

FINDINGS:

The Arkansas Department of Pollution Control and Ecology proposes the Arkansas Asbestos Abatement Regulation. The primary purpose of this regulation is to consolidate various state and federal regulations and to clearly address issues and technologies which have developed during the years following the promulgation of current asbestos regulations.

ORDER:

After public notice and hearing and consideration of comments received the Arkansas Asbestos Abatement Regulation is hereby adopted.

EFFECTIVE DATE:

This regulation and any amendment thereto shall be in full force and effect twenty days after filing with the Secretary of State.

BY ORDER OF THE COMMISSION ON POLLUTION CONTROL & ECOLOGY

BY: [Signature]  
CHAIRMAN

ATTEST: Randall Mathis  
RANDALL MATHIS, DIRECTOR

APPROVED: [Signature]  
BILL CLINTON, GOVERNOR

COMMISSIONERS

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CHAIRMAN

SUBMITTED BY: James B. Jones, Jr. DATE PASSED: 10-24-90

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## **ARKANSAS ASBESTOS ABATEMENT REGULATION**

### **SECTION 1. TITLE**

The following rules and regulations of the Department of Pollution Control and Ecology of the State of Arkansas, adopted pursuant to Part 2 of the Arkansas Water and Air Pollution Control Act, (Arkansas Code of 1987, Annotated, Sections 8-4-101 et seq.), and Section 3 of Act 531 of 1987, hereinafter referred to as the Act, shall be known as the Arkansas Asbestos Abatement Regulation.

### **SECTION 2. PURPOSE**

The purpose of this regulation is to provide procedures to be followed by all persons or entities engaging in the abatement or disposal of friable asbestos material, to protect the public health and safety and the environment, and to establish training, classification, qualification, licensing, and certification standards for licensing contractors, employees thereof, and other persons engaged in the abatement and disposal of friable asbestos materials in accordance with Act 531 of 1987 and Section 206 of Title II of TSCA.

### **SECTION 3. APPLICABILITY**

The provisions of this regulation are applicable to all owners, operators, contractors, subcontractors, or other entities, whether public, private, or governmental, which are actively engaged in the abatement or disposal of friable asbestos material.

**SECTION 4. DEFINITIONS**

**Adequately wetted** means thoroughly saturated with a water/surfactant solution or other liquid solution used to penetrate asbestos-containing materials. Hard asbestos-containing materials shall be thoroughly wetted on all exposed surfaces and kept wet during the entire removal and containerization process.

**Aggressive sampling** means air sampling which is conducted while the air is being physically agitated through the use of high velocity air (as from a leaf blower) directed against all surfaces that may have asbestos contamination.

**Air analysis** means the microscopic examination of collected air samples to determine airborne fiber concentrations.

**Air Filtration system** means a system designed to contain asbestos fibers in a specified area and prevent such fibers from getting into the outside air. Such systems shall utilize HEPA filters to capture such fibers.

**Air lock** means a system of non-permeable enclosures consisting of non-permeable doorways designed to control air movement between clean and contaminated areas.

**Air monitoring** means the process of measuring the airborne fiber concentration of a specific quantity of air over a given amount of time.

**Air sampling** means the collection of units of air to determine airborne fiber concentrations.

**Amended water** means water to which wetting agents or surfactants have been added.

**Approved landfill** means a site for the disposal of asbestos-containing waste which has a valid permit issued by the Department and is in compliance with applicable state regulations at the time of disposal.

**Asbestos** means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite.

**Asbestos abatement** means procedures to control fiber release from asbestos-containing materials, including removal, encapsulation, enclosure, demolition.

**Asbestos-containing material (ACM)** means asbestos or any material which contains more than 1% of any form of asbestos.

**Asbestos-containing waste material** means any waste that contains more than 1% asbestos by volume and is generated by a source subject to

the provisions of this regulation. This term includes all soft and hard asbestos-containing materials, as defined in this regulation, that can be removed or altered in any manner which could release fibers into the air. This term also applies to any materials contaminated with asbestos, including but not limited to equipment and clothing.

**Bid** means a statement of methods and cost at which a contractor proposes to conduct a given project.

**Beginning date** means the calendar date when asbestos removal on a project starts.

**Bridging encapsulant** means the application of a sealant which provides a coating over the surface of asbestos containing material to prevent the release of asbestos fibers.

**Bulk sample analysis** means the microscopic examination of collected materials used to determine the presence of asbestos.

**Certificate** means a document issued by the Department to any employee of a contractor, or any other person, who satisfactorily completes such training and examination as required by the Department in the abatement of asbestos material from a facility for disposal.

