

Asbestos:

Regulations & Requirements

presented by

Kentucky Division for Air Quality

visit our website at <http://www.air.ky.gov>



What Is Asbestos?

- fibrous silicate mineral
- used in >3000 products
- insulating properties
- fireproofing properties
- tensile strength, yet soft
- plentiful
- readily available
- relatively inexpensive
- killer



Asbestos History

- asbestos: Greek for “non-burnable”

USES

- 2000 years ago: lamp wicks, tablecloths
- “rediscovered” in late 1800s in Canada
- early 1900s: thermal insulation (boilers, pipes)
- later 1900s: fireproofing, reinforcement filler

HEALTH

- 1927: asbestosis identified
- 1935: lung cancer found in asbestosis victims
- 1950s: mesothelioma linked to asbestos
- no known “safe” level

ASBESTOS REGULATIONS

USEPA

- 1973: USEPA's asbestos NESHAP
- 1979: KY DAQ adopts NESHAP
- 1987: USEPA's AHERA (schools)
- 1988: KY DAQ adopts NESHAP companion
- 1989: KY DAQ adopts its own AHERA regs

(OSHA)

DEFINITIONS

- friable (RACM): crumbles under hand pressure or under forces of renovation/demolition
- categories 1 & 2 nonfriables:
 - ✓ Cat 1 = Resilient flooring, asphalt roofing
 - ✓ Cat 2 = Cement siding, slate
- owner/operator: “...of a demolition or renovation activity”

DAQ ASBESTOS REGULATIONS (Renovations/Demolitions)

401 KAR 58:025 (NESHAP)

- ***building inspections (asbestos surveys)***
- ***prior written notifications***
- ***abatement requirements***
- ***disposal requirements***

401 KAR 58:040 (NESHAP supplement)

- ***tiered abatement requirements***
- ***contractor certification***
- ***disposal and recordkeeping requirements***

NESHAP REQUIREMENTS - #1

- ***thoroughly inspect affected area***
(use accredited inspector if inside occupied building)

NESHAP REQUIREMENTS - #2

- ***prior written notification***
 - ***10 working days for \geq threshold* renovations & ALL demolitions***
 - ***next day for \geq threshold* emergency renovations & ALL ordered demolitions***
 - ***none required for smaller renovations, but “courtesy” notifications OK***

****threshold: \geq 160 sq., 260 ln., 35 cu. ft.***

NESHAP REQUIREMENTS - #3

- ***removal***
 - ***threshold* amounts: adequately wet; labeled bags***
 - ***under threshold: none required***

****threshold: \geq 160 sq., 260 ln., 35 cu. ft.***

NESHAP REQUIREMENTS - #4

- *disposal*
 - *at approved landfill (threshold* only)*
 - *6" cover or no visible emissions*

**threshold: \geq 160 sq., 260 ln., 35 cu. ft.*

REQUIREMENTS FOR ABATEMENT ENTITIES (401 KAR 58:040)

- *tiered work-practice requirements (NESHAP/non-NESHAP)*
- *certification (NESHAP removals)*
- *recordkeeping requirements*

WORK PRACTICE REQUIREMENTS (401 KAR 58:040)

- ***NESHAP renovations -- §4(1)***
- ***demolitions (over threshold) -- §4(2)***
 - ***sub-threshold removals -- §4(3)***
- ***alternatives (glovebags, variances) -- §4(4)***



DANGER

ASBESTOS

**CANCER AND LUNG DISEASE
HAZARD**

**AUTHORIZED
PERSONNEL ONLY**

**RESPIRATORS AND
PROTECTIVE CLOTHING
ARE REQUIRED IN
THIS AREA**

DANGER

**CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST**

**CANCER AND LUNG
DISEASE HAZARD**



CERTIFICATION

(401 KAR 58:040, §§1 & 3)

- ***WHO? entities doing NESHAP removals***
- ***issued to entity***
- ***qualified supervisors listed***
- ***listed supervisor must be onsite***

HOW TO GET CERTIFIED (initial) **(401 KAR 58:040, §§5, 8, 10)**

- ***pass EPA-approved supervisor course***
- ***attend DAQ Orientation Session***
- ***submit completed form, fee & diploma***
- ***schedule compliance demonstration***

RECORDKEEPING REQUIREMENTS

(401 KAR 58:040, § 12)

