Parking Lots, and Manufacturing Operations	Renumbered from 43-015 and combined requirements from former subsections 43-015-1 through 43-015-3; updated recordkeeping retention from two to five years; clarified requirements
43-0020	Emission Standards and Procedural Requirements: Sources Using Air Cleaning Devices	Adopted new standalone section from former subsection 43-015-4; reorganized reporting requirements for sources using air cleaning devices
43-0025	Emission Standards and Procedural Requirements: Asbestos to Non-Asbestos Conversion Operations	Adopted new standalone section from former subsection 43-015-5; removed reference to OAR 340-248-0230 and incorporated the full text of 40 CFR 61.155 directly for clarity and consistency with federal requirements
43-0030	Emission Standards and Procedural Requirements: Asbestos Inspection Requirements for Oregon Title V Operating Permit Program Sources	Adopted new standalone section from former subsection 43-015-6; clarified applicability to renovations in addition to demolitions

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43-0035	Emission Standards and Procedural Requirements: Exemptions	Adopted new standalone section from former subsection 43-015-8; clarified owner-occupant exemptions and residential building exemptions
43-0040	Emission Standards and Procedural Requirements: Asbestos Abatement Survey	Adopted new standalone section; incorporated applicability provisions from former 43-015-7 and consolidated survey requirements including unforeseen emergency provisions
43-0045	Emission Standards and Procedural Requirements: Asbestos Abatement Notification Requirements	Adopted new standalone section from former subsection 43-015-10; removed "small-scale" language for consistency with DEQ interpretation
43-0050	Emission Standards and Procedural Requirements: Asbestos Abatement Work Practices and Procedures	Adopted new standalone section from former subsection 43-015-11; clarified requirement to conduct abatement inside regulated area; updated language for renovations and unforeseen emergencies
43-0055	Emission Standards and Procedural Requirements: Final Air Clearance Sampling Requirements, Air Cleaning, Spraying, Molded Insulation, and Fabricating	Adopted new standalone section combining former subsections 43-015-12 through 43-015-18; consolidated related requirements
43-0060	Emission Standards and Procedural Requirements: Asbestos Disposal Requirements	Adopted new standalone section combining former subsections 43-015-19 and 43-015-20; consolidated friable and non-friable disposal requirements; clarified "permitted disposal site" terminology
43-8010	Asbestos Program Fees	Adopted new fee table; reorganized fee schedule from former 43-015-10.A into table format for ease of future amendments
43-001, 43-002, 43-005, 43-010, and 43-015-1 through 43-015-20	Various	Repealed former sections 43-001, 43-002, 43-005, and 43-010, and all subsections under former section 43-015; content reorganized into new standalone sections 43-0001 through 43-0060 for improved clarity and usability

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Fee analysis

This rulemaking does not propose any change to asbestos program fee amounts. Fee amounts are currently subject to an annual four (4) percent increase effective July 1 of each year, as provided in LRAPA 43-015-10.-A(3).

The only fee-related change proposed in this rulemaking is as follows:

- LRAPA proposes to reorganize the existing asbestos notification fee schedule from its current location in former section 43-015-10.A into a new standalone table format at section 43-8010, Table 1, at the end of title 43. This change is for formatting consistency and to allow future fee amendments to be made more efficiently without requiring changes to the body of the title.

Statement of fiscal and economic impact

Fiscal and economic impact

The proposed rule amendments may have fiscal and economic impacts on businesses, state and federal agencies, units of local governments, and the public. Fiscal impacts can be positive or negative to those affected. As examples, reducing health costs to the public would be a positive impact, and increasing costs of regulatory compliance for businesses would be a negative impact.

The proposed changes to title 43 are primarily organizational and clarifying in nature. The rules reorganize existing requirements into a clearer standalone section format, update terminology for consistency, and add clarifying language to existing requirements. LRAPA does not anticipate the proposed changes will result in significant new compliance costs for regulated parties.

Statement of cost of compliance

State agencies

State and federal agencies may occasionally conduct renovation or demolition projects subject to title 43 asbestos requirements. For state agencies, the cost to comply with the proposed rule changes is similar to costs described under small businesses below. Because the proposed changes primarily reorganize and clarify existing requirements rather than imposing new obligations, LRAPA does not anticipate any increase in compliance costs for state agencies.

LRAPA expects a modest initial increase in staff workload as staff become familiar with the reorganized rule structure, which will level off after the first year of implementation. Over time, the clearer organization and updated terminology are expected to reduce the time staff spend assisting regulated parties in interpreting the rules.

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Local governments

Local governments in Lane County may conduct renovation or demolition projects subject to title 43 asbestos requirements. For local governments, the cost to comply with the proposed rule changes is similar to costs described under small businesses below.

Public

The rulemaking does not impose any mandatory requirements on the general public beyond those already in effect. Owner-occupants conducting asbestos abatement on their own residential property retain the same exemptions that exist in the current rules. LRAPA does not anticipate any direct increase in compliance costs for the public as a result of the proposed changes.

Large businesses - businesses with more than 50 employees

Approximately 4 to 5 asbestos abatement contractors and facility owners or operators in Lane County subject to title 43 are large businesses. The proposed rule changes reorganize and clarify existing requirements but do not impose new substantive obligations on large businesses. LRAPA does not anticipate any increase in compliance costs for large businesses as a result of this rulemaking.

Small businesses – businesses with 50 or fewer employees

The majority of asbestos abatement contractors operating in Lane County are small businesses. The proposed rule changes reorganize and clarify existing requirements but do not impose new substantive obligations on small businesses.

ORS 183.336 - Cost of Compliance for Small Businesses

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

LRAPA receives approximately 425 asbestos abatement project notifications per year, as averaged over the past four years (2022-2025). The majority of these notifications are submitted by small asbestos abatement contractors. Based on a review of LRAPA's asbestos contractor records and DEQ's list of licensed asbestos abatement contractors, approximately 135 licensed contractors are authorized to perform asbestos abatement work in Lane County. The majority of these contractors are small businesses with 50 or fewer employees. LRAPA estimates that approximately 135 small businesses are subject to title 43 requirements, with approximately 4 to 5 large businesses (more than 50 employees) also operating in the Lane County asbestos abatement market.

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b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

The proposed rules do not require any additional reporting, recordkeeping, or administrative activities beyond those already required under the current rules. The reorganization of requirements into standalone sections and the clarification of existing language are not expected to result in any new administrative burden for small businesses.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

The proposed rules will not require any additional equipment, supplies, labor, or administrative resources. All regulated parties are already subject to the requirements being reorganized and clarified by this rulemaking.

d. Describe how DEQ involved small businesses in developing this proposed rule.

LRAPA involved small businesses and industry representatives through its standing Citizens Advisory Committee (CAC), which serves as LRAPA's rules advisory committee and includes representation from regulated industries. Regulated parties, including asbestos abatement contractors and facility owners and operators, were invited to participate in the CAC review process and provided ongoing updates on rulemaking progress. LRAPA provided an informational overview of the rulemaking to the CAC and subsequently invited industry representatives to participate in CAC meetings to review the proposed rules and provide input and guidance to staff. The CAC, with industry participation, reviewed the draft rules and provided recommendations to LRAPA staff prior to the rules being put out for public notice.

Documents relied on for fiscal and economic impact

The requirement to list the documents relied on to determine fiscal impact is separate from and in addition to the similar list in the Rules affected, authorities, supporting documents section above.

Document title	Document location
LRAPA Title 43 Asbestos Requirements	https://www.lrapa-or.gov/air-quality-protection/about-lrapa/regulations-rules/
Oregon DEQ Licensed Asbestos Abatement Contractors, 2026	https://www.oregon.gov/deq/hazards-and-cleanup/pages/asbestos-for-businesses.aspx
LRAPA Historical Asbestos Contractors Spreadsheet	On file with LRAPA
Citizens Advisory Committee Meeting Minutes, February 24 and 31, 2026	On file with LRAPA

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Oregon Revised Statutes, Chapter 468A – Air Quality	https://www.oregonlegislature.gov/bills_laws/ors/ors468A.html
Code of Federal Regulations, Title 40, Part 61, Subpart M (National Emission Standard for Asbestos)	https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-61/subpart-M?toc=1

Advisory committee fiscal review

As ORS 183.333 requires, LRAPA consulted its standing Citizens Advisory Committee (CAC), which serves as LRAPA's rules advisory committee and includes representation from regulated industries. LRAPA asked for the committee's recommendations on whether the proposed rules would have a fiscal impact, the extent of that impact, and whether the proposed rules would have a significant adverse impact on small businesses. Regulated parties, including asbestos abatement contractors and facility owners and operators, were invited to participate in the CAC review process and received ongoing updates on rulemaking progress. LRAPA provided an informational overview of the rulemaking at the February 24, 2026 CAC meeting. At the March 31, 2026 meeting, industry representatives participated in CAC review of the proposed rules and provided input and guidance to staff.

The committee reviewed the draft fiscal and economic impact statement and its findings are stated in the approved minutes dated March 31, 2026. The CAC determined the proposed rules would not have a significant adverse impact on small businesses in Oregon, as the proposed changes are primarily organizational and clarifying in nature and do not impose new substantive compliance requirements on regulated parties.

Housing cost

As ORS 183.534 requires, LRAPA evaluated whether 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.

LRAPA determined the proposed rules would have no effect on development costs. While title 43 asbestos requirements do apply to demolition and renovation activities, including those involving residential structures, the proposed changes to these rules are primarily organizational and clarifying in nature. The proposed rules reorganize existing requirements into a clearer standalone section format, update definitions for consistency with Oregon DEQ and federal EPA regulations and clarify existing notification and work practice requirements. The proposed changes do not impose new substantive requirements on construction or demolition activities, do not introduce new fees or compliance obligations beyond those already in effect, and do not alter the scope of regulated activities in ways that would affect the cost of new residential development.

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Racial equity

As ORS 183.335(2)(b)(F) requires, LRAPA evaluated how adoption of the proposed rules will affect racial equity in this state.

LRAPA determined the proposed rules will not adversely affect racial equity. The proposed changes to title 43 are primarily organizational and clarifying in nature and do not alter the substantive protections provided under existing asbestos requirements. To the extent the proposed rules improve the clarity and usability of asbestos survey, notification, and abatement requirements, they may benefit all communities subject to asbestos hazards, including communities that have historically experienced disproportionate environmental burdens.

Environmental justice considerations

Environmental justice analysis

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, culture, education, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. LRAPA is committed to incorporating environmental justice best practices into its programs and decision-making to ensure all people in Lane County have equitable environmental and public health protections.

As ORS 182.545 requires, LRAPA considered the effects of the proposed rule changes on environmental justice issues. Asbestos exposure is a public health hazard that can disproportionately affect communities with older housing stock and aging commercial and industrial buildings, which are often concentrated in lower-income areas. The proposed changes to Title 43 strengthen protections for all affected communities by improving the clarity and enforceability of asbestos survey, notification, and abatement requirements. Clearer and more consistent rules support effective compliance and enforcement, which benefits all communities subject to asbestos hazards, including those that have historically experienced disproportionate environmental burdens.

LRAPA determined the proposed rules will not have a negative effect on environmental justice in Lane County. The proposed changes do not reduce or eliminate any existing protections, and the clarifications and organizational improvements proposed are expected to support more consistent application of asbestos requirements across all regulated activities.

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Land use

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require LRAPA to determine whether the proposed rules significantly affect land use. If so, LRAPA must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, rules affect land use if the statewide land use planning goals specifically refer to the rule or program, or if the rule or program is reasonably expected to have significant effects on resources, objects, or areas identified in the statewide planning goals, or on present or future land uses identified in acknowledged comprehensive plans.

LRAPA, with assistance from DEQ, determined whether the proposed rules involve programs or actions that affect land use by reviewing DEQ's State Agency Coordination Plan. The plan describes the programs DEQ determined significantly affect land use. Asbestos requirements are not identified among those programs.

Determination

LRAPA, with assistance from DEQ, determined that the proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

EQC prior involvement

LRAPA has informally notified the Board that asbestos rulemaking updates were forthcoming. If the proposed rules are adopted by the LRAPA Board following the public comment period and public hearing, they will be submitted to the EQC for approval. The EQC last reviewed LRAPA's Title 43 Asbestos Requirements in 2018.

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Advisory committee

Background

LRAPA has a standing Citizens Advisory Committee (CAC) that meets most months. LRAPA consulted the CAC for this rulemaking, providing an informational overview of the proposed changes at the February 24, 2026 CAC meeting. Industry representatives, including asbestos abatement contractors and facility owners and operators, were invited to participate in the CAC review process. The CAC, with industry participation, reviewed the proposed rules at the March 31, 2026 CAC meeting and provided input and recommendations to LRAPA staff.

Weblink: https://www.lrapa-or.gov/air-quality-protection/about-lrapa/public-oversight/

The committee members were:

LRAPA Title 43 Asbestos Requirements - Citizens Advisory Committee (CAC)	
Name	**Representing**
Kelly Wood, Chair	Industry
Evelina Davidova-Kamis, Vice-Chair	Industry
Chris Cline	Fire Suppression
Peter Dragovich	Planning
Michael Koivula	General Public
Ben Larson	Agriculture
Paul Metzler	General Public
Jessi Preston	General Public
Jo Rodgers	Public Health

Meeting notifications

To notify people about the advisory committee's activities, LRAPA:

- Sent a one-time notice to General News & Updates subscribers of our email listserv of meeting content.
- Added advisory committee announcements to LRAPA's calendar of public meetings at LRAPA Calendar: https://www.lrapa.org/air-quality-protection/public-calendar/

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Committee discussions

In addition to the recommendations described under the Statement of Fiscal and Economic Impact section above, the CAC reviewed the proposed Title 43 Asbestos Requirements rule changes and provided input and recommendations to LRAPA staff on the proposed changes, including their fiscal impact and effect on small businesses.

Below is an excerpt from the March 31, 2026 CAC meeting discussion on the proposed rules:

[TO BE COMPLETED — insert excerpt from CAC meeting minutes once available]

Public engagement

Public notice

LRAPA provided notice of the proposed rulemaking and rulemaking hearing by:

- On [DATE], filing notice with the Oregon Secretary of State for publication in the [MONTH] Oregon Bulletin;
- Notifying EPA by email;
- Posting the notice, invitation to comment, and draft rules on the web page for this rulemaking, located at: https://www.lrapa.org/air-quality-protection/public-calendar/
- Emailing subscribers to our Public Notices category on our email listserv: https://www.lrapa.org/air-quality-protection/public-calendar/sign-up-for-updates/
- Emailing the following key legislators as required under ORS 183.335:
  - Julie Fahey
  - Lisa Fragala
  - Darin Harbick
  - Cedric Hayden
  - John Lively
  - James Manning
  - Nancy Nathanson
  - Floyd Prozanski
  - Boomer Wright
- Posting on the LRAPA event calendar: https://www.lrapa.org/air-quality-protection/public-calendar/

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How to comment on this rulemaking proposal

LRAPA is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments through an online web page, by regular mail, or at the public hearing.

Comment deadline

LRAPA will only consider comments on the proposed rules that LRAPA staff receives by 5:00 p.m. on [DATE] in writing. Oral comments will be received at the public hearing on [DATE] at [TIME]. Written comments can be emailed to rules@lrapa-or.gov.

Submit Comment by Email

Any person can submit a written comment to: rules@lrapa-or.gov

Note for public university students

ORS 192.345(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student, notify DEQ that you wish to keep your email address confidential.

By Mail

Lane Regional Air Protection Agency (LRAPA)
Attn: Heather Gravelle
1010 Main Street
Springfield, OR 97477

At Hearing

[DATE] at [TIME]

Public hearing

LRAPA plans to hold one public hearing.

Anyone can attend a hearing in person, or by webinar or teleconference.

Date: [DATE]

Start time: [TIME]

Street address: 1010 Main Street
Room: LRAPA Conference Room
City: Springfield, Oregon 97477
Teleconference phone number: [NUMBER]

Webinar link: [LINK]

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LRAPA will consider all comments and testimony received before the closing of the public hearing. LRAPA will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Non-discrimination statement

It is the policy of LRAPA to not discriminate on the basis of race, color, national origin, age, sex, disability, sexual orientation, or marital status in administration of its programs or activities, and LRAPA does not intimidate or retaliate against any individual or group because they have exercised rights protected by 40 C.F.R Parts 5 and 7 or for the purpose of interfering with such rights.