**Certified Industrial Hygienist** means a person who meets the definition of an industrial hygienist plus has five years of full-time employment in the professional practice of industrial hygiene, spends at least 50 percent of total work time in professional industrial hygiene practice during each year claimed as practice, and has been officially certified by the American Board of Industrial Hygiene.

**Containment barrier** means the construction of temporary walls of polyethylene or other non-permeable material and sealed in a manner to contain airborne asbestos contamination generated during asbestos abatement activities.

**Contractor** means any person or other legal entity, however organized, that engages abatement of friable asbestos material from any facility other than those persons or other legal entities engaged in abatement of friable asbestos material from a facility owned or operated by such person or legal entity.

**Demolition** means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations.

**Department** means the Arkansas Department of Pollution Control and Ecology.

**Director** means the Director of the Arkansas Department of Pollution Control and Ecology.

**Disposal** means the depositing or placing of asbestos material in a landfill.

**Disposal site or facility** means any approved landfill in which asbestos material is accepted for final disposition.

**Emergency operation** means any asbestos demolition, renovation, or clean-up operation that was not planned but results from a sudden, unexpected event which poses an immediate health risk or serious disruption of industrial operations. This term includes operations necessitated by non-routine failures of equipment.

**Employee** means any supervisor, employee, subordinate, worker or agent of an owner/operator who performs work for or under the guidance of that owner/operator in asbestos abatement or removal of friable asbestos material from a facility for disposal, for which removal project the owner/operator has primary responsibility.

**Enclosed vehicle** means any truck or vehicle having a bed or load area which is enclosed by three walls, a ceiling, and a solid tail gate.

**Encapsulation** means the coating of asbestos-containing material with a bonding or sealing agent to prevent the release of airborne fibers.

**Enclosure** means the construction of air tight walls and ceiling around asbestos containing material to prevent the release of airborne fibers.

**Ending date** means the calendar date when asbestos demolition or renovation projects are completed.

**Environmental air monitoring** means any form of air sampling or monitoring where the sampling device is placed at some stationary location.

**Facility** means any institutional, commercial, or industrial structure, installation, or building (excluding apartment buildings having no more than four dwelling units) or ships, active and inactive waste disposal sites, and storage sites.

**Facility component** means any part of a facility, including equipment.

**f/cc** means fibers per cubic centimeter.

**Friable asbestos material** means any material containing more than one percent (1%) asbestos by weight or volume that hand pressure can crumble, pulverize, or reduce to powder when dry, or has the potential to become friable when broken, crushed, sanded, sawed or cut.

**Glovebag** means a plastic bag-type enclosure utilizing built-in rubber or plastic gloves, which is placed around asbestos-containing pipe

covering to prevent the release of asbestos fibers into the air during asbestos removal.

**Hard asbestos-containing materials** means any material which contains more than one percent (1%) asbestos by weight or volume that cannot normally be crumbed, pulverized, or reduced to powder by hand pressure but does have the potential to release fibers when broken, crushed, sanded, sawed, or cut.

**HEPA** means High Efficiency Particulate Air (Air Filter)

**HVAC SYSTEM** means Heating, Ventilation, and Air Conditioning System.

**Industrial Hygienist** means a person having a college or university degree or degrees in engineering, chemistry, physics, medicine, or related physical and biological sciences who, by virtue of special studies and training, has acquired competence in industrial hygiene.

**License** means a document issued by the Department to a contractor who meets the criteria under Section 5 of the Act, "Requirements for License"; namely, completion of application, submittal of application fee, proof of liability insurance coverage to the satisfaction of the Department, and proof of training and examination completion as required by the Department. The term license also applies to a document issued by the Department to an asbestos training provider who meets the requirements of Section 22 of this regulation.

**Log book** means an official record of all activities which occurred during an asbestos abatement project.

**NOD** means Notice of Deficiency. A written enforcement document which identifies deficiencies in a Notice of Intent.

**Notice of Intent** means a written notice which provides detailed information concerning the abatement of asbestos-containing materials.

**NOV** means Notice of Violation.

**Notification period** means a set waiting time between the submittal of a notice of intent and the beginning of a project.

**Operation and Maintenance (O&M)** means specific procedures and practices developed for the interim control of asbestos-containing materials in buildings while the materials remain in place.

**Operator** means any person or organization who removes asbestos-containing materials from a facility or facility component.