- *entity retains at least 6 years (OSHA=30)*
- *submit records to cabinet if requested*
- *include job supervisor's name & address*
- *include job location & dates*
- *include ACM type/amount*
- *include reasons for any schedule changes*
- *include description of abatement procedures*
- *include copies of notifications*
- *include disposal records and receipts*
- *include air-monitoring records*

PENALTIES

(401 KAR 58:040, §13)

- ***warning or referral to Enforcement Division***
- ***penalties pursuant to KRS 224.99***
- ***up to \$25,000/violation/day for civil***
- ***criminal (willful) violations = Class D felony***

**Jefferson County AHERA Programs are administered out of the Division for Air Quality's Frankfort Region – see listing elsewhere on this map.*

Jefferson County NESHAP Programs are administered by a local agency:
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Florence Region
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Drew Vargo, Inspector
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Ashland Region
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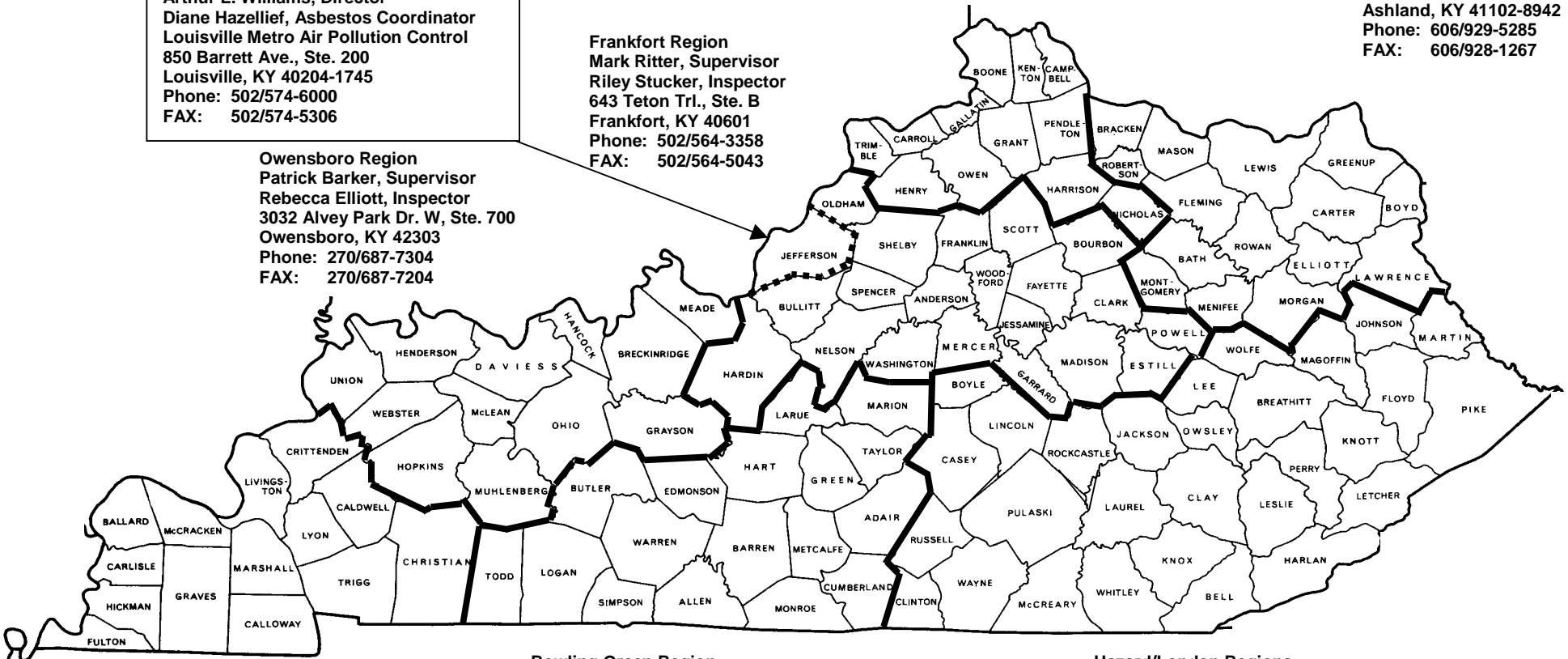
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COMPLIANCE TIPS

- *consider asbestos in budget*
- *empower designated person*
- *do survey, management plan*
- *use qualified professionals*
 - *document everything*