LRAPA is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7 (Non-discrimination in Programs or Activities Receiving Federal Assistance from the Environmental Protection Agency), including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1973; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972.

LRAPA is committed to providing meaningful opportunities for public involvement in its proceedings. LRAPA strives to ensure that information and services are accessible to everyone, regardless of race, color, national origin, income, disability, or language proficiency. If assistance is needed accessing this document or participating in the public processes, please contact LRAPA's Non-Discrimination Coordinator at (541) 736-1056 or info@lrapa.org. Language interpretation, translation, alternative formats, or other reasonable accommodations are available upon request. Please allow at least 5 business days to respond to a request. More information is available on LRAPA's nondiscrimination policy: https://www.lrapa-or.gov/air-quality-protection/community-center/nondiscriminatory-policy/

Supporting documents

Attachment A — Proposed revisions to LRAPA Title 43 Asbestos Requirements (redline version)

Attachment B — Proposed revisions to LRAPA Title 43 Asbestos Requirements (clean version)

Attachment C — Crosswalk of Proposed Revisions to LRAPA Title 43 Asbestos Requirements

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Crosswalk of Proposed Revisions to LRAPA Title 43 Asbestos Rules

LRAPA
Lane Regional Air Protection Agency

🔴 Red — Tier 1: High Substantive Impact
🟠 Orange — Tier 2: Moderate Substantive Impact
🟡 Yellow — Tier 3: Technical/Definitional Updates
🟢 Green — Tier 4: Formatting & Housekeeping

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
General Revisions to Title 43				
1	ALL	NA	Replace “shall” with “must” or “may” as applicable.	Shall imposes an obligation on a person, not a thing. Simplification.
2	ALL	NA	Add “section” prior to a section reference and replace “Section” with “section”, unless Section is a title or the beginning of a sentence	Formatting consistency.
3	ALL	NA	Replace “Title” with “title” unless Title is a title or the beginning of a sentence. Remove “LRAPA” prior to “title” as applicable.	Formatting consistency.
4	ALL	NA	Replace “board” with “Board.”	Formatting consistency
5	ALL	NA	For numbers less than ten (10) listed in the text of a regulation, the format will be to write the number in words followed by the number in parentheses.	Formatting consistency.
6	ALL	NA	For numbers equal to or greater than ten (10) listed in the text of a regulation, the format will be to list the number only.	Formatting consistency.
7	ALL	NA	Update DEQ rule references as applicable based on the following format: OAR chapter 340, division 200	Formatting consistency.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
8	ALL	NA	Replace rule references as applicable based on the following outline example: 37 – title 37-0064 – section 37-0064(1) - subsection 37-0064(1)(a) – paragraph 37-0064(1)(a)(A) – subparagraph 37-0064(1)(a)(A)(i) – sub-subparagraph 37-0064(1)(a)(A)(i)(I) – supersub-subparagraph	Formatting consistency.
9	ALL	NA	Replace "Lane Regional Air Protection Agency" or "Agency" with "LRAPA" and replace "the Department" with "DEQ".	Formatting consistency.
10	ALL	NA	Remove date amended following each section. Add date amended to footer of each page.	Formatting consistency. Date amended no longer necessary for each section, as fees can be updated in Table 1.
Revisions to Section Numbering and Section Titles				
11	43-001 Policy	43-0001 Policy	Renumber section.	Formatting consistency.
12	43-002 Applicability	43-0002 Applicability	Renumber section.	Formatting consistency.
13	43-005 Definitions	43-0005 Definitions	Renumber section.	Formatting consistency.
14	43-010 General Provisions	43-0010 General Provisions	Renumber section.	Formatting consistency.
15	43-015, 43-015-1, 43-015-2, 43-015-3	43-0015	Renumber section and combine requirements in prior subsections 43-015-1 through 43-015-3 into this section. Replace section title "EMISSION STANDARDS AND PROCEDURAL REQUIREMENTS FOR ASBESTOS" with section title "Emission Standards and Procedural Requirements: Asbestos Requirements for Mills,	Formatting consistency. Simplification.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
			Roadways and Parking lots, and Manufacturing Operations."	
16	43-015-4	43-0020	Create new section. Replace subsection title "SOURCES USING AIR CLEANING DEVICES" with section title "Emission Standards and Procedural Requirements: Sources Using Air Cleaning Devices."	Formatting consistency.
17	43-015-5	43-0025	Create new section. Replace subsection title "ASBESTOS TO NON-ASBESTOS CONVERSION OPERATIONS" with section title "Emission Standards and Procedural Requirements: Asbestos To Non-asbestos Conversion Operations."	Formatting consistency.
18	43-015-6	43-0030	Create new section. Replace subsection title "MAJOR SOURCES" with section title "Emission Standards and Procedural Requirements: Asbestos Inspection Requirements for Oregon Title V Operating Permit Program Sources."	Formatting consistency.
19	NA	43-0040	Create new section titled "Emission Standards and Procedural Requirements: Asbestos Abatement Survey."	Formatting consistency.
20	43-015-7	43-0040(1)	Move subsection "APPLICABILITY" to subsection within proposed section 43-0040.	Formatting consistency.
21	43-015-8	43-0035	Create new section. Replace subsection title "ASBESTOS ABATEMENT PROJECTS" with section title "Emission Standards and Procedural Requirements: Exemptions."	Formatting consistency.
22	43-015-9	43-0050(f)	Move subsection "NON-FRIABLE ASBESTOS ABATEMENT PROJECTS" to subsection within proposed section 43-0050.	Formatting consistency.
23	43-015-10	43-0045	Create new section. Replace subsection title "ASBESTOS ABATEMENT NOTIFICATION REQUIREMENTS" with section title "Emission Standards and Procedural Requirements: Asbestos Abatement Notification Requirements."	Formatting consistency.
24	43-015-10.A.(1) and (2)	43-8010 Table 1	Update list of fees to "table format" and move to end of title.	Formatting consistency. Ease of amending fee schedule as necessary.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
25	43-015-11	43-0050	Create new section. Replace subsection title "ASBESTOS ABATEMENT WORK PRACTICES AND PROCEDURES" with section title "Emission Standards and Procedural Requirements: Asbestos Abatement Work Practices and Procedures."	Formatting consistency.
26	43-015-12, 43-015-13, 43-015-14, 43-015-15, 43-015-16, 43-015-17, 43-015-18	43-0055	Create new section "Emission Standards and Procedural Requirements: Final Air Clearance Sampling Requirements, Air Cleaning, Spraying, Molded Insulation, and Fabricating." Combine requirements in prior subsections 43-015-12 through 43-015-18 into this section.	Formatting consistency. Simplification.
27	43-015-19, 43-015-20	43-0060	Create new section "Emission Standards and Procedural Requirements: Asbestos Disposal Requirements." Combine friable and non-friable asbestos disposal requirements in prior subsections 43-015-19 and 43-015-20 into this section.	Formatting consistency. Simplification.
Substantive Revisions to Title 43				
28	43-005	43-0005	Add leading sentence describing the use of the definitions in title 12. Remove the following definitions: "abate," "accidental release," "act," "chair," "hazardous air contaminant," "hazardous air pollutant (HAP)," "hazardous waste," "major source," "section 112(b)," and "startup."	Clarification. Remove definitions that are not applicable to this title.
29	43-005 "Accredited inspector"	43-0005(1) "Accredited Inspector"	Clarify that the inspector must maintain accreditation.	Clarification.
30	43-005 "Accredited trainer"	43-0005(2) "Accredited Trainer"	Add that the definition applies to supervisor training.	Clarification.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
31	43-005 "Adequately wet"	43-0005(3) "Adequately wet"	Add that the definition applies to asbestos-containing waste.	Clarification.
32	43-005 "Asbestos abatement project"	43-0005(7) "Asbestos Abatement Project"	Add that the definition applies to instances of destruction due to natural disaster.	Clarification.
33	43-005 "Asbestos-containing waste material"	43-0005(8) "Asbestos-containing waste material"	Add "one percent" and "by weight" to definition of asbestos-containing waste and remove method reference since proposed definition will be clarified.	Clarification. Simplification.
34	43-005 "Commercial asbestos"	43-0005(18) "Commercial asbestos"	Replace definition with "material containing asbestos that is extracted from ore and has value because of its asbestos content."	Clarify definition to show the material has value as a commercial product.
35	NA	43-0005(24) "Dwelling"	Add definition of dwelling "means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that occupied for living purposes."	Clarification.
36	NA	43-0005(25) "Dwelling Unit"	Add definition of dwelling unit "means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation."	Clarification.
37	NA	43-0005(29) "Facility"	Add to definition of facility "any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a	Clarification.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
			residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function."	
38	43-005 "Friable asbestos-containing material"	43-0005(31) "Friable asbestos-containing material"	Add "or non-friable asbestos containing material that is in poor condition and has become friable" to definition.	Clarification.
39	N/A	43-0005(33) "Glove Bag"	Add definition Glove Bag "means a sealed compartment with attached inner glove used for the handling of asbestos-containing materials."	Clarification and consistency with DEQ.
40	43-005 "Negative pressure enclosure"	43-0005(38) "Negative pressure enclosure"	Replace definition with "AKS 'containment' means a barrier surrounding the area of asbestos comprised of a plastic with a minimum thickness of six (6) mil exhausting through a HEPA filter exhaust system measured by an attached and functioning manometer or similar device and resulting in a negative pressure environment of -0.02 inches of water column. The barrier must cover all gaps in the area surrounding the asbestos abatement including doorways, windows, HVAC systems, drains, plumbing, and other gaps. In addition to covering all gaps in the area, all floor, ceiling and wall surfaces shall be sealed with plastic with a minimum thickness of six (6) mil, except where the only ACM being abated in the project is vinyl asbestos floor tile or other flooring material, in which case the floor need not be sealed; or the only material being abated in the project is wall plaster or other wall or ceiling material, in which case the walls and/or ceilings need not be sealed."	Clarification and consistency with DEQ definition.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
41	43-005 "Non-friable asbestos-containing material"	43-0005(39) "Non-friable asbestos-containing material"	Add "Non-friable asbestos-containing material does not include non-friable asbestos-containing material that is in poor condition and has become friable" to definition	Clarification.
42	NA	43-0005(40) "Occupant"	Add definition: "Occupant" means an individual person who lives in a subject private residence."	Clarification and consistency with DEQ definition.
43	43-005 "Open Accumulation"	43-0005(41) "Open Accumulation"	Add the word "placement" to definition.	Clarification and consistency with DEQ definition.
44	NA	43-0005(46) "Regulated area"	Add definition: "Regulated area" means an area that: (a) Is established by the person performing an asbestos abatement project; (b) Includes all areas where asbestos abatement work and associated activities are conducted and an adjoining area where asbestos-containing waste material generated from the project is securely packaged and stored; (c) Restricts access to authorized personnel only; and (d) Is demarcated with prominent warning signs along the perimeter that state in bold, all capital letters and separated as shown here: "DANGER ASBESTOS MAY CAUSE DAMAGE TO LUNGS AUTHORIZED PERSONNEL ONLY"	Clarification and consistency with DEQ definition.
45	43-005 "Renovate" or "Renovation"	43-0005(47) "Renovate" or "Renovation"	Add "Renovation includes, but is not limited to, replacing stripping, or repairing facility components, such as mechanical ventilation systems, pipes, ceilings, walls, flooring, and insulating materials" to definition.	Clarification and consistency with DEQ definition.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
46	NA	43-0005(48) "Residential"	Add definition: "Residential" means a structure or dwelling used as a residence or intended to be used as a residence before and after renovation or demolition work occurs. Residential buildings may include, but are not limited to, a site-built home, modular home constructed off site, mobile home, condominium, duplex, or a multi-unit facility consisting of four (4) units or less. Exceptions are that residential building does not mean a facility that is: 1.Used by a fire department for training exercises. 2.Demolished whereby the structure is not habitable after demolition. 3. Renovated or demolished along with one or more other facilities on the same site by the same owner or operator of a demolition or renovation activity as part of the same project; or 4. A residential dwelling unit located in a commercial facility.	Clarification and consistency with DEQ definition.
47	43-005 "Small-Scale"	43-0005(51) "Small-Scale"	(h) Removed language requiring size of project be smaller than can be contained in a mini-enclosure. Removed (i) language requiring emissions below 0.1 f/cc as 8 hr/TWA.	Consistency with DEQ definition. (h) language was vague (i) language not enforceable as there is no requirement to test ambient air
48	NA	43-0005(54) "Unforeseen emergency"	Add definition: "Unforeseen emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operations or living conditions. Such situations include but are not limited to, fires, storm damage, water damage earthquakes.	Proposed rule revisions include a requirement to conduct an asbestos surveys and follow asbestos abatement work practices in the event that a building is damaged during and "unforeseen emergency" and contains asbestos, therefore, a definition of "unforeseen emergency" was added.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
49	NA	43-0005(55) "Visible emissions	Add definition: "Visible emissions" means emissions that are visually detectable without the aid of instruments.	Clarification and consistency with DEQ definition.
50	43-0005	N/A	Remove "Waste Generator" definition	Redundancy as "Asbestos Waste Generator" is already defined.
51	43-0005	N/A	Remove "Waste Shipment Record" definition	Redundancy as "Asbestos Waste Shipment Record" is already defined.
52	NA	43-0010(2)	Add condition stating that "A person may not sand, grind, saw, or abrade asbestos-containing material unless during such activity the material is handled and disposed of as friable asbestos material as this title provides."	Clarification.
53	Note in 43-015-8	43-0010(4)	Move "Note: The requirements and jurisdiction of the State of Oregon Department of Insurance and Finance, Accident Prevention Division (Oregon OSHA) and any other state agency in Oregon are not affected by title 43)" in previous subsection 43-015-8 to proposed General Provisions.	Clarification.
54	43-015-1.E.	43-0015(1)(e)	Replace "two" with "five" regarding number of years records must be kept.	Match recordkeeping requirements in section 34-016
55	43-015-3.F.	43-0015(3)(f)	Entire subsection deleted. Recordkeeping requirements for this section are consolidated elsewhere.	Subsection removed by Travis Knudsen (Oct 2025). The original recordkeeping provision was deleted rather than amended, as part of broader reorganization.
56	43-015-5	43-0025(1)	Remove reference to OAR 340-248-0230 and add entire text of 40 CFR 61.155 for asbestos to nonasbestos conversion operations.	Clarification and consistency with federal regulations.
57	43-015-6.B., 43-015-6.B.(1), 43-015-6.B.(2)	43-0030(2)	Add that requirement is applicable to renovations. Combine paragraph containing requirement to submit written notifications "at least 10 days before the beginning of any renovation or demolition project" and paragraph stating "Failure to notify LRAPA before any changes in the scheduled starting or completion dates or other substantial changes, renders the notification void" with this section.	Clarification. Simplification.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
58	43-015-6.C.	43-0030(3)	Add that requirement to provide notification is applicable to renovations and "renovation and/or demolition projects with no asbestos containing material present."	Clarify that major sources also must provide notification for projects where no asbestos is present.
59	43-015-8	43-0035(1)	Make leading sentence a subsection.	Formatting consistency.
60	43-015-8.A.	43-0035(2)	Replace "asbestos abatement projects" with "renovation." Replace "owner" with "owner-occupant" Merge A(1) and A(2) as they are the same qualifying condition with separate exemptions.	This section describes exemptions from the asbestos requirements; therefore, the project is not yet deemed an "asbestos abatement project" at this stage. Clarify the owner having to be an occupant and simplifying the exemptions by merging the same qualifying condition that would trigger any exemptions.
61	43-015-8.A.(1)(a) and (b), 43-015-8.A.(3)(a) and (b)	43-0035(2)(a)(A) and (B), 43-0035(2)(c)(A) and (B),	Add "or intended to be used."	Add language to account for properties that will be used as a rental property or commercial business after renovation is completed.
62	43-015-8.B.	NA	Remove "Open storage or open accumulation of asbestos-containing material or asbestos-containing waste material is prohibited."	Requirement is a duplicate. Open accumulation of asbestos is prohibited by subsection 43-0010(2).
63	43-015-7	43-0040(1)	Replace "APPLICABILITY" with "Survey Requirements:"	Clarification.
64	NA	43-0040(2)	Add "when the potential for open accumulation occurs due to an unforeseen emergency, such as a natural disaster, the owner or operator of a facility must promptly obtain a survey from an accredited inspector of all damaged portions of the affected facility."	Clarify applicable survey requirements when an affected facility is damaged due to an unforeseen emergency.
65	NA	43-0040(3)	Added "The asbestos survey required by subsection 43-0040(1) must include all of the following: (a) Collecting of samples by the accredited asbestos inspector of all materials suspected of being asbestos-	Clarification and consistency with DEQ requirements.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
			containing materials, unless the material is presumed to be asbestos-containing material, including at least one bulk sample for each homogeneous material suspected of being asbestos-containing material; (b) For sprayed or troweled on surfacing materials, collection of at least three (3) random bulk samples for each homogeneous area; (c) Each sample collected under paragraphs (a) and (b) above must be analyzed to determine whether it is asbestos-containing material by a laboratory with proficiency demonstrated by participation in a nationally recognized laboratory accreditation program for asbestos testing, or participate in, and maintain passing status in a nationally recognized bulk asbestos proficiency testing program; (d) An asbestos survey report that contains the following: (A) The date or dates that the survey was performed; (B) The phone number and a copy of the certificate of each accredited inspector that performed a survey; (C) Site address and location where the survey was performed; (D) Name and phone number of the owner or operator of the facility where the survey was performed and the owner or operator of the demolition or renovation activity if different; (E) Description of the facility and area surveyed, including its past and current use, area square footage, approximate construction date, and number of floors; (F) The purpose of the survey, for example, whether it is for a project involving pre-demolition, renovation, removal of asbestos-containing material due to damage from fire, water, or other purpose; (G) Detailed description of limitations on the thoroughness of the survey, for example an inaccessible area; and	