**OSHA** means Occupational Safety and Health Administration.

**Owner/Operator** means any person or organization who owns, leases, operates, controls, or supervises a facility where asbestos demolition or asbestos renovation activities occur or conducts, supervises or has decision making responsibilities concerning such activities.

**Penetrating encapsulant** means liquid material applied to asbestos-containing material to control airborne fiber release by penetrating into the material and binding the fibers together.

**Permitted landfill** means a waste disposal facility which has received a permit from the Department, authorizing the receipt and disposal of certain waste materials under the provisions of the Arkansas Solid Waste Management Code.

**Personal air monitoring** means a method used to determine a person's exposure to airborne asbestos fibers. The sample is collected outside the respirator in the workers' breathing zone.

**Phase Contrast Microscopy (PCM)** means the analysis of air samples utilizing a phase contrast microscope operated under NIOSH approved procedures. This method is used for the counting of fibers in air samples, but which does not distinguish fiber types.

**Planned renovation operations** means a renovation operation, or a number of such operations, in which the amount of friable asbestos material that will be removed or stripped within a given period of time can be predicted. Individual nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

**Polyethylene** means a plastic material which is often used to seal off an area in which asbestos removal is taking place for the purpose of

preventing contamination of other areas. Other names are poly and visqueen.

**Professional Industrial Hygienist** means a person who meets the requirements of an industrial hygienist and has at least three years of industrial hygiene experience.

**Project** means all asbestos demolition or renovation activities, starting with the construction of containment barriers and ending with final air sampling and analysis.

**Remove** means to take out asbestos material from any facility during any demolition, renovation, or maintenance activities.

**Renovation** means altering in any way one or more facility components. Operations in which load-supporting structural members are wrecked or taken out are considered demolitions.

**Soft asbestos-containing materials** means any material which contains more than one percent (1%) asbestos by weight or volume that hand pressure can crumble, pulverize or reduce to powder when dry.

**Storage** means the holding of asbestos-containing waste material for a temporary period, at the end of which it is disposed.

**Strip** to take off asbestos-containing materials from any part of a facility.

**Structural member** means any load-supporting member of a facility, such as beams and load supporting walls, or any non-load-supporting member, such as ceilings and non-load-supporting walls.

**Substrate** means the material or existing surface located under or behind the asbestos-containing material.

**s/mm<sup>2</sup>** means structures per square millimeter.

**Transmission Electron Microscopy (TEM)** means a method of analyzing air samples through the use of a transmission electron microscope operated under procedures listed in 40 CFR 763 Sub-part E Appendix A (AHERA). The transmission electron microscope utilizes an electron beam that is focused onto a thin sample. As the beam penetrates (transmits) through the sample, the difference in densities produces an image on a fluorescent screen from which particulates can be identified and counted.

**Trip ticket** means a dump receipt, transportation manifest or other documentation of disposal at a landfill.

**Visible emissions** means any emissions containing particulate asbestos material that are visually detectable without the aid of instruments. This does not include condensed uncombined water vapors.

**Wetting agents (Surfactants)** means materials that are added to water used for wetting the asbestos-containing material in order for the water to penetrate more effectively.

**Wet cleaning** means the process of eliminating asbestos contamination from surfaces and objects by using cloths, mops, or other cleaning tools which have been dampened with water.

**Work hours** means the time of day or night when asbestos abatement activities will be conducted. This means the time when such activities will begin and the time when activities will end.

**Work days** means the days Monday through Friday.

#### **SECTION 5. GENERAL PROVISIONS**

**5.1** No person shall cause or allow any facility or facility component which contains friable asbestos material to be demolished, renovated or repaired without following the applicable requirements of this regulation.

**5.2** No person shall cause or allow the maintenance, handling, transporting, storage or disposal of asbestos-containing materials in a manner which allows, or may allow, unnecessary amounts of asbestos fibers to become airborne.

#### **SECTION 6. NOTIFICATION**

**6.1** For any demolition or renovation of a facility or facility component involving the removal of 100 linear feet (or 60 square feet) or more of asbestos-containing materials, the owner/operator shall submit written notification which must be either hand delivered to the Department at least ten (10) working days before the beginning of the project or sent to the Department by certified mail with

return receipt requested, and postmarked at least 10 working days before the beginning of the project or sent through a facsimile machine in a manner which will document the date of the notification submittal.

6.2 For any demolition or renovation project involving the removal of more than 30 linear feet (or 20 square feet) but less than 100 linear feet (or 60 square feet), written notification must be hand delivered or sent to the Department by certified mail, return receipt requested, and postmarked at least five (5) working days before the beginning of the project, or sent through a facsimile machine in a manner which will document the date of the notification submittal.

