

RULE SYNOPSIS

Draft rule language for Ohio Administrative Code (OAC) Chapter 3745-20 Asbestos Emission Control – 5 Year Review

The Ohio Environmental Protection Agency (OHIO EPA), Division of Air Pollution Control has reviewed OAC Chapter 3745-20 “Asbestos Emissions Control” pursuant to Ohio law (Ohio Revised Code Section 106.03 and 106.031) which requires all agencies review existing rules every five years to determine if the rules should be eliminated or amended, or to remain “as-is.”

Changes made as a result of Comments on the Draft Rule Language

On January 24, 2017 a draft of these amended rules was released for public comment. Based on the comments received, Ohio EPA made the following changes to the amended rules:

OAC 3745-20-01– Definitions and Incorporation by Reference-

Definition modified:

(5) “Asbestos Containing Waste Materials” Language was added to the definition to clarify that items such as clothing and disposable equipment that have been contaminated are also considered an asbestos containing waste material. The language added is as follows:

“Asbestos-containing waste materials” means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this chapter. This term includes filters from control devices, friable asbestos-containing material, materials contaminated with asbestos including disposable equipment and clothing and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste, and regulated asbestos contaminated debris.

Unless noted above, the draft changes presented in the public comment draft remain in the rules being proposed to the Joint Committee on Agency Rule Review.

Draft Language Changes for Public Comment

The following were presented as changes in the January, 2017 public comment draft. These changes will be proposed to the JCARR unless superseded by a change made as a result of public comments listed above:

The intent of the OHIO EPA rule review is to clarify any of the state rules without influencing the cause of enforcement. The asbestos rules for the state of Ohio are not to be more stringent than the federal standards nor less stringent than the federal standards. Also, throughout the chapter, clarification has been made that the director means the director of environmental protection and all citations to the Ohio Department of Health (ODH) rules have been made to reflect the new OAC Chapter 22 citations. The following are the OAC 3745 chapter 20 rule edits with a summary of any clarifications if necessary:

OAC 3745-20-01– Definitions and Incorporation by Reference-

Definition Numbering changed to reflect added terms.

Definitions Added:

(3) "Annual notification" means a notification submitted in order to notify for planned renovation which include nonscheduled operations, that individually are exempt from this chapter, but when combined, exceeds 160 square feet, 260 linear feet or is 35 cubic feet of regulated asbestos containing material from facility components during a calendar year; January 1st to December 31.

Clarification- to assure that the new definition clarifies what is an annual notification and when to use an annual notification.

(6) "Asbestos-contaminated debris" means any materials contaminated or covered with asbestos material including disposable equipment and clothing. For demolition and renovation operations, this term includes construction and demolition debris that has come into contact with regulated asbestos-containing material.

(16) electronic filing

Definitions edited:

(5) "Asbestos -containing waste materials" means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this chapter. This term includes filters from control devices, friable asbestos-containing material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste, debris, and materials contaminated with asbestos.

(43) "Regulated asbestos-containing material" (RACM) means:

(a) Friable asbestos material;

(b) Category I nonfriable asbestos-containing material that has become friable;

(c) Category I nonfriable asbestos-containing material that will be or has been subjected to sanding, grinding, cutting, or abrading; or

(d) Category II non friable asbestos-containing material that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this chapter.

3745-20-04- Demolition and Renovation Procedures for Asbestos Emission Control-
Clarification: 3745-20-04(A)(2) and 3745-20-04(A)(3) and 3745-20-04(A)(4)(b) and 3745-20-04(A)(c) and 3745-20-04 (A)(7) and 3745-20-04(B)(4)

3745-20-05- Standard for Asbestos Waste Handling-
Clarification includes: 3745-20-05(E)(1)(a) includes address of work site; 3745-20-05(E)(1)(k) and (m) includes date.

3745-20-06 Standard for active asbestos waste disposal site-
Clarification: 3745-20-06(B)(3) added to be consistent with the NESHP 61.154.

Additionally, minor changes were made throughout the chapter for clarification, to fix typographical errors and to bring the rules into compliance with Legislative Services Commission (LSC) and agency formatting guidelines.