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
			(H) A table listing all of the homogeneous materials sampled and identified as asbestos-containing material and all of the presumed asbestos-containing materials. The table must include the following for each material: (i) The percent asbestos and type of asbestiform, as determined by the laboratory that analyzes the sample; (ii) A description of the material color, texture, and pattern; (iii) The location of where in the facility the material was collected; (iv) A description of the material condition as in good condition or in poor condition; (v) The identification of the material as friable or nonfriable; and (vi) The approximate quantity of the material at the facility. (e) A recommendation of response actions that comply with the requirements of this division; and (f) A complete copy of the laboratory report for all samples taken and analyzed under subsection (3) above. The minimum requirements for the laboratory report include: (A) Laboratory name, address, and phone number; (B) Unique sample analysis identification number; (C) Bulk sample analysis results showing asbestos content; (D) Name of the analyst; and (E) Completed chain of custody for the samples.	
66	43-015-10.A.(1) and (2)	43-8010 Table 1	Update list of fees to “table format” and move to end of title.	Formatting consistency. Ease of amending fee schedule as necessary.
67	43-015-10.A.(10)	NA	Remove description of “Residential Building.”	A definition of “Residential Building” is included in the proposed rule changes.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
68	43-0045(3)	43-0045(3)	Remove “small-scale” from notification language	Consistency with DEQ language and rule interpretation. All friable projects less than 40sq/80linear ft. now meet this, regardless of whether the asbestos removal is the primary reason, consistent with how the rule has been interpreted.
69	43-015-11	43-0050(1)	Add “renovation” to work practice requirements in this section.	Clarify that requirements are applicable to renovations in addition to demolition projects.
70	NA	43-0050(1)(a)	Add requirement to “conduct the asbestos abatement inside a regulated area.”	Clarification. Consistency with DEQ rules.
71	43-015-11.B.	43-0050(1)(c)	Add “asbestos containing waste” and “renovation or after an unforeseen emergency”. Add “known or suspected” to account for hidden ACM or suspect materials not included on a prior survey report. Added “Suspect materials not previously included on a survey report may be tested by a certified asbestos building inspector to determine if an abatement is required”	Clarification.
72	43-015-11.B.(3)	43-0050(1)(c)(C)	Add “and cover with six (6) mil plastic or equivalent”	Clarification.
73	43-015-11.C.	NA	Remove “Enclose the area of the asbestos containing materials to be abated, in a negative pressure enclosure prior to abatement unless prior approval has been granted by the Agency.”	Requirement to conduct abatement work in a negative pressure enclosure is included in paragraph 43-0050(1)(g).
74	43-015-11.D.	43-0050(1)(d)	Replace “owner or operator” with “person performing the asbestos abatement project.”	Clarification.
75	43-015-11.E.	43-0050(1)(e)	Add “the person performing the asbestos abatement project must:”	Clarification.
76	43-015-9	43-0050(1)(f)	Incorporate requirements from prior section titled “Non-Friable Asbestos Abatement Projects” to this paragraph within section detailing work practice requirements. Removed section (A) as this was a notification rule	Simplification.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
			already outlined under the Notification requirements. Moved section (C) to exemptions.	
77	43-015-11.F.(4)	43-0050(1)(g)(D)	Add “and during” to negative pressure enclosure requirement.	Clarification.
78	43-015-11.M.	43-0050(1)(n)	Add “outside of a negative pressure enclosure” and “and must be sealed with a six (6) mil plastic or equivalent when not in use.”	Clarify physical requirements for negative pressure enclosure and clarify that visible emissions are prohibited outside the enclosure.
79	43-015-11.N.	NA	Remove “Open storage or open accumulation of friable asbestos containing material or asbestos containing waste material is prohibited.”	Requirement is a duplicate. Open accumulation of asbestos is prohibited by subsection 43-0010(2).
80	43-015-11.P	43-0050(1)(p)	Revise to state: “No person may conduct an asbestos abatement project unless they possess a current asbestos abatement Contractors license or worker’s certification, issued by the DEQ under OAR 340-248-040 or OAR 340-248-0120 and OAR 340-248-0130, respectively, unless exempted by 43-0035 and/or 43-0050(f).” Changed “Department” to “DEQ.”	Clarity. Changed “shall” to “may.” Updated cross-references from old section numbers (43-015-8, 43-015-9) to new (43-0035, 43-0050(f)). Changed “Department” to “DEQ.”
81	43-015-11.R	43-0050(1)(q)	Changed “the Department” to “DEQ.” Added “A certified supervisor may work as a certified worker without having certification as a worker” to 43-0050(1)(q) after "...under the provisions of OAR 340-248-0130."	Consistency with current DEQ naming conventions and with OAR 340-248-0110(1).
82	43-015-11.T	43-0050(1)(s)	Changed “shall” to “must.” Updated cross-references from old section numbers (43-015-8, 43-015-9) to new (43-0035, 43-0050(f)).	Housekeeping only: “shall” to “must,” updated cross-references. Facility owner employee provision retained for alignment with DEQ OAR 340-248-0110(2), which allows certified employees of the facility owner to perform abatement.
83	43-015-12	43-0055(1)	Replace “containment” with “negative pressure enclosure.” Add “friable asbestos abatement” to applicability.	Clarification.

No.	Current Section or Subsection	Proposed Section or Subsection	Suggested change	Reason/Issues
84	43-015-19 and 43-015-20	43-0060	Incorporate friable and non-friable disposal requirements into one section (remove "friable" and "non-friable" labels as necessary).	Simplification.
85	43-015-19.B.	43-0060(1)(c)	Remove "Persons disposing of asbestos containing waste material must notify the landfill operator of the type and volume of the asbestos containing waste material" and incorporate into proposed subsection.	Simplification.
86	NA	43-0060(1)(b)(C)	Add "Containers must be labeled prior to leaving the regulated area."	Clarification. Consistency with DEQ requirements.
87	43-015-19.F.	43-0060(1)(g)	Add "by the waste generator and a copy provided to the waste transporter."	Clarification.
88	43-015-19.F.(1)	43-0060(1)(g)(A)	Replace "The name" with "The asbestos abatement project site name."	Clarification.
89	43-015-19.F.(2)	43-0060(1)(g)(B)	Add "A description of the asbestos-containing waste material and."	Clarification.
90	43-015-19.H.(1)	43-0060(1)(i)(A)	Replace "landfill operator" with "permitted disposal site."	Clarification.
91	43-015-19.I.(3)	43-0060(1)(j)(C)	Add "or operator."	Clarification.
92	43-015-19.J.	43-0060(1)(k)	Revise language for disposal sites and landfills to clarify that they are "permitted disposal sites."	Clarification.
93	43-015-20	43-0060	Incorporate entire section into proposed section 43-0060.	Simplification.

LANE REGIONAL AIR PROTECTION AGENCY

TITLE 43

ASBESTOS REQUIREMENTS

Section 43-0001 Policy

The ~~b~~Board finds and declares that certain air contaminants for which there is no ambient air standard may cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating reversible illness, and are therefore considered to be hazardous air contaminants. Under Section 112 of the Federal Clean Air Act, the federal EPA has declared asbestos to be hazardous. Title 43 contains requirements for handling of asbestos. (Section 43-001 Amended 06/11/02)

Section 43-0002 Applicability

Sections 43-0~~01~~05 through 43-~~015-20-~~0060 apply to asbestos milling, manufacturing, fabricating, abatement, disposal, or any situation where a potential for exposure to asbestos fibers exists. (Section 43-002 Amended 06/11/02 – 7/26/10)

Section 43-0005 Definitions

The definitions in LRAPA 12-005 and this section apply ~~following definitions are relevant~~ to this title. If the same term is defined in this section and LRAPA 12-005, the definition in this section applies to this title. ~~Additional general definitions can be found in Title 12.~~

~~. "Abate" means to eliminate the nuisance or suspected nuisance by reducing or managing the emissions using reasonably available practices. The degree of abatement will depend on an evaluation of all of the circumstances of each case and does not necessarily mean completely eliminating the emissions.~~

~~. "Accidental Release" means an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.~~

(1)~~.~~ "Accredited Inspector" means a person that has completed training, ~~and~~ received accreditation, and maintains accreditation under 40 CFR ~~p~~Part 763 ~~s~~Subpart E, A~~a~~ppendix C (Model Accreditation Plan), Section B (Initial Training), Subsection 3 (Inspector)~~, 1994~~.

(2)~~.~~ "Accredited Trainer" means a provider of asbestos abatement training courses authorized by ~~the Department~~ DEQ to offer training courses that satisfy requirements for worker and supervisor training.

~~. "Act" and "FCAA" mean the Federal Clean Air Act, Public Law 88-206 as last amended by Public Law 101.549.~~

(3)~~.~~ "Adequately wet" means to sufficiently mix or penetrate asbestos-containing material or asbestos containing waste material with liquid to prevent the release of particulate asbestos materials. An asbestos-containing material or waste is not adequately wetted if visible

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emissions originate from that material; however, the absence of visible emissions is not sufficient evidence of being adequately wet. Precipitation is not an appropriate method for wetting asbestos-containing material~~.~~ or asbestos-containing waste material.

(4)~~.~~ "Agency" means the Lane Regional Air Protection Agency.

(5)~~.~~ "Agent" means an individual who works on an asbestos abatement project for a contractor but is not an employee of the contractor.

(6)~~.~~ "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, actinolite and tremolite.

(7)~~.~~ "Asbestos ~~A~~abatement ~~P~~project" means any demolition, renovation, repair, construction, destruction due to natural disaster or maintenance activity of any public or private facility that involves the repair, enclosure, encapsulation, removal, salvage, handling, disturbance or disposal of any material with the potential of releasing asbestos fibers from asbestos-containing material into the air.

(8)~~.~~ "Asbestos-Containing Material" (ACM)" means asbestos or any material, including particulate material, that contains more than one percent (1%) asbestos ~~as determined using the method specified in 40 CFR Part 763 Appendix E, Subpart E, Section 1, Polarized Light Microscopy~~ by weight.

(9)~~.~~ "Asbestos-containing waste material" (ACWM)" means any waste that contains asbestos tailings or any commercial asbestos and is generated by a source subject to sections 43-0010 ~~and 43-015-1~~ through 43-~~015-20~~ 0060, including but not limited to:

(a) Waste asbestos ~~mill~~ tailings or commercial asbestos;~~,~~

(b) Waste generated by a source subject to OAR 340-248-0205 through 340-248-0280;

(c) Filters from control devices ~~asbestos waste, friable asbestos waste material,~~

(d) Bags or containers that previously contained commercial asbestos; and

(e) Aasbestos abatement project ~~waste and bags or containers that previously contained commercial asbestos.~~ waste which includes but is not limited to:

(A) Disposable equipment and clothing;

(B) Material used to establish a negative pressure enclosure;

(C) Demolition or renovation debris;

(D) HEPA filters; and

(E) Other asbestos abatement project waste that cannot be decontaminated.

10). "Asbestos manufacturing operation" means the combining of commercial asbestos, or in the case of woven friction products, the combining of textiles containing commercial asbestos with any other material(s) including commercial asbestos, and the processing of this combination into a product as specified in Section subsection 43-0015 (3).

(11). "Asbestos mill" means any facility engaged in the conversion or any intermediate step in the conversion of asbestos ore into commercial asbestos.

(12). "Asbestos tailings" means any solid waste product of asbestos mining or milling operations that contains asbestos.

(13). "Asbestos Wwaste generator" means any person performing an asbestos abatement project, the owner or operator of a demolition or renovation activity, or any owner or operator of a source or facility subject to 43-010 and 43-015-1 through 43-015-20 sections 43-0010 through 43-0060 whose act or process generates asbestos-containing waste material.

(14). "Asbestos waste shipment record" means the shipment document, required to be originated and signed by the asbestos waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

(15). "Board" means the Board of Directors of the Lane Regional Air Protection Agency.

(16). "Certified supervisor" means a person who has a current Oregon supervisor certification card.

(17). "Certified worker" means a person who has a current Oregon worker certification card.

. "Chair" means the chairperson of the Board of Directors of the Lane Regional Air Protection Agency.

(18). "Commercial asbestos" means any variety of asbestos that is produced by extracting asbestos from material containing asbestos that is extracted from ore and has value because of its asbestos content. asbestos ore.

(19). "Commission" means the Oregon Environmental Quality Commission.

(20). "Contractor" means a person who undertakes for compensation an asbestos abatement project for another person.

(21). "Compensation" means wages, salaries, commissions and any other form of remuneration paid to a person for personal services.

(22). "Demolish" or "Demolition" means the wrecking or removal removing of any a load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

(23). "Department" "DEQ" means the Oregon Department of Environmental Quality.

(24). "Director" means the Director of the Lane Regional Air Protection Agency or the Director of the Oregon Department of Environmental Quality and authorized deputies or officers.

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(25) "Dwelling" means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that occupied for living purposes.

(26) "Dwelling Unit" means a single unit providing complete independent living facilities for one of more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(27) "Emission" means a release into the ambient air of air contaminants.

(28) "EPA" means the United States Environmental Protection Agency.

(29) "Fabricating" means any processing (e.g., cutting, sawing, drilling) of a manufactured product that contains commercial asbestos, with the exception of processing at temporary sites (field fabricating) for the construction or restoration of facilities. In the case of friction products, fabricating includes bonding, debonding, grinding, sawing, drilling, or other similar operations performed as part of fabricating.

(30) "Facility" means ~~all or part of any public or private building, structure, installation, equipment, or vehicle or vessel including but not limited to ships.~~ any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this ~~subpart~~title ~~i~~is not excluded, regardless of its current use or function.

(31) "Filing" or "filed" means receipt in the office of the Director. Such receipt is adequate where filing is required for a document on a matter before ~~the Agency~~ LRAPA, except a claim of personal liability.

(32) "Friable asbestos-containing material" means any asbestos-containing material that can be crumbled, pulverized or reduced to powder by hand pressure when dry. Friable asbestos material includes any asbestos-containing material that is shattered or subjected to sanding, grinding, sawing, abrading or has the potential to release asbestos fibers, or non-friable asbestos containing material that is in poor condition and has become friable.

~~. "Fugitive emissions" means any emissions which escape from a point or area that is not identifiable as a stack, vent, duct or equivalent opening.~~

(33) "Glove Bag" means a sealed compartment with attached inner glove used for the handling of asbestos containing materials.

~~. "Hazardous air contaminant" means any air contaminant considered by the Agency, Department or Commission to cause or contribute to an identifiable and significant increase in mortality or to an increase in serious irreversible or incapacitating irreversible illness and for which no ambient air standard exists.~~

- ~~"Hazardous Air Pollutant (HAP)" means an air pollutant listed by the EPA pursuant to **Section 112(b) of the FCAA** or determined by the Commission and/or Board to cause, or reasonably be anticipated to cause, adverse effects to human health or the environment.~~

- ~~"Hazardous Waste" means a hazardous waste as defined in 40 CRF 261.3.~~

(34) "HEPA filter" means a high-efficiency particulate air filter capable of filtering 0.3 micrometer particles with 99.97 percent efficiency.