6.3 For any demolition project of less than 30 linear feet (or 20 square feet) the owner/operator shall submit notification as soon as possible before demolition/renovation begins.

6.4 All written notifications shall be submitted on a form provided by the Department and shall include the following:

- (a) Name, address, contact person and telephone number of the owner and the operator.
- (b) Designation of a project as either a demolition or a renovation activity.
- (c) Whether asbestos containing material is hard or soft, as defined by this regulation.
- (d) Scheduled starting and completion dates of the demolition or renovation project.
- (e) Scheduled work hours.
- (f) Location and street or road address of facility.

- (g) Description of facility, including size, age, and prior use of structure.
- (h) Method used to detect the presence of asbestos-containing materials.
- (i) Amount and type of asbestos-containing materials to be removed.
- (j) Detailed description of all engineering controls and work practices to be used during all phases of the demolition or renovation project including site preparation, removal, collection and disposal.
- (k) Name and location of disposal site(s).
- (l) Name of person completing notification and the date notification is completed.

6.5 A written notification shall not be submitted before the selection of an operator, as defined by this regulation.

6.6 The Department may waive the 10 day or 5 day notification period if an emergency, as defined by this regulation, exists, and the owner/operator complies with the following:

- (a) The owner/operator must notify the Department by telephone to request an emergency waiver, stating the nature of the emergency, as soon as the emergency is detected. If such emergency occurs at night, on holidays, or on weekends, the necessary corrective measures may be taken at that time and the telephone call shall be made on the first workday following the detection of the emergency.

(b) The owner or operator shall submit a written report to the Department with the following information:

- (i) name of facility
- (ii) date emergency was detected
- (iii) date or dates asbestos removal occurred
- (iv) reason for emergency
- (v) name of organization conducting the asbestos removal
- (vi) procedures used to remove, collect, and dispose of asbestos-containing materials

6.9 An owner or operator who has already submitted a notification shall notify the Department of any changes concerning any of the following:

- (a) Project beginning or ending dates
- (b) Scheduled work hours
- (c) Project operator
- (d) Amount of asbestos to be removed
- (e) Engineering controls and work practices
- (f) Disposal site.

6.10 Changes shall be submitted in letter form or on a revised notification form and must be received by the Department no later than three (3) work days prior to the effective date of the change. The owner or operator shall also provide, in writing, the reason(s) for the change.

#### **SECTION 7: RECORD KEEPING**

7.1 Each project operator shall keep on-site a copy of each of the following:

- (a) Contractor Supervisor and Worker certification cards
- (b) Air monitoring data
- (c) Bulk sample analysis
- (d) Sign in/sign out sheet
- (e) Demolition/renovation notification
- (f) Waste transportation and disposal records

7.2 Copies of all items listed in 7.1 shall be kept by the operator for a minimum of thirty (30) years.

**SECTION 8. WORK PROCEDURES - APPLICABILITY**

Any demolition or renovation project involving asbestos-containing materials shall be conducted by an owner or operator which meets the criteria of this section.

8.1 Asbestos demolition or renovation projects which involve the removal of more than 30 linear feet or 20 square feet of asbestos-containing materials may be conducted by an asbestos contractor licensed by the department or may be conducted by permanent employees of the facility owner, provided such permanent employees have been trained and certified for asbestos abatement according to State regulations.

**SECTION 9. GENERAL WORK PROCEDURES**

Each owner/operator of a demolition or renovation activity to whom this regulation applies shall comply with the following work procedures:

9.1 Remove asbestos-containing materials from a facility being demolished or renovated before any wrecking or dismantling occurs.

9.2 Friable asbestos-containing materials shall be adequately wetted prior to, and during, stripping, disjoints, or cutting operations, and shall be kept adequately wet until placed and securely sealed in a container in the manner required in Section 15.

9.3 When a facility component covered or coated with asbestos-containing materials is taken out from a facility in units or sections, the owner or operator shall:

- (a) adequately wet any asbestos-containing materials exposed during cutting and disjuncting operations and,
- (b) securely wrap the units or sections with at least 12 mils of polyethylene.

9.4 No owner or operator shall drop or throw asbestos-containing material to the floor level. Asbestos-containing material shall be containerized at elevated levels for disposal and then lowered or shall be placed onto inclined chutes which empty into approved containers described in Section 15.