(35) "In poor condition" means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.

(36) "Inactive asbestos waste disposal site" means any disposal site for asbestos-containing waste where the operator has allowed ~~the Department's~~ DEQ's solid waste permit to lapse, has gone out of business, or no longer receives asbestos-containing waste.

(37) "Interim storage of asbestos-containing material" means the storage of asbestos-containing waste material that has been placed in a container outside a regulated area until transported to an authorized landfill.

(38) "Installation" means a building or structure or a group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator, or under the control of owners or operators of demolition or renovation activities that are under common control.

(39) "Licensed" means a contracting entity has met DEQ's training and experience requirements to offer and perform asbestos abatement projects and has a current asbestos abatement contractor license. For purposes of this definition, a license is not a permit subject to OAR chapter 340 division 218, or LRAPA title 37.

(40) "Leak-tight" means that neither solids (including dust) not liquids can escape or spill out.

(41) "LRAPA" means the Lane Regional Air Protection Agency, a regional air quality control authority.

- ~~"Major Source," as used in this Title, is the same as the definition of major source in OAR 340-200-0020.~~

(42) ~~-~~ "Negative pressure enclosure" also referred to as 'Containment' ~~means any enclosure of an asbestos abatement project area where the ambient air pressure is greater than the air pressure within the enclosure, and the air inside the enclosure is changed at least four times an hour by exhausting it through a HEPA filter.~~ means a barrier surrounding the area of asbestos abatement comprised of a plastic with a minimum thickness of six (6) mil exhausting through a HEPA filter exhaust system measured by an attached and functioning manometer or similar device and resulting in a negative pressure environment of -0.02 inches of water column. The barrier must cover all gaps in the area surrounding the asbestos abatement including doorways, windows, HVAC systems, drains, plumbing, and other gaps. In addition to covering all gaps in the area, all floor, ceiling and wall surfaces shall be sealed with plastic with a minimum thickness of six

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(6) mil, except where the only ACM being abated in the project is vinyl asbestos floor tile or other flooring material, in which case the floor need not be sealed; or the only material being abated in the project is wall plaster or other wall or ceiling material, in which case the walls and/or ceilings need not be sealed.

(43) "Non-friable asbestos-containing material" means, when dry, any asbestos-containing material that cannot be crumbled, pulverized, or reduced to powder by hand pressure. Non-friable asbestos-containing material does not include material that has been subjected to shattering, sanding, grinding, sawing, or abrading or that has the potential to release asbestos fibers. Non-friable asbestos-containing material does not include non-friable asbestos-containing material that is in poor condition and has become friable.

(44) "Occupant" means an individual person who lives in a subject private residence.

(45) "Open Aaccumulation" means any accumulation, including interim storage, of friable asbestos-containing materials or asbestos-containing waste material other than material securely enclosed and stored as required by subsection 43-015-19 and 43-015-20 this title.

(46) "Owner or operator" means any person who owns, leases, operates, controls or supervises a facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

(47) "Particulate asbestos material" means any finely divided particles of asbestos material.

(48) "Person" means any individual, public or private corporation, association, firm, partnership, joint stock company, public and municipal corporation, political subdivision, agency, board, department, or bureau of the state and any agency thereof, and the federal government and any agency thereof, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(49) "Person in cCharge of pProperty" means an agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property.

(50) "Regulated area" means an area that:

(a) Is established by the person performing an asbestos abatement project;

(b) Includes all areas where asbestos abatement work and associated activities are conducted and an adjoining area where asbestos-containing waste material generated from the project is securely packaged and stored;

(c) Restricts access to authorized personnel only; and

(d) Is demarcated with prominent warning signs along the perimeter that state in bold, all capital letters and separated as shown here:

"DANGER

ASBESTOS

MAY CAUSE CANCER

CAUSES DAMAGE TO LUNGS

AUTHORIZED PERSONNEL ONLY"

(51)~~.~~ "Renovate" or "renovation" means altering in any way one or more facility components. Renovation includes, but is not limited to, replacing stripping, or repairing facility components, such as mechanical ventilation systems, pipes, ceilings, walls, flooring, and insulating materials. Operations in which load-supporting structural members are wrecked or removed are considered demolition and are not included in the definition of renovation.

(52)~~.~~ "Residential" means a structure or dwelling used as a residence or intended to be used as a residence before and after renovation or demolition work occurs. Residential buildings may include, but are not limited to, a site-built home, modular home constructed off site, mobile home, condominium, duplex, or a multi-unit facility consisting of four (4) units or less. Exceptions are that residential building does not mean a facility that is:

(a) Used by a fire department for training exercises.

(b) Demolished whereby the structure is not habitable after demolition.

(c) Renovated or demolished along with one or more other facilities on the same site by the same owner or operator of a demolition or renovation activity as part of the same project; or

(d) A residential dwelling unit located in a commercial facility.

(53)~~.~~ "Roadways" mean surfaces on which vehicles travel. This term includes public and private highways, roads, streets, parking areas, and driveways.

~~. "Section 112(b)" means that subsection of the FCAA that includes the list of hazardous air pollutants to be regulated.~~

(54)~~.~~ "Shattered" means the condition of an asbestos-containing material that has been broken into four (4) or more pieces from its original whole condition.

(55)~~.~~ "Small-scale, short-duration renovating and maintenance activity" means a task for which the removal of asbestos is not the primary objective of the job, including, but not limited to:

(a)~~A~~ Removal of asbestos-containing insulation on pipes, not to exceed amounts greater than those which can be contained in a single glove bag;

(b)~~B~~ Removal of small quantities of asbestos-containing insulation on beams or above ceilings;

(c)~~C~~ Replacement of an asbestos-containing gasket on a valve;

(d)~~D~~ Installation or removal of a small section of drywall;

(e)~~E~~ Installation of electrical conduits through or proximate to asbestos-containing materials;

(f)~~F~~ Minor repairs to damaged thermal system insulation that does not require removal;

(g)~~G~~ Repairs to asbestos-containing wallboard; or

(h)~~H~~ Repairs involving encapsulation, enclosure, or removal of small amounts of friable asbestos-containing material in the performance of emergency or routine maintenance activity and not intended solely as asbestos abatement. ~~Such work may not exceed amounts greater than those that can be contained in a single prefabricated mini-enclosure. Such an enclosure must conform spatially and geometrically to the localized work area, in order to perform its intended containment function.~~

~~I. No such activity described above shall result in airborne asbestos concentrations above 0.1 fibers per cubic centimeter of air (calculated on an 8-hour weighted average).~~

~~. "Startup" means commencement of operation of a new or modified source resulting in release of contaminants to the ambient air.~~

(56)~~.~~ "Structural member" means any load-supporting member, such as beams and load-supporting walls, or any non-supporting member, such as ceilings and non-load-supporting walls.

(57)~~.~~ "Survey" means to conduct a detailed inspection of a building, structure, ~~or~~ facility, or the part of the facility where the demolition or renovation will occur, for the presence of asbestos-containing material that has the potential to be disturbed in the scope of the project by an accredited inspector and include sampling of materials suspected to contain asbestos, analysis of those samples to determine asbestos content, and evaluation of the materials in order to assess their condition.

(58) "Unforeseen emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operations or living conditions. Such situations include but are not limited to, fires, storm damage, water damage and earthquakes.

(59) "Visible emissions" means emissions that are visually detectable without the aid of instruments.

~~"Waste generator" means any person performing an asbestos abatement project or any owner or operator of a source covered by this section whose act or process generates asbestos-containing waste material.~~

~~"Waste shipment record" means the shipment document, required to be originated and signed by the waste generator; used to track and substantiate the disposition of asbestos-containing waste material.~~
~~(Section 43-005 amended 06/11/02, 7/26/2010, 06/08/2017)~~

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Section 43-0010 General Provisions

(1). ~~No~~ A person may not openly accumulate friable asbestos-containing material or asbestos-containing waste material.

(2) A person may not sand, grind, saw, or abrade asbestos-containing material unless, during such activity, the material is handled and disposed of as friable asbestos material in accordance with this title.

(3)~~2.~~ Contractors working on asbestos abatement projects at a secure facility must ~~insure~~ensure that all security clearance requirements are completed before asbestos abatement projects at a secure ~~facilities~~ facility start so ~~Agency~~ LRAPA inspectors may gain immediate access to perform required asbestos abatement project inspections.

(4) The content of asbestos in asbestos-containing material must be determined using the method specified by the Environmental Protection Agency as listed in EPA/600/R-93/116, July 1993, "Method for the Determination of Asbestos in Bulk Building Materials" or another substantially similar method approved by LRAPA. Bulk samples must not be composited for analysis.

~~(5) The requirements and jurisdiction of the State of Oregon Department of Insurance and Finance, Accident Prevention Division (Oregon OSHA) and any other state agency in Oregon not affected by title 43.~~

~~(Section 43-010 Amended 06/11/02)~~

Section 43-0015 Emission Standards and Procedural Requirements ~~for~~ Asbestos Requirements for Mills, Roadways, Parking lots and Manufacturing Operations

(1). ~~EMISSIONS STANDARDS FOR ASBESTOS MILLS.~~ Emission Standard for asbestos mills. No person may cause or allow to be discharged into the atmosphere any visible emissions, including fugitive emissions, from any asbestos milling operation, except as provided under subsection 43-0055~~(5) 43-015-16~~, Air Cleaning. ~~For purposes of these rules, the~~The presence of uncombined water in the emission plume is not a violation of the visible emission requirement. ~~-~~Outside storage of asbestos materials is not part of an asbestos mill. The owner or operator of an asbestos mill must meet the following requirements:

(a)~~A~~ Monitor each potential source of asbestos emissions from any part of the mill facility, including air cleaning devices, process equipment, and buildings that house equipment for material processing and handling, at least once each day, during daylight operations, for visible emissions to the outside air during periods of operations. The monitoring must be by visual observation of at least ~~fifteen (15)~~ 15 seconds duration per source of emissions.

(b)~~B~~ Inspect each air cleaning device at least once each week for proper operation and for changes that signal the potential for malfunction including, to the maximum extent possible without dismantling other than opening the device, the presence of tears, holes, and abrasions in filter bags and for dust deposits on the clean side of bags. ~~-~~For air cleaning devices that cannot be inspected on a weekly basis, submit to ~~the Agency~~

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LRAPA, revise as necessary, and implement a written maintenance plan to include, at a minimum, a maintenance schedule and recordkeeping plan. ~~the following~~:

~~(1) Maintenance schedule; and~~

~~(2) Record keeping plan~~.

(c)~~C~~ Maintain records of the results of visible emissions monitoring and air cleaning device inspections using a format approved by ~~the Agency~~ LRAPA and including the following information:

(A~~1~~) Date and time of each inspection;

(B~~2~~) Presence of visible emissions;

(C~~3~~) Condition of fabric filters, including presence of any tears, holes, and abrasions;

(D~~4~~) Presence of dust deposits on clean side of fabric filters;

(E~~5~~) Brief description of corrective actions taken, including date and time; and

(F~~6~~) Daily hours of operation for each air cleaning device.

(d)~~D~~ Furnish upon request, and make available at the affected facility during normal business hours for inspection by ~~the Agency~~ LRAPA, all records required under this section.

(e)~~E~~ Retain a copy of all monitoring and inspection records for at least ~~two (2)~~ five (5) years.

(f)~~F~~ Submit a copy of visible emission monitoring records to ~~the Agency~~ LRAPA quarterly. The quarterly reports must be postmarked by the ~~thirtieth (30th)~~ 30th day following the end of the calendar quarter.

(g)~~G~~) Asbestos-containing waste material produced by any asbestos milling operation must be disposed of according to s~~S~~ection ~~43-015-19 and 43-015-20~~ 43-0060.

2. ~~ROADWAYS AND PARKING LOTS.~~ No person may construct or maintain, or allow to be constructed or maintained a roadway with asbestos tailings or asbestos-containing waste material on that roadway, unless (for asbestos tailings):

(a)~~A~~ It is a temporary roadway on an area of asbestos ore deposits (asbestos mine); ~~or~~

(b)~~B~~ It is a temporary roadway at an active asbestos mill site and is encapsulated with a resinous or bituminous binder, and the encapsulated road surface is maintained at least once per calendar year or within 12 months of road construction to prevent dust emissions; or

(c)~~C~~ It is encapsulated in asphalt concrete meeting the specifications contained in section 401 of Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-85, 1985, or their equivalent.

3. ~~MANUFACTURING.~~ Manufacturing. No person may cause or allow to be discharged into the atmosphere any visible emissions, except as provided ~~in 43-015-17~~in subsection 43-0055(6), from any building or structure in which manufacturing operations utilizing asbestos are conducted, or directly from any such manufacturing operations if they are conducted outside buildings or structures, or from any other fugitive emissions. All asbestos-containing waste material produced by any manufacturing operation must be disposed of according to section 43-0060 . ~~43-015-19 and 43-015-20~~. Visible emissions from boilers or other points not producing emissions directly from the manufacturing operation, and having no possible asbestos material in the exhaust gases, are not a violation of this rule. The presence of uncombined water in the exhaust plume is not a violation of the visible emission requirements.

(a)~~A~~ Applicability. ~~-~~Manufacturing operations subject to these rules are as follows:

(A ~~1~~) The manufacture of cloth, cord, wicks, tubing, tape, twine, rope, thread, yarn, roving, lap, or other textile materials;

(B~~2~~) The manufacture of fire proofing and insulating materials;

(C~~3~~) The manufacture of cement products;

(D~~4~~) The manufacture of friction products;

(E~~5~~) The manufacture of paper, millboard, and felt;

(F~~6~~) The manufacture of floor tile;

(G~~7~~) The manufacture of paints, coatings, caulks, adhesives, or sealants;

(H~~8~~) The manufacture of plastics and rubber materials;

(I~~9~~) The manufacture of chlorine, using asbestos diaphragm technology;

(J~~10~~) The manufacture of shotgun shell wads;

(K~~11~~) The manufacture of asphaltic concrete; ~~or~~ and

(L~~12~~) Any other manufacturing operation that results or may result in the release of asbestos material to the ambient air.

(b)~~B~~ The owner or operator of the manufacturing operation must monitor each potential source of asbestos emissions from any part of the manufacturing facility, including air cleaning devices, process equipment, and buildings housing material processing and handling equipment. Monitoring must be done at least once each day during daylight hours for visible emissions to the outside air during periods of operation and be by visual observation for at least fifteen (15) seconds duration.

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(c)~~C~~ The owner or operator of the manufacturing operation must inspect each air cleaning device at least once each week for proper operation and for changes that signal the potential for malfunctions including, to the maximum extent possible without dismantling other than opening the device, the presence of tears, holes, and abrasions in filter bags, and for dust deposits on the clean side of bags. For air cleaning devices that cannot be inspected on a weekly basis, submit to ~~the Agency~~ LRAPA, revise as necessary, and implement a written maintenance plan to include, at a minimum, ~~the following:~~ a maintenance schedule and recordkeeping plan.

~~(1) Maintenance schedule; and~~

~~(2) Record keeping plan.~~

(d)~~D~~ The owner or operator of a manufacturing operation must maintain records of the results of visible emission monitoring and air cleaning device inspections using a format approved by ~~the Agency~~ LRAPA and ~~includes~~ including the following information:

(A~~1~~) Date and time of each inspection;

(B~~2~~) Presence of visible emissions;

(C~~3~~) Condition of fabric filters, including presence of any tears, holes, and abrasions;

(D~~4~~) Presence of dust deposits on clean side of fabric filters;

(E~~5~~) Brief description of corrective actions taken, including date and time; and

(F~~6~~) Daily hours of operation for each air cleaning device.

(e)~~E~~ The owner or operator of a manufacturing operation must furnish upon request, and make available at the affected facility during normal business hours for inspection by ~~the Agency~~ LRAPA, all records required under this section.

(f)~~F~~ The owner or operator of a manufacturing operation must retain a copy of all monitoring and inspection records for at least ~~two (2)~~ five (5) years.

(g)~~G~~ The owner or operator of a manufacturing operation must submit quarterly a copy of the visible emission monitoring records to ~~the Agency~~ LRAPA if visible emissions occurred during the report period. Quarterly reports must be postmarked by the ~~thirtieth (~~30th~~)~~ day following the end of the calendar quarter.