9.5 Each owner or operator shall ensure that all contaminated water used in the abatement project has been treated and that there is no water runoff from the work area. Treatment of water shall consist of the following:

- (a) All asbestos contaminated water shall be filtered through a water filtration system designed to remove asbestos fibers.
- (b) A 5 micron filter shall be used as the final filter of asbestos contaminated water.
- (c) Water that has been filtered in accordance with this section shall be disposed into the sanitary sewer system.

9.6 Hard asbestos-containing materials are exempt from the wetting requirements of this section if the materials are removed in sections

or units without being broken, crushed, crumbled, sanded, sawed, or otherwise damaged.

**9.7** Built-up roofing material which contain asbestos shall be exempt from the requirements of this regulation, provided such materials are not sanded, sawed, scraped, or drilled during the removal process.

**SECTION 10. INDOOR RENOVATION PROCEDURES**

For all indoor renovation projects of more than 30 linear feet or 20 square feet, the owner or operator shall remove asbestos-containing materials in accordance with the following:

**10.1** Clean and remove all moveable objects from the work area and store in a secure area. Cleaning of contaminated items shall be performed with amended water or a HEPA vacuum, or both.

**10.2** All nonmoveable objects in the work area shall be covered with a minimum of 4 mil polyethylene or other non-permeable material

10.4 Owner/operator shall use an air filtration system in accordance with the provisions of this regulation.

10.5 If the owner or operator properly uses a glovebag to remove asbestos-containing pipe insulation, then the operation shall follow OSHA containment requirements.

10.6 All HVAC equipment in or passing through the work area shall be shut down and locked. All intake and exhaust openings and seams in system components shall be sealed with 6 mil polyethylene sheeting and/or tape. All non-reusable system filters at the completion of the abatement project shall be removed and disposed while the ventilation system duct work interiors are decontaminated wherever necessary and feasible.

10.7 Warning signs in accordance with current OSHA regulations shall be displayed at all approaches to the work area.

10.8 Air monitoring shall be conducted in accordance with Section 20 of this regulation.

10.9 Each owner/operator shall ensure that air filtration systems with HEPA filters are used in all asbestos abatement projects that involve greater than 100 linear feet of pipe covered or coated with Asbestos containing material or 60 square feet of asbestos containing material. The air filtration system shall be operated continuously for the duration of the project. The system shall include a method

to exhaust filtered air to the outside of the building wherever feasible.

**10.10 Air filtration efficiency test - [RESERVED]**

**10.11** At the completion of the abatement project all external surfaces shall be cleaned using HEPA vacuuming and wet cleaning techniques using amended water. Wet cleaning and HEPA vacuuming shall be repeated until no visible residuals observed in the work area or on external surfaces. Then a thin coat of an encapsulating agent shall be applied to the substrate to seal in nonvisible residue. The encapsulating agent shall be chosen so as to be compatible with subsequent replacement coverings.

**SECTION 11. OUTDOOR RENOVATION PROCEDURES**

**11.1** Any owner or operator who conducts an outdoor renovation project over 30 linear feet or 20 square feet shall comply with the procedures of Section 8, Section 9 and:

- (a) shall, where feasible, construct a containment barrier (as described in Section 10.3) around the portion of the facility or facility component where the removal of friable asbestos-containing materials occurs (except when using glovebags) and
- (b) Shall comply with the requirements of Section 10.9 except
  - (i) Where air filtration units cannot physically be placed in an operable location or;
  - (ii) When glovebag procedures are properly utilized.
- (c) shall comply with the collection storage, transportation, and disposal requirements of this regulation.

**SECTION 12. GLOVEBAG PROJECTS**

Each owner or operator engaging in the removal of asbestos containing material from pipes or other similar conduits by use of a glovebag shall follow the manufacturer's instructions, the procedures of this section, and OSHA regulations.

12.1 Glove bags shall provide an air tight seal around the area from which the asbestos is to be removed. This seal shall be continually maintained until the asbestos removal is completed.

12.2 Friable asbestos containing material shall be saturated with a liquid solution containing an effective wetting agent during its removal and maintained in an adequate wet condition until the glovebag is removed, placed and sealed in an approved container in accordance with the requirements of Section 15.

12.3 Any friable asbestos containing material left exposed by the maintenance, repair or replacement operation, and exposed pipe or conduit surfaces from which the asbestos has been removed shall be covered with a sealing material before the work area is occupied by persons other than those performing this work.

12.4 Air monitoring in accordance with Section 20 shall be conducted during each glovebag project.

**SECTION 13. DEMOLITION PROCEDURES**

13.1 No owner/operator shall begin a demolition project without first removing all asbestos-containing materials from the facility.