(h)~~H~~ Asbestos-containing waste material produced by any asbestos manufacturing operation ~~shall~~ must be disposed of according to ~~43-015-19 and 43-015-20~~ section 43-0060.

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Section 43-0020~~SOURCES USING AIR CLEANING DEVICES~~ Emission Standards and Procedural Requirements: Sources Using Air Cleaning Devices

(1)~~A.~~ New sources covered by this rule must submit the requested information 90 days before initial startup. ~~Existing sources covered by this rule must comply by March 1, 1996.~~ Changes in the information provided to ~~the Agency~~ LRAPA must be submitted within ~~thirty (~~30~~)~~ days after the change.

(2)~~B~~ Sources covered by 43-0015~~-1~~(1) Mills, 43-0015~~-3~~(3) Manufacturing, ~~43-015-17~~ 43-0055(6) Fabricating, and ~~43-015-5~~ 43-0025 Asbestos to Nonasbestos Conversion Operations, must provide the following information to ~~the Agency~~ LRAPA:

(a~~1~~) A description of the emission control equipment used for each process; ~~and~~

(b~~2~~) If a fabric filter device is used to control emissions,

(A~~a~~) the airflow permeability in $m^3_{air}/min/m^2_{fabric}$ ($ft^3_{air}/min/ft^2_{fabric}$) if the fabric filter device uses a woven fabric, and, if the fabric is synthetic, whether the fill yarn is spun or not spun;

(B~~b~~) if the fabric filter device uses a felted fabric, the density in g/m^2 (oz/yd^2), the minimum thickness in millimeters (inches), and the airflow permeability in $m^3_{air}/min/m^2_{fabric}$ ($ft^3_{air}/min/ft^2_{fabric}$); and

(c~~3~~) If a HEPA filter is used to control emissions, the certified efficiency.

(3)~~C~~ For sources covered by this rule and subject to ~~43-015-19~~ section 43-0060~~, Friable Asbestos Disposal Requirements, and 43-015-20, Non-friable~~ Asbestos Disposal Requirements:

(a~~1~~) A brief description of each process that generates asbestos containing waste material;

(b~~2~~) The average volume of asbestos containing waste material disposed of, measured in m^3/day (yd^3/day);

(c~~3~~) The emission control methods used in all stages of waste disposal; and

(d~~4~~) The type of disposal site or incineration site used for ultimate disposal, the name of the site operator and the name and location of the disposal site.

(4)~~D.~~ ~~For s~~Sources covered by this rule and subject to ~~43-015-19.J~~ paragraphs 43-0060(l)(k) Active Disposal Sites, ~~43-015-19.M~~ and 43-0060(l)(n) Inactive Disposal Sites, and ~~43-015-20~~ section 43-0060, Non-friable Asbestos Disposal Requirements must provide the following information:

(a~~1~~) A brief description of the site; and

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(b2) The method or methods used to comply with the standard, or alternative procedures to be used.

5. **Section 43-0025 Emission Standards and Procedural Requirements: Asbestos to Non-asbestos Conversion Operations** ~~ASBESTOS TO NON-ASBESTOS CONVERSION OPERATIONS. (See OAR 340-248-0230)~~

(1) The Oregon Administrative Rule (OAR) 340-248-0230, "Asbestos to Non-Asbestos Conversion Operations," is hereby adopted by reference and made a part of title 43.

~~Each owner or operator of an operation that converts RACM and asbestos-containing waste material into non-asbestos (asbestos-free) material must:~~

~~(a) Obtain the prior written approval from LRAPA to construct the facility. To obtain approval, the owner or operator must provide LRAPA with the following information:~~

~~(A) Application to construct pursuant to CFR 61.07.~~

~~(B) In addition to the information requirements of 40 CFR 61.07(b)(3), a:~~

~~(i) Description of waste feed handling and temporary storage.~~

~~(ii) Description of process operating conditions.~~

~~(iii) Description of the handling and temporary storage of the end product.~~

~~(iv) Description of the protocol to be followed when analyzing output materials by transmission electron microscopy.~~

~~Performance test protocol, including provisions for obtaining information required under paragraph 43-0025(1)(b).~~

~~LRAPA may require that a demonstration of the process be performed prior to approval of the application to construct.~~

~~(b) Conduct a start-up performance test. Test results must include:~~

~~(A) A detailed description of the types and quantities of non-asbestos material, RACM, and asbestos-containing waste material processed, e.g., asbestos cement products, friable asbestos insulation, plaster, wood, plastic, wire, etc. The test feed is to include the full range of materials that will be encountered in actual operation of the process.~~

~~(B) Results of analyses, using polarized light microscopy, that document the asbestos content of the wastes processed.~~

~~(C) Results of analyses, using transmission electron microscopy, that document that the output materials are free of asbestos. Samples for analysis are to be collected as 8-hour composite samples (one 200-gram (7-ounce) sample per hour), beginning with the initial~~

introduction of RACM or asbestos-containing waste material and continuing until the end of the performance test.

(D) A description of operating parameters, such as temperature and residence time, defining the full range over which the process is expected to operate to produce non-asbestos (asbestos-free) materials. Specify the limits for each operating parameter within which the process will produce non-asbestos (asbestos free) materials.

(E) The length of the test.

(c) During the initial 90 days of operation,

(A) Continuously monitor and log the operating parameters identified during start-up performance tests that are intended to ensure the production of non-asbestos (asbestos-free) output material.

(B) Monitor input materials to ensure that they are consistent with the test feed materials described during start-up performance tests in subparagraph (b)(A).

(C) Collect and analyze samples, taken as 10-day composite samples (one 200-gram (7-ounce) sample collected every eight (8) hours of operation) of all output material for the presence of asbestos. Composite samples may be for fewer than 10 days. Transmission electron microscopy (TEM) must be used to analyze the output material for the presence of asbestos. During the initial 90-day period, all output materials must be stored on-site until analysis shows the material to be asbestos-free or disposed of as asbestos-containing waste material according to section 43-0060.

(d) After the initial 90 days of operation,

(A) Continuously monitor and record the operating parameters identified during start-up performance testing and any subsequent performance testing. Any output produced during a period of deviation from the range of operating conditions established to ensure the production of non-asbestos (asbestos-free) output materials must be:

(i) Disposed of as asbestos-containing waste material according to section 43-0060, or

(ii) Recycled as waste feed during process operation within the established range of operating conditions, or

(iii) Stored temporarily on-site in a leak-tight container until analyzed for asbestos content. Any product material that is not asbestos-free must be either disposed of as asbestos-containing waste material or recycled as waste feed to the process.

(B) Collect and analyze monthly composite samples (one 200-gram (7-ounce) sample collected every eight (8) hours of operation) of the output material. Transmission electron microscopy must be used to analyze the output material for the presence of asbestos.

(e) Discharge no visible emissions to the outside air from any part of the operation, or use the methods specified by subsection 43-00055(5) to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

(f) Maintain records on-site and include the following information:

(A) Results of start-up performance testing and all subsequent performance testing, including operating parameters, feed characteristic, and analyses of output materials.

(B) Results of the composite analyses required during the initial 90 days of operation under paragraph (1)(c).

(C) Results of the monthly composite analyses required under paragraph (1)(d).

(D) Results of continuous monitoring and logs of process operating parameters required under paragraphs (1)(c) and (1)(d).

(E) The information on waste shipments received as required in paragraph 43-0060(1)(k).

(F) For output materials where no analyses were performed to determine the presence of asbestos, record the name and location of the purchaser or disposal site to which the output materials were sold or deposited, and the date of sale or disposal.

(G) Retain records required by paragraph (1)(f) for at least two (2) years.

(g) Submit the following reports to LRAPA:

A report for each analysis of product composite samples performed during the initial 90 days of operation.

A quarterly report, including the following information concerning activities during each consecutive 3-month period:

(i) Results of analyses of monthly product composite samples.

(ii) A description of any deviation from the operating parameters established during performance testing, the

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~~duration of the deviation, and steps taken to correct the deviation.~~

~~(iii) Disposition of any product produced during a period of deviation, including whether it was recycled, disposed of as asbestos-containing waste material, or stored temporarily on-site until analyzed for asbestos content.~~

~~(iv) The information on waste disposal activities as required in subparagraph 43-0060(1)(l).~~

~~(h) Non-asbestos (asbestos-free) output material is not subject to any of the provisions of this subpart. Output materials in which asbestos is detected, or output materials produced when the operating parameters deviated from those established during the start-up performance testing, unless shown by TEM analysis to be asbestos-free, must be considered to be asbestos-containing waste and must be handled and disposed of according to section 43-0060 or reprocessed while all of the established operating parameters are being met.~~

~~6. MAJOR SOURCES.~~ Section 43-0030 Emission Standards and Procedural Requirements: Asbestos Inspection Requirements for Oregon Title V Operating Permit Program Sources

This section applies only to renovation and demolition activities at major sources subject to the federal operating permit program as defined in LRAPA 12-005 and/or OAR 340-200-0020.

(1)~~A.~~ To determine applicability of ~~the Agency's~~ LRAPA's asbestos regulations, the owner or operator of a renovation or demolition project must thoroughly survey, using an accredited inspector, the affected area for the presence of asbestos, including non-friable asbestos. A copy of that survey report must remain on site during any demolition or renovation activity.

(2)~~B.~~ For renovation or demolition projects where no asbestos-containing material is present, written notification must be submitted to ~~the Agency~~ LRAPA on an approved form at least 10 days before the beginning of any renovation or demolition project. Failure to notify LRAPA before any changes in the scheduled starting or completion dates or other substantial changes, renders the notification void. ~~The notification must be submitted by the owner or operator or by the demolition contractor as follows:~~

~~(1) Submit the notification, as specified in Part C of this Subsection to the Agency at least ten (10) days before beginning any demolition project.~~

~~(2) Failure to notify the Agency before any changes in the scheduled starting or completion dates or other substantial changes, renders the notification of demolition void.~~

(3)~~C.~~The following information must be provided for each notification of renovation or demolition, including renovation and/or projects with no asbestos-containing material present:

(a)~~(1)~~Name, address and telephone number of the person conducting the renovation or demolition;

(b)~~(2)~~Contractor's Oregon demolition license number, if applicable;

(c)~~(3)~~ If applicable, ~~C~~certification that no asbestos was found during the pre-renovation or pre-demolition asbestos survey and that, if asbestos-containing material is uncovered during demolition, the procedures found in s~~S~~ections 43-0035 through 43-0060 ~~43-015-7 through 43-015-18~~ will be followed;

(d)~~(4)~~Description of the building, structure, facility, installation, vehicle, or vessel to be renovated or demolished, including:

(A)~~(a)~~ ~~t~~The age and present and prior use(s) of the facility;

(B)~~(b)~~ ~~a~~Address or location of the scheduled renovation or demolition project.

(e)~~(5)~~Major source owner or operator name, address and phone number;

(f)~~(6)~~ Scheduled starting and completion dates of renovation or demolition work; and

(g)~~(7)~~ Any other information requested on ~~the Agency~~ LRAPA's form.

Section 43-0035 Emission Standards and Procedural Requirements: Exemptions

(1) Any person who conducts an asbestos abatement project, or any person who is the owner or operator of a facility where an asbestos abatement project is conducted or needs to be conducted due to natural disasters, must comply with the provisions set forth in title 43 except as provided in this section.

(2) Projects described in paragraphs (a) through (g) below are exempt from certain provisions of title 43 as listed in this section and OAR chapter 340, division 248.

(a) Projects conducted inside a residential building by the owner-occupant are exempt from subsection 43-0040(1), and 43-0045 through 43-0055 if the residence:

(A) Is not used or intended to be used as a rental property;

(B) Is not used or intended to be used as a commercial business; and

(C) Is not intended for demolition.

(b) Projects conducted outside of a residential building by the owner-occupant is exempt from section 43-0045,if the residence:

(A) Is not used or intended to be used as a rental property;

(B) Is not used or intended to be used as a commercial property; and

(C) Is not intended for demolition.

(c) Residential buildings with four (4) or fewer dwelling units that were constructed after January 1, 2004 are exempt from the provisions of subsection 43-0040(1).

(d) 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, and the conditions in subparagraphs (A) and (B) below are met are exempt from sections 43-0045 through 43-0060, except paragraphs 43-0060(1)(a), (b), (h), and (j), provided the materials are not made friable.

(A) The generation of particulate asbestos material is minimized; and

(B) Asbestos-containing materials are wetted prior to removal and during subsequent handling, to the extent practicable.

(e) Projects involving the removal of less than three (3) square feet or three linear feet of asbestos-containing material are exempt from section 43-0045 and paragraphs 43-0050(1)(r) through (u) provided that the removal of asbestos is not the primary objective, is part of a needed repair operation, the methods of removal are in compliance with OAR chapter 437, division 3, "Construction" Subsection Z and 29 CFR 1926.1101(g)(1998), and the following conditions are met:

(A) The generation of particulate asbestos material is minimized;

(B) No vacuuming or local exhaust ventilation and collection is conducted with equipment having a collection efficiency lower than that of a HEPA filter;

(C) All asbestos-containing waste materials must be cleaned up using HEPA filters or wet methods; and

(D) Asbestos-containing materials are wetted prior to removal and during subsequent handling, to the extent practicable.

(f) An asbestos abatement project may not be subdivided into smaller-sized units in order to qualify for the exemption in paragraph ~~(f)~~(e).

(g) Projects involving the removal of asbestos-containing materials that are sealed from the atmosphere by a rigid casing are exempt from sections 43-0045 and 43-0050 and paragraphs 43-0050(1)(f), and 43-0060 (1)(b), (e), (g), (h), and (j), 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.

Section 43-0040 Emission Standards and Procedural Requirements: Asbestos Abatement Survey

(1) ~~APPLICABILITY~~ Survey Requirements. Unless exempt pursuant to ~~43-015-8~~ section 43-0035, prior to commencing the renovation or demolition of a facility, the owner or operator of the facility must obtain a survey from an accredited asbestos inspector of the entire facility, or the part of the facility where the demolition or renovation will occur, for the presence of asbestos-containing materials, including the presence of non-friable asbestos-containing material. A copy of the survey report must be kept onsite at the facility during any demolition or renovation activity.

(2) When the potential for open accumulation occurs due due to an unforeseen emergency, such as a natural disaster, the owner or operator of a facility must promptly obtain a survey from an accredited inspector of all damaged portions of the affected facility.

(3) The asbestos survey required by subsection 43-0040(1) must include all of the following:

(a) Collecting samples of all materials suspected of being asbestos-containing materials, unless the material is presumed to be asbestos-containing material, including at least one bulk sample for each homogeneous material suspected of being asbestos-containing material;

(b) For sprayed or troweled on surfacing materials, collection of at least three (3) random bulk samples for each homogeneous area;

(c) Each sample collected under paragraphs (A) and (B) above must be analyzed to determine whether it is asbestos-containing material by a laboratory with proficiency demonstrated by participation in a nationally recognized laboratory accreditation program for asbestos testing, or participate in, and maintain passing status in a nationally recognized bulk asbestos proficiency testing program;

(d) An asbestos survey report that contains the following:

(A) The date or dates that the survey was performed;

(B) The phone number and a copy of the certificate of each accredited inspector that performed a survey;

(C) Site address and location where the survey was performed;

(D) Name and phone number of the owner or operator of the facility where the survey was performed and the owner or operator of the demolition or renovation activity if different;

(E) Description of the facility and area surveyed, including its past and current use, area square footage, approximate construction date, and number of floors;

(F) The purpose of the survey, for example, whether it is for a project involving pre-demolition, renovation, removal of asbestos-containing material due to damage from fire, water, or other purpose;

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(G) Detailed description of limitations on the thoroughness of the survey, for example an inaccessible area; and

(H) A table listing all of the homogeneous materials sampled and identified as asbestos-containing material and all of the presumed asbestos-containing materials. The table must include the following for each material:

(i) The percent asbestos and type of asbestiform, as determined by the laboratory that analyzes the sample;

(ii) A description of the material color, texture, and pattern;

(iii) The location of where in the facility the material was collected;

(iv) A description of the material condition as in good condition or in poor condition;

(v) The identification of the material as friable or nonfriable; and

(vi) The approximate quantity of the material at the facility.

(e) A recommendation of response actions that comply with the requirements of this division; and

(f) A complete copy of the laboratory report for all samples taken and analyzed under subsection (3) above. The minimum requirements for the laboratory report include:

(A) Laboratory name, address, and phone number;

(B) Unique sample analysis identification number;

(C) Bulk sample analysis results showing asbestos content;

(D) Name of the analyst; and

(E) Completed chain of custody for the samples.

~~8. ASBESTOS ABATEMENT PROJECTS. Any person who conducts or provides for the conduct of an asbestos abatement project, or any person who is the owner or operator of a facility where an asbestos abatement project is conducted, must comply with the provisions set forth in Title 43 except as provided in this rule.~~

~~A. The asbestos abatement projects described in (1) through (7) below are exempt from certain provisions of Title 43 as listed in this section and OAR Chapter 340, Division 248.~~

~~(1) Asbestos abatement conducted inside a single private residence by the owner is exempt from 43-015-7, if the residence:~~

~~(a) is not used as a rental property;~~

~~(b) is not used as a commercial business;~~

~~(c) is not intended to be demolished.~~

~~(2) Asbestos abatement conducted inside a single private residence by the owner-occupant is exempt from 43-015-9 through 43-015-12.~~

~~(3) Asbestos abatement conducted outside of a single private residence by the owner is exempt from 43-015-7 and 9, if the residence:~~

~~(a) is not used as a rental property;~~

~~(b) is not used as a commercial property; and~~

~~(c) is not intended to be demolished.~~

~~(4) Residential buildings with four or fewer dwelling units that were constructed after January 1, 2004 are exempt from the provisions of 43-015-7.~~

~~(5) 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, and the conditions in (a) and (b) below are met are exempt from 43-015-10 through 43-015-19 and 43-015-20.A, B, H, and I, provided these materials are not made friable.~~

~~(a) The generation of particulate asbestos material is minimized.~~

~~(b) Asbestos-containing materials are wetted prior to removal and during subsequent handling, to the extent practicable.~~

~~(6) Projects involving the removal of less than three square feet or three linear feet of asbestos-containing material are exempt from 43-015-11.R through 43-015-11.U provided that the removal of asbestos is not the primary objective, is part of a needed repair operation, the methods of removal are in compliance with OAR 437 Division 3, "Construction" Subsection Z and 29 CFR 1926.1101(g)(i) through (iii) (1998), and the following conditions are met:~~

~~(a) the generation of particulate asbestos material is minimized;~~

~~(b) no vacuuming or local exhaust ventilation and collection is conducted with equipment having a collection efficiency lower than that of a HEPA filter;~~

~~(c) all asbestos-containing waste materials shall be cleaned up using HEPA filters or wet methods; and~~

~~(d) asbestos-containing materials are wetted prior to removal and during subsequent handling, to the extent practicable.~~

~~An asbestos abatement project may not be subdivided into smaller-sized units in order to qualify for this exemption.~~

~~(7) Projects involving the removal of asbestos-containing materials that are sealed from the atmosphere by a rigid casing are exempt from 43-015-9 through 43-015-11, 43-015-20.B through 43-015-20.D, and 43-015-20.G through 43-015-20.I, 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.~~

~~Open storage or open accumulation of asbestos-containing material or asbestos-containing waste material is prohibited.~~

~~*(Note: The requirements and jurisdiction of the State of Oregon Department of Insurance and Finance, Accident Prevention Division (Oregon OSHA) and any other state agency are not affected by these rules.)*~~

~~**9. NON-FRIABLE ASBESTOS ABATEMENT PROJECTS. Any person who removes non-friable asbestos-containing material not exempted under 43-015-8.A must comply with the following:**~~

~~**A. Submit asbestos removal notification and the appropriate fee to the Agency, on an Agency form in accordance with 43-015-10.**~~

~~**B. Remove non-friable asbestos-containing materials in a manner that ensures the material remains non-friable.**~~

~~**C. A non-friable asbestos abatement project is exempt from the asbestos licensing and certification requirements under 43-015-11.R through 43-015-11.U. This exemption ends whenever the asbestos-containing material becomes friable or has the potential to release asbestos fibers into the environment.**~~

~~**10. ASBESTOS ABATEMENT NOTIFICATION REQUIREMENTS**~~ **Section 43-0045 Emission Standards and Procedural Requirements: Asbestos Abatement Notification Requirements**

(1) Except as provided for in section 43-0035~~43-015-8~~, written notification of any asbestos abatement project must be provided to ~~the Agency~~ LRAPA on a form prepared by and available from ~~the Agency~~ LRAPA, accompanied by the appropriate fee. The notification must be submitted by the facility owner or operator or by the contractor, in accordance with one of the procedures specified in subsections (2) through (4) below~~A, B or C below~~, except as provided in subsection~~s~~ (7). ~~F and G below.~~

(2) Submit the notifications as specified in subsection ~~D~~ - (5) below, and the project notification fee to ~~the Agency~~ LRAPA at least ~~ten (~~10~~)~~ days before beginning any friable asbestos abatement project and at least five (5) days before beginning any non-friable asbestos abatement project. See Table 1, Section 43-8010 for fee schedule.

~~(1) The project notification fees in effect for 07/01/2024 are:~~

~~(a) eighty-three dollars ($83) for each asbestos abatement project less than 40 linear feet or 80 square feet of asbestos-containing material, a residential building~~

~~used as a residence before AND after abatement, or a non-friable asbestos abatement project;~~

~~(b) one hundred and seventy-six dollars ($176) for each asbestos abatement project greater than or equal to 40 linear feet or 80 square feet of asbestos-containing material and less than 260 linear feet or 160 square feet;~~

~~(c) seven hundred and ten dollars ($710) for each project greater than or equal to 260 linear feet or 160 square feet, and less than 1,300 linear feet or 800 square feet;~~

~~(d) eight hundred and ninety dollars ($890) for each project greater than or equal to 1,300 linear feet or 800 square feet, but less than 2,600 feet or 1,600 square feet;~~

~~(e) one thousand, five hundred and forty dollars ($1,540) for each project greater than or equal to 2,600 linear feet or 1,600 square feet, and less than 5,000 linear feet or 3,500 square feet;~~

~~(f) one thousand, seven hundred and seventy-six dollars ($1,776) for each project greater than or equal to 5,000 linear feet or 3,500 square feet, and less than 10,000 linear feet or 6,000 square feet;~~

~~(g) two thousand, eight hundred, and forty-four dollars ($2,844) for each project greater than or equal to 10,000 linear feet or 6,000 square feet, and less than 26,000 linear feet or 16,000 square feet;~~

~~(h) four thousand, seven hundred, and forty dollars ($4,740) for each project greater than or equal to 26,000 linear feet or 16,000 square feet, and less than 260,000 linear feet or 160,000 square feet.~~

~~(i) five thousand, nine hundred, and twenty-five dollars ($5,925) for each project greater than 260,000 linear feet or 160,000 square feet.~~

~~(2) The annual notifications fees are:~~

~~(a) six hundred and sixteen dollars ($616) for annual notifications for friable asbestos abatement projects involving removal of less than 40 linear feet or 80 square feet of asbestos-containing material; and~~

~~(b) eight hundred and thirty dollars ($830) for annual notifications for non-friable asbestos abatement projects performed at schools, colleges, and facilities.~~

(a) ~~(3)~~ The fees in Table 1, Section 43-8010 ~~43-015-10.A(1) and (2)~~ will increase by four percent (4%) ~~percent~~ on July 1 of each year, beginning July 1, 2003.

(b) ~~(4)~~ Project notification fees must accompany the completed project notification form. Notification has not occurred until the completed notification form and appropriate notification fee are received by ~~the Agency~~ LRAPA.

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(c) ~~(5)~~ ~~The Agency~~ LRAPA may waive the ~~ten~~10-day notification requirement in subsection ~~A~~ (2) above in emergencies that directly affect human life, health, and property. This includes:

(A)~~(a)~~ emergencies where there is an imminent threat of loss of life or severe injury; or

(B)~~(b)~~ emergencies where the public is exposed to air-borne asbestos fibers; or

(C)~~(c)~~ emergencies where significant property damage will occur if repairs are not made immediately~~.~~ or

(D) Asbestos abatement projects that were not planned, resulted from unexpected events, and will cause damage to equipment or impose unreasonable financial burden if not performed immediately. This includes the non-routine failure of equipment.

~~(6) The Agency may waive the ten-day notification requirement in subsection A above for asbestos abatement projects that were not planned, resulted from unexpected events, and will cause damage to equipment or impose unreasonable financial burden if not performed immediately. This includes the non-routine failure of equipment.~~

(d)~~(7)~~ ~~In either (5) or (6) above p~~Persons responsible for such asbestos abatement projects must notify ~~the Agency~~ LRAPA ~~by telephone~~ before commencing work, or by 9:00 a.m. of the next working day if the work was performed on a weekend or holiday. In any case, notification as specified in subsection D below and the appropriate fee must be submitted to ~~the Agency~~ LRAPA within three (3) days of commencing emergency or unexpected event asbestos abatement projects.

(e)~~(8)~~ If an asbestos project, equal to or greater than 2600 linear feet or 1600 square feet continues for more than one year from the original start date of the project, a new notification and fee must be submitted annually thereafter until the project is complete.

(f)~~(9)~~ Failure to notify ~~the Agency~~ LRAPA before any changes in the scheduled starting or completion dates or other substantial changes, will render the notification void.

~~(10) Residential buildings include: site built homes, modular homes constructed off site, mobile homes, condominiums, and duplexes or other multi unit residential building consisting of four units or less, and will be used as residential dwellings after any asbestos abatement project is completed.~~

(3)~~B~~ Annual notification for ~~small-scale~~ friable asbestos abatement projects may be used only for projects where less than forty (40) linear or eighty (80) square feet of asbestos-containing material is removed. The ~~small-scale~~ friable asbestos projects may be conducted at multiple facilities by a single licensed asbestos contractor or at a facility that has a centrally controlled

asbestos operation and maintenance program where the facility owner uses appropriately trained and certified personnel to remove asbestos. The annual notification may be submitted as follows:

(a~~1~~) Establish eligibility for use of this notification procedure with ~~the Agency~~ LRAPA prior to use.

(b~~2~~) Maintain on file with ~~the Agency~~ LRAPA a general asbestos abatement plan. The plan must contain the information specified in part D of this subsection to the extent possible.

(c~~3~~) Provide to ~~the Agency~~ LRAPA a summary report of all asbestos abatement projects conducted in the previous three months, by the 15th day of the month following the end of each calendar quarter. The summary report must include the information specified in part D of this subsection for each project, a description of any significant variations from the general asbestos abatement plan, and a description of asbestos abatement projects anticipated for the next quarter when possible.

(d~~4~~) Provide to ~~the Agency,~~ LRAPA upon request, a list of asbestos abatement projects that are scheduled or are being conducted at the time of the request.

(e~~5~~) Submit a project notification fee prior to use of this notification procedure.

(f~~6~~) Failure to provide payment for use of this notification procedure will void the general asbestos abatement plan, and each subsequent abatement project will be individually assessed a project notification fee.

(4)~~C~~ Annual non-friable asbestos abatement projects may only be performed at schools, colleges, and facilities where the removal work is done by certified asbestos abatement workers. Submit the notification as follows:

(a~~1~~) Establish eligibility for use of this notification procedure with ~~the Agency~~ LRAPA prior to use.

(b~~2~~) Maintain on file with ~~the Agency~~ LRAPA a general non-friable asbestos abatement plan. The plan must contain the information specified in part D of this subsection to the extent possible.

(c~~3~~) Provide to ~~the Agency~~ LRAPA a summary report of all non-friable asbestos abatement projects conducted in the previous three months by the 15th day of the month following the end of the calendar quarter. The summary must include the information specified in part D of this subsection for each project, a description of any significant variations from the general asbestos abatement plan, and a list describing the non-friable asbestos abatement projects anticipated for the next quarter, when possible.

(d~~4~~) Submit project notification and fee prior to use of this notification procedure.

(e5) Failure to provide payment for use of this notification procedure will void the general non-friable asbestos abatement plan, and each subsequent non-friable abatement project will be individually assessed a project notification fee.

(5)D. The following information must be provided for each notification:

(a1) Name and address of person intending to engage in asbestos abatement;

(b2) The Oregon asbestos abatement contractor's license number and certification number of the supervisor for the asbestos abatement project or, for non-friable asbestos abatement projects, the name of the supervising person that meets Oregon OSHA's competent person qualifications as required in OAR chapter 437, Ddivision 3 "Construction", Ssubdivision Z, 1926.1101(b) "Competent person", (2/10/1994);

(c3) Method of asbestos abatement to be employed;

(d4) Procedures to be employed to ~~insure~~ ensure compliance with sections 43-0015 through 43-006043-015;

(e5) Names, addresses and phone numbers of waste transporters;

(f6) Name and address or location of the waste disposal site where the asbestos-containing waste material will be deposited;

(g7) Description of asbestos disposal procedure;

(h8) Description of building, structure, facility, installation, vehicle or vessel to be demolished or renovated, including:

(Aa) the age, present and prior use of the facility; and

(Bb) address or location where the asbestos abatement project is to be accomplished, including building, floor, and room numbers.

(i9) Facility owner's or operator's name, address and phone number;

(j10) Scheduled starting and completion dates and times of asbestos abatement work;

(k11) Description of the asbestos type, approximate asbestos content (percent) and location of the asbestos-containing material;

(l12) Amount of asbestos to be abated (linear feet, square feet, thickness);

(m13) For facilities described in section 43-0050(1)(l) 43-015-11.K, provide the name, title and authority of the state or local government official who ordered the demolition, date the order was issued, and the date the demolition is to begin; and

(n14) Any other information requested on ~~the Agency~~ LRAPA form.

(6)~~E.~~ In addition to any other legal remedy available, the project notification fees specified in this section will be increased by ~~fifty (50)~~ 50 percent when an asbestos abatement project is commenced without filing of a project notification or submittal of a notification fee or when notification of less than ten days is provided under section 43-0045(2)(c) ~~43-015-10.A(5) and (6)~~.

(7)~~F.~~ The Director may waive part or all of a project notification fee. Requests for waiver of fees must be made in writing to the Director, on a case-by-case basis, and be based upon financial hardship. Applicants for waivers must describe the reason for the request and certify financial hardship.

~~11.~~ **Section 43-0050 Emission Standards and Procedural Requirements: Asbestos Abatement Work Practices and Procedures ~~ASBESTOS ABATEMENT WORK PRACTICES AND PROCEDURES~~.**

(1) Except as provided for ~~in~~ section 43-0035 ~~43-015-8~~, the following procedures must be employed by any person who conducts or provides for the conduct of an asbestos abatement project, including any person who owns or operates a facility where an asbestos abatement project is conducted:

(a)~~A.~~ Conduct the asbestos abatement inside a regulated area.

(b) Remove all asbestos-containing materials before beginning any activity 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 before demolition if:

(A~~1~~) They are on a facility component that is encased in concrete or other similar material and are adequately wetted whenever exposed during demolition or renovation; or

(B~~2~~) They were not discovered before demolition or renovation and cannot be removed because of unsafe conditions as a result of the demolition or renovation.

(c)~~B.~~ Upon discovery of known or suspected asbestos containing materials or asbestos containing waste materials found during demolition, renovation or after an unforeseen emergency, the owner or operator performing the demolition or renovation activity must:

(A~~1~~) Stop ~~demolition~~ work immediately;

~~(2) Notify the Agency immediately of the occurrence;~~

(B~~3~~) Keep the exposed asbestos-containing materials and any asbestos-contaminated waste material adequately wet at all times and cover with six (6) mil plastic or equivalent until a licensed asbestos abatement contractor begins removal activities; and

(C4) Have the licensed asbestos abatement contractor remove and dispose of the asbestos-containing waste material. Suspect materials not previously included on a survey report may be tested by a certified asbestos building inspector to determine if an asbestos abatement is required.

~~C. Enclose the area of the asbestos-containing materials to be abated, in a negative pressure enclosure prior to abatement unless prior approval has been granted by the Agency.~~

(d)~~D.~~ 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 person performing the asbestos abatement project: ~~owner or operator:~~

(A~~1~~) Obtains prior written approval from ~~the Agency~~ LRAPA for dry removal of asbestos-containing material;

(B~~2~~) Keeps a copy of ~~the Agency's~~ LRAPA's written approval available for inspection at the work site;

(C~~3~~) Adequately wraps or encloses any asbestos-containing material during handling to avoid releasing fibers; and

(D4) Uses a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the asbestos abatement project which is no less efficient than a HEPA filter.