13.2 Each owner/operator shall, before beginning a demolition project seal off all doors, windows, floor drains, vents, and other openings to the outside of the building and to areas within the building that do not contain asbestos materials, with 6 mil polyethylene sheeting, or other non-permeable material, and waterproof tape. If a structure is to be partially demolished, HVAC equipment in the demolition area or passing through it but servicing areas of the building which will remain, shall be shut down and locked out and thoroughly sealed with 6 mil polyethylene sheeting or other non-permeable material and waterproof tape.

13.3 The owner/operator shall follow the procedures of Sections 8, 9, 15, 16, 17, 18, 19 and 20.

13.4 For the purposes of demolition activities, the definition of a facility shall include homes and apartment buildings of four (4) or less units if such buildings have asbestos-containing materials. The owner/operator shall follow Section 5.2 and Sections 17 and 18.

#### **SECTION 14. DRY REMOVAL**

14.1 In cases where wetting would unavoidably damage equipment or present a safety hazard, the wetting requirements of section 9.2 need not apply. However, the owner or operator shall:

- (a) submit a written request to the Department stating the reasons why wetting would present a problem and what engineering controls and work practices will be used. Such requests must be submitted to the Department at least 20 work days prior to beginning of the demolition or renovation project;
- (b) use a local exhaust and ventilation system designed and operated to capture the particulate asbestos material produced during demolition and renovations projects;
- (c) Construct a containment barrier as required by Section 10 or use a glovebag as described in Section 12.
- (d) After stripping, adequately wet the asbestos containing material before it is placed and sealed in an approved container as described in Section 15.
- (e) Conduct air monitoring in compliance with Section 20.
- (f) Conduct clean-up and clearance procedures in compliance with Sections 10 and 20.

**SECTION 15. COLLECTION AND CONTAINERIZATION**

**15.1** Soft asbestos containing waste materials must be kept adequately wet and immediately placed and sealed in labeled 6 mil plastic bags or other nonpermeable containers while inside the work area. All bags must be tightly sealed with duct tape.

**15.2** Asbestos containing waste materials which include metal or other sharp objects or have sharp edges shall be kept adequately wet as possible and immediately placed and sealed in labeled metal drums

while inside the work area. All drums shall be sealed using locking rims.

15.3 Hard asbestos material which has been removed in complete sections without being broken or sawed, and which are too large for metal drums, shall be stacked and completely wrapped with at least 2 layers of 6 mil visqueen, tightly sealed with duct tape, and properly labeled before leaving the work area. Prior to sealing such stacks, all corners and edges shall be lined with a material sufficient to help prevent the corners and edges from tearing or puncturing the visqueen during the loading, unloading, and disposal of the asbestos-containing material.

15.4 Hard asbestos materials which has been broken shall be kept adequately wet as possible or shall be coated with a encapsulant and immediately placed in labeled metal drums before leaving the work area. All drums must be sealed using locking rims.

15.5 When glovebag operations are conducted, used glovebags shall be treated as asbestos-containing waste materials and containerized in accordance with paragraphs 15.1 and 15.2.

15.6 All large sections of structural materials, such as pipes, duct work, components, or small boilers, tanks, reactors, or vessels that have been removed with asbestos containing materials left in place, shall be tightly wrapped in not less than 2 layers of 6 mil thick polyethylene for disposal purposes if they are too large to be placed in containers.

15.7 All sealed containers must be cleaned by wet-wiping the outside of each container when leaving the work area.

15.8 All containers must be properly labeled according to the requirements of OSHA regulations and U. S. Department of Transportation regulations.

15.9 All containers shall have tags or labels affixed which provide the name and telephone number of the owner of the facility from which the asbestos-containing materials were removed.

**SECTION 16. STORAGE**

16.1 Asbestos material waste may not be stored except as necessary to accumulate same for transporting to an approved disposal site.

16.2 Asbestos material waste storage, prior to transportation to an approved disposal site, shall be in a closed controlled area to prevent damage of containers.

16.3 All storage areas shall be securely locked during nonworking hours.

16.4 Approved OSHA warning signs shall be prominently displayed at all entryways to the storage area.

16.5 Large metal dumpsters used for asbestos waste disposal storage shall have doors or tops that can be closed and locked to prevent

vandalism, wind dispersion of asbestos fibers, or other disturbance of containerized asbestos debris. Material which is not in bags or drums shall not be placed in these containers. Containers shall be placed, not thrown, into these containers. Non-asbestos containing waste materials shall not be mixed in with asbestos-containing materials.