(e)~~E.~~ When a facility component covered or coated with asbestos-containing materials is being taken out of the facility as units or in sections, the person performing the asbestos abatement project must:

(A~~1~~) Adequately wet any asbestos-containing materials exposed during cutting or disjointing operation; and

(B~~2~~) Carefully lower the units or sections to ground level, not dropping them or throwing them.

(C~~3~~) 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:

(i~~a~~) ~~t~~The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the regulated asbestos-containing material;

(ii~~b~~) ~~t~~The component is encased in leak-tight wrapping; and

(iiie) tThe leak-tight wrapping is labeled according to section 43-0060(1)(b)(B)(ii) 43-015-19.B(1)(b)(ii) during all loading and unloading operations and during storage.

(f)F. Any person who removes asbestos-containing material and not exempted under subsection 43-0035(2) must comply with the following:

(A) Submit asbestos removal notification and the appropriate fee to LRAPA, on an LRAPA form in accordance with section 43-0045.

(B) Remove non-friable asbestos-containing materials in a manner that ensures the material remains non-friable.

(C) A non-friable asbestos abatement project is exempt from the asbestos licensing and certification requirements under paragraphs 43-0050(1)(r) through (u). This exemption ends whenever the asbestos-containing material becomes friable or has the potential to release asbestos fibers into the environment.

(g) For friable asbestos-containing materials being removed or stripped abated:

(A1) Adequately wet the materials to ensure that they remain wet until they are disposed of in accordance with section 43-006043-015-19.

(B2) Carefully lower the materials to the floor, not dropping or throwing them.

(C3) With prior written approval from the Agency LRAPA, 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.

(D4) Enclose the area where friable asbestos-containing materials are to be removed with a negative pressure enclosure prior to and during abatement unless written approval for an alternative is granted by the Agency LRAPA.

(E5) Install A 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 (2) feet by two (2) feet and be made of a material that will allow a clear view inside the enclosure.; and

(iib) For large enclosures, including negative pressure enclosures, install one (1) viewing window for every 5,000 square feet of area when spatially feasible.

(h)~~G.~~ The asbestos abatement project area must ~~shall~~ be adequately cleaned at the conclusion of the project to assure removal of all asbestos debris.

(i)~~H.~~ While at the project site, all asbestos-containing waste must ~~shall~~ be secured in a posted area or receptacle.

(j)~~I~~. Ambient air sampling may be required in proximity to any asbestos removal project where work practices prescribed in this section are not being followed, whether or not prior approval to use alternate method has been obtained from ~~the Agency~~ LRAPA.

(k)~~J.~~ Before a facility is demolished by intentional burning, all asbestos containing material must be removed and disposed of in accordance with sections 43-0050 ~~43-015-11 Work Practices~~ through 43-0060 ~~43-015-20.~~

(l)~~K.~~ 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:

(A~~1~~) Obtain written approval from ~~the Agency~~ LRAPA for an ordered demolition procedure before that demolition takes place;

(B~~2~~) Send a copy of the order and an asbestos abatement project notification (as described in 43-015-10) to ~~the Agency~~ LRAPA before commencing demolition work;

(C~~3~~) Keep a copy of the order, Agency'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

(D~~4~~) Keep asbestos-containing materials and asbestos contaminated debris adequately wet during demolition and comply with the disposal requirements set forth in section 43-0060 ~~43-015-19 and 43-015-20.~~

(m)~~L.~~ Persons performing asbestos abatement outside full negative pressure enclosure ~~containment~~ must obtain written approval from ~~the Agency~~ LRAPA before using mechanical equipment to remove asbestos-containing material.

(n)~~M.~~ None of the operations in subsections ~~A~~ (a) through ~~H~~ (i) of this section may cause any visible emissions outside of a negative pressure enclosure. Any local exhaust ventilation and collection system or other vacuuming equipment used during an asbestos abatement project must be equipped with a HEPA filter or other filter of equal or greater collection efficiency and must be sealed with six (6) mil plastic or equivalent when not in use.

~~N. Open storage or open accumulation of friable asbestos-containing material or asbestos-containing waste material is prohibited.~~

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(0)~~O.~~ Any materials within a container which displays an asbestos hazard warning will be subject to all applicable rules and regulations pertaining to the storage and disposal of asbestos-containing waste materials.

(p)~~P.~~ No person may ~~shall~~ conduct an asbestos abatement project unless they possess a current asbestos abatement Contractors license or worker's certification, issued by the ~~Department~~ DEQ under OAR 340-248-040 or OAR 340-248-0120 and OAR 340-248-0130, respectively, unless exempted by 43-0035 ~~43-015-8~~ and/or 43-0050(f) ~~43-015-9~~.

(q)~~Q.~~ Any person acting as the supervisor for any asbestos abatement project must be certified by DEQ ~~the Department~~ as a supervisor under the provisions of OAR 340-248-0130. A certified supervisor may work as a certified worker without having certification as a worker.

(r)~~R~~. Any person engaged in or working on any asbestos abatement project must be certified by DEQ ~~the Department~~ as a worker or a supervisor under the provisions of OAR 340-248-0130.

(s)~~S~~. A certified supervisor is required to be present on each asbestos abatement project other than a small-scale short-duration activity.

(t)~~T~~. An owner or operator of a facility must ~~shall~~ not allow any persons other than those employees of the facility owner or operator who are appropriately certified or a licensed asbestos abatement contractor to perform an asbestos abatement project in or on that facility unless exempted by section 43-0035 ~~43-015-8~~ and/or subsection 43-0050(f).~~43-015-9~~.

(u)~~U.~~ The LRAPA 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~~s~~, 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.

~~12. FINAL AIR CLEARANCE SAMPLING REQUIREMENTS~~ Section 43-0055 Emission Standards and Procedural Requirements: Final Air Clearance Sampling Requirements, Air Cleaning, Spraying, Molded Insulation and Fabricating

(1) The requirements of this section apply to projects involving more than 160 square feet or 260 linear feet of asbestos-containing material. Before negative pressure enclosure ~~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 Agency~~ LRAPA may grant a waiver to this section or exceptions to the following requirements upon receiving an advanced written request.

(a)~~A.~~ The air clearance samples must be performed and analyzed by a party who is National Institute of Occupational Safety and Health (NIOSH) 582, or equivalent, certified and financially independent from the person(s) conducting the asbestos abatement project.

(b)~~B.~~ Before final air clearance sampling is performed the following must be completed:

(A~~1~~) All visible asbestos-containing material and asbestos-containing waste material must be removed according to the requirements of this section;

(B~~2~~) The air and surfaces within the containment must be sprayed with an encapsulant;

(C~~3~~) Air sampling may commence when the encapsulant has settled sufficiently so that the filter of the sample is not clogged by airborne encapsulant; and

(D~~4~~) Air filtration units must remain on during the air monitoring period.

(c)~~C.~~ Air clearance sampling inside containment areas must be aggressive and comply with the following procedures:

(A~~1~~) Immediately before starting the sampling pumps, direct exhaust from a minimum one (1) ~~horse power~~ horsepower forced air blower against all walls, ceilings, floors, ledges, and other surfaces in the containment.

(B~~2~~) Then place stationary fans in locations that will not interfere with air monitoring equipment, and direct the fans toward the ceiling. Use one fan per 10,000 cubic feet of room space.

(C~~3~~) Start sampling pumps and sample an adequate volume of air to detect concentrations of 0.01 fibers per cubic centimeter according to the U.S. National Institute of Occupational Safety and Health, (NIOSH) 7400 method.

(D~~4~~) When sampling is completed turn off the pump and then the fan(s).

(E~~5~~) As an alternative to meeting the requirements of (1) through (4) 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).

(d)~~D.~~ The persons(s) performing asbestos abatement projects requiring air clearance sampling must submit to ~~the Agency~~ LRAPA clearance results within 30 ~~thirty (30)~~ days after the monitoring procedures were performed.

(2) ~~13.RELATED WORK PRACTICES AND ENGINEERING CONTROLS~~ Related work practices and engineering controls employed for asbestos abatement projects by contractors and/or workers who are not otherwise subject to the requirements of the Oregon Department of Insurance and Finance, Oregon Occupational Safety and Health Division, ~~shall~~ must comply with the subsections of OAR ~~C~~chapter 437, ~~D~~division 3, "Construction" (29 CFR 1926.1101(g)) which limit the release of asbestos-containing materials or exposure of other persons. As used in this subsection the term "employer" ~~shall~~ means the operator of the asbestos abatement project, and the term "employee" ~~shall~~ means any other person.

(3)~~14. SPRAYING OPERATIONS~~. The following apply to spraying operations:

(a)~~A.~~ No person may cause or allow to be discharged into the atmosphere any visible emissions from any spray-on application of materials containing more than one percent (1%) asbestos on a dry weight basis used to insulate or fireproof equipment or machinery, except as provided in subsection ~~4~~15 of this section. Spray-on materials used to insulate or fireproof buildings, structures, pipes, and conduits must contain less than one percent (1%) asbestos on a dry weight basis. If any city or area of local jurisdiction has ordinances or regulations for spray application materials more stringent than those in this section, the provisions of such ordinances or regulations apply.

(b)~~B.~~ Any person intending to spray asbestos materials to insulate, fireproof, cover or coat buildings, structures, pipes, conduits, equipment, or machinery must notify ~~the Agency~~ LRAPA in writing ~~twenty (20)~~ 20 days before the spraying operation begins. The notification must contain the following information:

(A~~1~~) Name and address of person intending to conduct the spraying operation;

(B~~2~~) Address or location of the spraying operation; and

(C~~3~~) Name and address of the owner of the facility being sprayed.

(c)~~C.~~ The spray-on application of materials in which the asbestos fibers are encapsulated with a bituminous or resinous binder during spraying and which are not friable after drying is exempted from the requirements of ~~parts A~~ (a) and ~~B~~ (b) of this subsection.

(4)~~15.OPTIONS FOR AIR CLEANING.~~ Rather than meet the no visible emissions requirements of subsections 43-0015(1) and (3) ~~43-015-1 and 3~~, owners and operators may elect to use methods specified in subsection ~~(5)16,~~ below.

(5)~~16.AIR CLEANING.~~ All persons electing to use air cleaning methods rather than comply with the no visible emission requirements must meet ~~all provisions of this section:~~ the following provisions:

(a)~~A.~~ Fabric filter collection devices must be used, except as provided in subsections ~~B~~ b and ~~C~~ c of this section. Such devices must be operated at a pressure drop of no more than four (4) inches (10.16 cm) water gauge as measured across the filter fabric. The air flow permeability, as determined by ASTM Method D737-75, must not exceed 30 $ft.^3_{air}/min./ft.^2_{fabric}$ (9 $m^3_{air}/min./m^2_{fabric}$) for woven fabrics or 35 $ft.^3_{air}/min./ft.^2_{fabric}$ (11

$m^3_{air}/min./m^2_{fabric}$) for felted fabrics with the exception that airflow permeability of 40 $ft.^3_{air}/min/ft.^2_{fabric}$ (12 $m^3_{air}/min./m^2_{fabric}$) for woven and 45 $ft.^3_{air}/min./ft.^2_{fabric}$ (14 $m^3_{air}/min./m^2_{fabric}$) for felted fabrics must be allowed for filtering air emissions from asbestos ore dryers. Each square yard of felted fabric must weigh at least 14 ounces (475 grams/square meter) and be at least one-sixteenth 1/16 inch (1.6 mm) thick throughout. Any synthetic fabrics used must not contain fill yarn other than that which is spun.

(b)~~B.~~ ~~The Agency~~ LRAPA may authorize the use of wet collectors designed to operate with a unit contacting energy of at least ~~forty (40)~~ 40 inches (10.16 cm) of water gauge pressure when the use of fabric filters creates a fire or explosion hazard, as determined by the local fire department.

(c)~~C.~~ ~~The Agency~~ LRAPA may authorize the use of filtering equipment other than that described in ~~parts A~~ (a) and ~~B~~ (b) of this subsection if such filtering equipment is satisfactorily demonstrated and certified to provide filtering efficiency of at least 99.97 percent for particles 0.3 microns or greater.

(d)~~D~~ All air cleaning devices authorized by this section must be properly installed, operated, and maintained. Devices to bypass the air cleaning equipment may be used only during upset and emergency conditions, and then only for such time as is necessary to shut down the operation generating the particulate asbestos-containing material.

(e)~~E.~~ All persons operating any existing source using air cleaning devices must ~~shall~~, within ~~ninety (90)~~ 90 days of the effective date of these rules, provide the following information to ~~the Agency~~ LRAPA:

(A~~1~~) A description of the emission control equipment used for each process.

(B~~2~~) If a fabric is utilized, the following information must ~~shall~~ be reported:

(i~~a~~) ~~t~~The pressure drop across the fabric filter in inches water gauge and the airflow permeability in $ft.^3_{air}/min./ft.^2_{fabric}$ ($m^3_{air}/min./m^2_{fabric}$);

(ii~~b~~) ~~f~~For woven fabrics, indicate whether the fill yarn is spun or not spun; and

(iii~~c~~) ~~f~~For felted fabrics, the density in ounces/$yard^3$ (gms/m^3) and the minimum thickness in inches (centimeters).

(C~~3~~) If a wet collector is used the unit contact energy must ~~shall~~ be reported in terms of inches of pressure, water gauge.

(f)~~F.~~ Fabric filter collection systems installed after January 10, 1989, must be easily inspected for faulty bags.

(6) ~~17. FABRICATION.~~ No person using commercial asbestos may cause to be discharged into the atmosphere any visible emissions including fugitive emissions except as provided in ~~43-015-16,~~ subsection (5) above, from any fabricating operations including, but not limited to, the following:

(a)~~A.~~ The fabrication of cement building products;

(b)~~B.~~ The fabrication of friction products, except those operations that primarily install asbestos friction materials on motor vehicles; and

(c)~~C.~~ The fabrication of cement or silicate board for ventilation hoods, ovens, electrical panels, laboratory furniture; bulkheads, partitions and ceilings for marine construction; and flow control devices for the molten metal industry.

(d)~~D.~~ Unless receiving prior approval from ~~the Agency~~ LRAPA, the owner or operator subject to this section must:

(A~~1~~) Monitor each potential source of asbestos emissions from any part of the fabricating facility, including air cleaning devices and process equipment for material processing and handling, at least once each day, during daylight hours, for visible emissions to the outside air during periods of operations. The monitoring must be by visual observation of at least ~~fifteen (15)~~ 15 seconds duration per source of emissions.

(B~~2~~) Inspect each air cleaning device at least once each week for proper operation and for changes that signal the potential for malfunctions including, to the maximum extent possible without dismantling other than opening the device, the presence of tears, holes, and abrasions in filter bags and for dust deposits on the clean side of bags. For air cleaning devices that cannot be inspected on a weekly basis according to this subsection, submit to ~~the Agency~~ LRAPA, revise as necessary, and implement a written maintenance plan to include, at a minimum, the following:

(i~~a~~) ~~m~~Maintenance schedule; and

(ii~~b~~) ~~r~~Recordkeeping plan.

(C~~3~~) Maintain records of the results of visible emission monitoring and air cleaning device inspections using a format approved by ~~the Agency~~ LRAPA that includes the following information:

(i~~a~~) ~~d~~Date and time of each inspection;

(ii~~b~~) ~~p~~Presence or absence of visible emissions;

(iii~~e~~) ~~c~~Condition of fabric filters, including presence of any tears, holes, and abrasions;

(iv~~d~~) ~~p~~Presence of dust deposits on clean side of fabric filters;

(ve) ~~b~~Brief description of corrective actions taken, including date and time; and

(vif) ~~d~~Daily hours of operation for each air cleaning device.

(D~~4~~) Furnish upon request and make available at the affected facility during normal working hours for inspection by ~~the Agency~~ LRAPA, all records required under this subsection.

(E~~5~~) Retain a copy of all monitoring and inspection records for at least two (2) years.

(F~~6~~) Submit a copy of the visible emission monitoring records to ~~the Agency~~ LRAPA quarterly. The quarterly report must be postmarked by the ~~thirtieth (30th)~~ 30th day following the end of the calendar quarter.

(7)~~18. INSULATION.~~ No owner or operator of a facility may install or reinstall on a facility component any insulating materials that contain commercial asbestos if the materials are either molded and friable or wet-applied and friable after drying. The provisions of this subsection do not apply to insulating materials regulated under ~~section 14~~ subsection (3) ~~of this rule~~ which are spray applied.

~~**19. FRIABLE ASBESTOS DISPOSAL REQUIREMENTS Work practices and procedures for packaging, storing, transporting, and disposing of friable asbestos containing waste material:**~~ **Section 43-0060 Emission Standards and Procedural Requirements: Asbestos Disposal Requirements**

(1) The owner or operator of a facility or a person conducting an activity covered under the provisions of ~~43-015-1~~ Sections 43-0015 through 43-0060 ~~through 19~~, or any other source of ~~friable~~ asbestos-containing waste material must meet the following work practices and procedures for packaging, storing, transporting, and disposing of asbestos containing waste materials ~~standards~~:

(a)~~A.~~There may be no visible emissions to the atmosphere during the collection, processing, packaging, transporting, or deposition of any asbestos-containing waste material. ~~that is generated by a facility.~~

~~B. Persons disposing of asbestos-containing waste material must notify the landfill operator of the type and volume of the asbestos-containing waste material.~~

(b~~1~~) All asbestos-containing waste materials must be adequately wetted to ensure that they remain wet until delivered to an authorized landfill, and either:

(A~~a~~) P~~p~~rocessed into non-friable pellets or other shapes; or

(B~~b~~) P~~p~~ackaged in leak-tight containers such as two plastic bags with a minimum thickness of six (6) mil., or fiber or metal drum. ~~Containers must be labeled as follows:~~

(c) Prior to removal from the regulated area containers must be labeled as follows:

(A~~i~~) the name of the asbestos waste generator and the location where the asbestos waste was generated; and

(B~~ii~~) a warning label that states:

DANGER
Contains Asbestos Fibers
Avoid Creating Dust
Cancer and Lung Disease Hazard
Avoid Breathing Airborne
Asbestos Fibers

(C) Alternatively, warning labels specified by 29 CFR 1926.1101(k)(7)(8/19/94) may be used.

(d~~2~~) ~~The waste transporter shall immediately notify the landfill operator upon arrival of the asbestos-containing waste material at the disposal site~~. Persons disposing of asbestos containing waste material must notify the permitted disposal site operator of the type and volume of the waste material and obtain the approval of the permitted waste disposal site prior to bringing waste to the permitted disposal site. Off-loading of asbestos-containing waste ~~shall~~ must be done under the direction and supervision of the landfill operator.

(A~~3~~) Off-loading of asbestos-containing waste material ~~shall~~ must occur at the immediate location where the asbestos-containing waste is to be buried.

(B4) Off-loading of asbestos-containing waste material ~~shall~~ must be accomplished in a manner that prevents the leak-tight transfer containers from rupturing and prevents visible emissions to the air.

(e)~~C.~~ If the asbestos-containing materials are not removed from a facility before demolition as described in ~~43-015-11.A~~ section 43-0050, adequately wet the asbestos-containing waste material at all times after demolition and keep it wet during handling and loading for transport to a disposal site. Such asbestos-containing waste materials must be transported in lined and covered containers for bulk disposal.

(f)~~D.~~ The interim storage of asbestos-containing waste material must protect the asbestos-containing waste from dispersal into the environment and provide physical security from tampering by unauthorized persons. The interim storage of asbestos-containing waste material is the sole responsibility of the contractor, owner or operator performing the asbestos abatement project.

(g)~~E.~~ All asbestos-containing waste material must be deposited as soon as possible by the waste generator at:

(A1) An asbestos-containing waste disposal site authorized by the ~~Department~~ DEQ and operated in accordance with the provisions of this rule; or

(B2) A ~~Department~~ DEQ-approved site that converts asbestos-containing waste material into non-asbestos (asbestos free) material according to the provisions of section 43-0025 and OAR 340-248-0230 Asbestos to Non-asbestos Conversion Operations.

(h)~~F.~~ For each asbestos-containing waste shipment, the following information must be recorded on an ~~Agency~~ LRAPA form by the waste generator and a copy provided to the waste transporter:

(A1) The asbestos abatement project site ~~The~~ name, address, and telephone number of the waste generator;

(B2) A description of the asbestos-containing waste material and ~~T~~the number and type of asbestos-containing waste material containers and volume in cubic yards;

(C3) A certification that the contents of this consignment are carefully and accurately described by the proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highways according to applicable regulations;

(D4) The date transported;

(E5) The name, address, and telephone number of the transporter(s);

(F6) The name and telephone number of the disposal site operator;

(G7) The name and address or location of the waste disposal site;

(H8) The quantity of the asbestos-containing waste material in cubic yards;

(I9) The presence of improperly enclosed or uncovered asbestos-containing waste, or any asbestos-containing waste material not sealed in leak-tight containers; and

(J10) The date asbestos-containing waste is received at the disposal site.

(i)~~G.~~ For the transportation of asbestos-containing waste material, the waste generator must:

(A1) Maintain the waste shipment records for at least two years and ensure that all the information requested on ~~the Agency~~ LRAPA's form regarding waste generation and transportation has been supplied;

(B2) Limit access into loading and unloading area to authorized personnel; and

(C3) Mark vehicles, while loading and unloading asbestos-containing waste, with signs (20 in. X 14 in.) that state:

DANGER
ASBESTOS DUST HAZARD
CANCER AND LUNG DISEASE HAZARD
Authorized Personnel Only

(D) Alternatively, language that conforms to the requirements of 29 CFR 1926.1101(k)~~(6)~~ (7)(8/19/94) may be used.

(j)~~H.~~ The waste transporter must:

(A~~1~~) Immediately notify the permitted disposal site ~~landfill operator~~ upon arrival of the asbestos-containing waste at the disposal site; and

(B~~2~~) Provide a copy of the waste shipment record to the disposal site owners or operators when the asbestos-containing waste material is delivered to the disposal site.

(k)~~I~~. After initial transport of asbestos-containing waste material, the waste generator must:

(A~~1~~) Receive a copy of the completed waste shipment record within ~~thirty-five (35)~~ 35 days, or determine the status of the asbestos-containing waste shipment. A completed waste shipment record must include the signature of the owner or operator of the designated disposal site.

(B~~2~~) Receive a copy of the completed waste shipment record within ~~forty-five (45)~~ 45 days, or submit to ~~the Agency~~ LRAPA a written report including:

(i~~a~~) a copy of the waste shipment record when a confirmation of delivery was not received; and

(ii~~b~~) a cover letter signed by the waste generator explaining the efforts taken to locate the asbestos-containing waste shipment and the results of those efforts.

(C~~3~~) Keep waste shipment records, including a copy signed by the owner or operator of the designated waste disposal site, for at least three (3) years. Make all disposal records available, upon request, to ~~the Agency~~ LRAPA. ~~For~~ an asbestos abatement project conducted by a contractor licensed under OAR 340-248-120, the records must be retained by the licensed contractor. For any other asbestos abatement project, the records must be retained by the facility owner.

(l)~~J.~~ Each owner or operator of an active ~~asbestos-containing waste~~ permitted disposal site must, for all asbestos-containing waste material received, meet the following standards:

(A~~1~~) Ensure that off-loading of asbestos-containing waste material is done under the direction and supervision of the ~~landfill operator or authorized agent~~ permitted disposal site operator or the authorized agent~~,~~ and that it is accomplished in a manner

that prevents the leak-tight transfer containers from rupturing and prevents the release of visible emissions to the air.

(B~~2~~) Ensure that off-loading of asbestos-containing waste material occurs at the immediate location where the asbestos-containing waste will be buried, and restrict public access to the off-loading area until asbestos-containing waste is covered in accordance with (~~8~~H), below.

(C~~3~~) Maintain waste shipment records for at least two (2) years and ensure that all information requested on ~~the Agency~~ LRAPA form regarding asbestos-containing waste disposal has been supplied.

(D~~4~~) Immediately notify ~~the Agency~~ LRAPA~~by telephone~~, followed by a written report to ~~the Agency~~ LRAPA the following working day, of the presence of improperly enclosed or uncovered asbestos-containing waste. Submit a copy of the waste shipment record along with the report.

(E~~5~~) As soon as possible and no more than ~~thirty (30)~~ 30 days after receiving the asbestos-containing waste, send a copy of the signed waste shipment record to the waste generator.

(F~~6~~) Upon discovering a discrepancy between the quantity of asbestos-containing waste designated on the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. Report in writing to ~~the Agency~~ LRAPA any discrepancy between the quantity of asbestos-containing waste designated on the waste shipment records and the quantity actually received that cannot be reconciled between the waste generator and the waste disposal site within ~~fifteen (15)~~ 15 days after receiving the waste. Describe the discrepancy and attempts to reconcile it, and submit a copy of the waste shipment record along with the report. Include ~~the Agency~~ the LRAPA -assigned asbestos abatement project number in the discrepancy report.

(G~~7~~) Select the asbestos-containing waste burial site in an area of minimal work activity that is not subject to future excavation.

(H~~8~~) Cover all asbestos-containing waste material deposited at the disposal site with at least ~~twelve (12)~~ 12 inches of soil or six (6) inches of soil plus ~~twelve (12)~~ 12 inches of other waste before running compacting equipment over it, but not later than the end of the operating day.

(m)~~K.~~ Maintain, until site closure, record of the location, depth and area, and quantity in cubic yards of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area.

(n)~~L.~~ Excavation or disturbance of asbestos-containing waste material that has been deposited at a waste disposal site and is covered is considered an asbestos abatement project. The notification for any such project must be submitted as specified in ~~43-015-10~~ section 43-0045 except as follows:

(A1) Submit the project notification and project notification fee to the Agency LRAPA at least forty-five (45) 45 days before beginning any excavation or disturbance of asbestos-containing waste disposal site.

(B2) State the reason for disturbing the asbestos-containing waste.

(C3) Explain procedures for controlling emissions during the excavation, storage, transport and ultimate disposal of the excavated asbestos-containing waste material. The Agency LRAPA may require changes in the proposed emission control procedures.

(D4) State the location of any temporary storage site and the final disposal site.

oM. Upon closure of an active asbestos-containing waste disposal site, each owner or operator must:

(A1) Comply with all the provisions for inactive asbestos-containing waste disposal sites;

(B2) Submit to the Agency LRAPA a copy of records of asbestos-containing waste disposal locations and quantities; and

(C3) Make available during normal business hours and furnish upon request, all records required under this section for inspection by the Agency LRAPA.

(p)N. The owner or operator of an inactive asbestos-containing waste disposal site shall - must meet the following standards:

(A1) Maintain a cover of at least two (2) feet of soil or one (1) foot of soil plus one (1) foot of other waste.

(B2) Grow and maintain a cover of vegetation on the area to prevent erosion of the non-asbestos-containing cover of soil or other waste materials; or in desert areas where vegetation would be difficult to maintain, a layer of at least three (3) inches of well graded, non-asbestos crushed rock may be placed and maintained on top of the final cover instead of vegetation.

(C3) For inactive waste disposal sites for asbestos-containing tailings, a resinous or petroleum-based dust suppression agent that effectively binds dust to control surface air emissions may be used and maintained to achieve the requirements of (1) and (2) of this subsection, provided prior written approval of the Agency LRAPA is obtained.

(D4) Excavation or disturbance at any inactive asbestos-containing waste disposal site is an asbestos abatement project. The notification for any such project must be submitted as specified in 43-015-10 section 43-0045, except as follows:

(ia) Submit the project notification and project notification fee to the Agency LRAPA at least forty-five (45) 45 days before beginning any excavation or disturbance of an inactive asbestos-containing waste disposal site.

(iib) State the reason for disturbing the asbestos-containing waste.

(iiic) Explain the procedures to be used to control emissions during the excavation, storage, transport and ultimate disposal of the excavated asbestos-containing waste material. The Agency LRAPA may require changes in the proposed emission control procedures to be used.

(ivd) State the location of any temporary storage site and the final disposal site.

(E5) Within sixty (60) 60 days of a site's becoming inactive, request in writing that the EQCBoard Commission issue an environmental hazard notice for the site. This environmental hazard notice will notify in perpetuity any potential purchaser of the property that:

(Aa) Tthe land has been used for the disposal of asbestos-containing waste material;

(Bb) Tthe survey plot and record of the location and quantity of asbestos-containing waste disposed of within the disposal site, required for active asbestos disposal sites, have been filed with the Agency LRAPA; and

(Cc) Tthe site is subject to the provisions of Ttitle 43.

(q)O. Rather than meet these requirements, an owner or operator may use alternative packaging, storage, transport, or disposal methods after receiving approval by the Agency LRAPA in writing.

20. NON-FRIABLE ASBESTOS DISPOSAL REQUIREMENTS. Work practices and procedures of non-friable asbestos-containing waste material: The owner or operator of a facility or an activity covered under the provisions of Title 43 and any other source of non-friable asbestos-containing material must meet the following standards:

A. There may be no visible emissions to the atmosphere while collecting, processing, packaging, transporting, or disposing of any non-friable asbestos-containing waste material that is generated by such source.

B All non-friable asbestos-containing waste materials must be adequately wetted to ensure that they remain wet until deposited at an authorized landfill, and either:

(1) Processed into non-friable pellets or other shapes; or

(2) Packaged in leak-tight containers that allow the non-friable asbestos-containing waste material to remain adequately wet until deposited at an authorized landfill. Such containers must be marked as follows:

(a) the name of the asbestos-containing waste materials generator and the location where the waste was generated; and

(b) a warning statement:

DANGER
ASBESTOS-CONTAINING MATERIAL

C. Non-friable asbestos-containing roofing materials that are fully encapsulated in a petroleum-based binder and meet the conditions in 43-015-8.A(5) are exempt from 43-015-20.B.

D. The interim storage of non-friable asbestos-containing waste material must protect the waste from tampering by unauthorized persons. The interim storage of non-friable asbestos-containing waste material is the sole responsibility of the contractor or the owner or operator performing the non-friable asbestos abatement project.

E. All non-friable asbestos-containing waste material must be deposited as soon as possible by the asbestos waste generator at:

(1) A waste disposal site authorized by the Department and operated in accordance with this rule; or

(2) A Department-approved site that converts asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of OAR 340-248-0230, Asbestos to Nonasbestos Conversion Operations.

F. Persons disposing of non-friable asbestos-containing waste material must notify the landfill operator of the type and volume of the waste material and obtain the approval of the landfill operator before bringing the waste to the disposal site.

G. For each non-friable waste shipment, the waste generator must provide the generator information contained in 43-015-19.F.

H. For the transportation of non-friable asbestos-containing waste material, the waste generator must follow the provisions 43-015-19.G.

I. After initial transport of non-friable asbestos-containing waste material, the asbestos waste generator must follow the provisions of 43-015-19.H.

J. Each owner or operator of an active non-friable asbestos-containing waste disposal site must meet the provisions of 43-015-19.I.

K. The owner or operator of an inactive non-friable asbestos-containing waste disposal site must meet the provisions of 43-015-19.J.

L. Rather than meet the requirements of this rule, an owner or operator may use alternative packaging, storage, transport, or disposal methods after receiving written approval from the Agency.

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(Subsections 43-019-9.A(1) and (2) Amended 07/01/08; Subections 43-015-9.A(1) and (2) Amended 07/01/07; Subsections 43-015-9.A(1) and (2) Amended 07/01/06; Subsections 43-015-9.A(1) and (2) Amended 07/01/05; Subsections 43-015-9.A(1) and (2) Amended 07/01/04; Subsections 43-015-9.A(1) and (2) Amended 07/01/03)

(Section 43-020 Emission Standard for Beryllium deleted from ~~T~~title 43 on 06/11/02 and adopted by reference into new ~~T~~title 37, Subsection 37-150-3.C)

(Section 43-025 Emission Standard for Beryllium Rocket Motor Firing deleted from ~~T~~title 43 on 06/11/02 and adopted by reference into new ~~T~~title 37, Subsection 37-150-3.D)

(Section 43-030 Emission Standard for Mercury deleted from ~~T~~title 43 on 06/11/02 and adopted by reference into new ~~T~~title 37, Subsection 37-150-3.E)

(Section 43-035 Work Practice Standard for Radon 222 Emissions from Underground Uranium Mines deleted from Title 43 on 06/11/02 and adopted by reference into new ~~T~~title 37, Subsection 37-150-3.B)

(Survey Requirements revised throughout ~~T~~title 43 on 7/26/2010)

(Section 43-015-8.A(4) Residential exemption date revised on 6/8/2017)

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