16.6 All asbestos contaminated tools, equipment, clothing and other objects which will be discarded shall be treated as asbestos-containing waste and shall be collected and containerized in accordance with Section 15.

#### **SECTION 17. TRANSPORTATION**

Each owner or operator shall transport asbestos waste material in accordance with the following procedures:

17.1 Drums, bags and wrapped components that have been removed from the work area shall be loaded into an enclosed truck for transportation.

17.2 The enclosed cargo area of the truck shall be free of debris and lined with at least 6 mils of polyethylene material to prevent contamination from leaking or spilled containers. Floor material shall be installed first and extend up the side walls. Wall material shall overlap by six (6) inches and be taped into place.

17.3 Drums shall be placed on level surfaces in the cargo area and packed tightly together to prevent shifting and tipping. Large structural components shall not be placed on top of bags of asbestos-containing materials and shall be secured to prevent shifting. Containers shall not be thrown into the truck cargo area.

17.4 OSHA warning signs or labels shall be displayed on both sides and the rear of the vehicle or unit used to transport asbestos waste material. Such signs or labels shall be of sufficient size to be read from at least a distance of fifteen (15) feet.

17.5 After the final load of asbestos-containing materials has been transported and unloaded, the polyethylene lining shall be collected and disposed of as asbestos-containing materials.

17.6 After the collection and disposal of the polyethylene lining, the enclosed area of the truck shall be decontaminated by wet wiping and/or using HEPA vacuums.

## **SECTION 18. DISPOSAL**

18.1 For asbestos-containing materials which will be disposed in Arkansas, the owner/operator shall ensure that all such waste materials will be disposed in a sanitary landfill which meets all requirements of the Arkansas Solid Waste Management Code and the provisions of this regulation.

18.2 The disposal site (landfill) operator shall be notified of the approximate time of arrival and volume of asbestos material waste to be landfilled.

18.3 The disposal site (landfill) operator must be prepared to accept asbestos waste material upon arrival.

18.4 Asbestos material wastes shall be placed at the toe of the slope of the working face of the disposal site (landfill) or in a separate trench. Containers shall be gently unloaded in such a manner to prevent the rupture or opening of any container.

18.5 Approved cover soil must be placed over asbestos material wastes, upon receipt of the last load of the day at the toe of the slope or in the trench in a manner that will not rupture the container.

18.6 Cover soil must be compacted, upon a sufficient amount of soil being placed over the asbestos material wastes, to prevent exposure of containers and materials therein to the outside air during and after compaction.

18.7 Cover soil shall not be less than a 6 inch layer after compaction and must receive an additional 6 inch compacted cover within 48 hours unless covered by additional solid waste placement and disposal.

18.8 Class III and Class IV landfills, as defined in the Arkansas Solid Waste Management Code, cannot accept asbestos material wastes except upon written approval by the Department.

#### **SECTION 19. DISPOSAL RECORDS**

19.1 The owner/operator shall maintain accurate written records of the disposal of all asbestos-containing waste materials. Records shall contain the following information:

- (a) Origin of waste, including name and address of facility and the name of facility owner;
- (b) Owner/operator's name, address, telephone number, and (where applicable) Arkansas asbestos contractor license number;
- (c) Waste disposal site name, address, telephone number, and (for Arkansas disposal site) Arkansas Solid Waste permit number;
- (d) List of all asbestos waste materials being disposed, including a description of each type of material;
- (e) Number and type of containers for each type of asbestos waste material;
- (f) Total quantity of each type of asbestos waste material being disposed (in square, linear, or cubic feet); and
- (g) Name of waste transporter and dates materials were transported to landfill.

#### **SECTION 20. Air Sampling**

20.1 Each owner/operator shall ensure that adequate area air sampling shall be conducted before, during and after the performance of any demolition or renovation project involving asbestos-containing materials and;

20.2 Shall ensure that such sampling is conducted by an industrial hygienist, professional industrial hygienist or certified industrial hygienist or by persons having at least two years experience in the environmental, health, or industrial hygiene field and have successfully completed the NIOSH 582 course (Sampling and Evaluating Airborne Asbestos Dust) or NIOSH 582 equivalent course, plus an AHERA approved Asbestos Contractor/Supervisor course.

20.3 Shall ensure that sampling analysis is conducted by a laboratory which, for PCM analysis, uses NIOSH method 7400. For TEM analysis, the laboratory must be approved by the National Institute of Standards and Technology (NIST).

20.4 Shall conduct daily area air monitoring in the work area while removal is being conducted and;

20.5 During the stripping and collection of asbestos-containing materials, shall conduct daily air sampling immediately outside the work area at locations where the presence of facility occupants will most likely occur during the time the project is in operation.

20.6 For indoor projects, aggressive air sampling shall be conducted after removal and clean-up activities have been

completed to determine the final clearance level. Such sampling shall be conducted by individuals meeting the requirements of Section 20.2.

20.7 An indoor project shall be considered completed when:

- (a) aggressive sampling results indicate an air fiber count of .01 f/cc or less when using PCM or;
- (b) if TEM is used, an arithmetic mean of less than or equal to 70 s/mm<sup>2</sup>, or a Z-Test result that is less than or equal to 1.65.

20.8 If the aggressive air sampling analysis reveals an airborne fiber count greater than .01 f/cc, (or 70 s/mm<sup>2</sup> or Z-Test of 1.65) then the area shall be cleaned again, followed by additional aggressive air sampling. This process shall continue until the proper air level has been achieved.

20.9 Aggressive clearance sample collection shall be done in accordance with the requirements of 40 CFR Part 763, Sub-part E, Appendix A(II)(B)(17) [AHERA] or CFR Part 1926, Appendix A to Section 1926.58 (Sampling and analytical procedure).

20.10 For areas of less than 1,000 cubic feet a minimum of three pairs of air samples shall be collected utilizing a method accepted by the Department.

20.11 [RESERVED]

**SECTION 21. Licenses and Certificates.**

21.1 Licenses shall be issued to asbestos abatement contractors conducting the removal of asbestos-containing materials. The annual fee for such licenses shall be determined by the Department.

21.2 Certificates shall be issued to all supervisors, workers and employees of contractors or building owners who will be involved in the abatement of asbestos-containing materials. Such certificates shall have a fee assessed for each certificate.

21.3 Licenses and certificates may be renewed for a period of one year and annual fees shall be assessed, respectively, for renewals.

21.4 Applications for renewals of certificates for subsequent years shall be made by the anniversary of the issuance of the original certificate.

21.5 If initial contractor licensing is hereafter granted, renewal of such license shall be due by December 31 of the same year, with subsequent renewals also due by December 31 of each subsequent year.

21.6 Persons or business entities who do not maintain offices in the state of Arkansas and who perform work in this state as a contractor, as defined in the Act, are subject to the licensing and certification requirements of the Act and this Regulation.

21.7 Application for licenses or renewals thereof shall be made to the Department, on forms to be provided by the Department, and shall include the following:

- (a) The name or business title of the contractor.
- (b) Enclosure of the annual fee.
- (c) Proof of liability insurance coverage in the form and amount as set forth in Section 25.1.
- (d) Number of persons employed who are not engaged in asbestos abatement work.
- (e) Number of employees who are engaged in asbestos abatement work.
- (f) If applicable, the number of employees who have current certificates.
- (g) If applicable, state whether the applicant has previously received some manner of license or certificate for training in asbestos abatement from any other state.
- (h) If applicable, the number and names of any employees for whom certification is desired.
- (i) Proof of Arkansas certification of supervisor.

21.8 Application for certificates or renewals thereof shall be made to the Department, on forms to be provided by the Department, and shall include the following:

- (a) The applicant's name.
- (b) The employer's name, if applicable.
- (c) If applicable, state whether the applicant has previously received some manner of a certificate or license certifying training in asbestos abatement from any other state.

- (d) If applicable, the signature of an authorized representative of the contractor for who the employee will be working.
- (e) Original current training certificate or copy of training certificate certified by training provider.

**SECTION 22. Training**

**Section 22.1** Formal training for licensing and certification, which is intended to meet the training requirements of the Act, will be regulated by the Department, requirements found in Section 22.

- (a) Satisfactory completion of a written examination provided by an EPA or State approved training provider. The examination for contractors and supervisors will consist of 100 multiple choice questions and the examination for asbestos abatement workers shall consist of 50 multiple choice questions. Passing score for both groups shall be 70%.

**22.2** Formal training for licensing and certification, which is intended to meet the training requirements of the Act, may be conducted by any educational institution, business entity, or individual that is approved by the Department. Application for licenses to conduct such training shall include the following:

- (a) The name and address of the institution, business entity, or individual that plans to conduct the training course, and the name of the responsible individual and his or her telephone number.

- (b) A detailed outline of the course curriculum, the amount of time allotted to each topic, and the name of the instructor(s) for each topic.
- (c) Copies of course notebook, handout materials and a written description of audio-visual material used. This written description shall identify whether material consists of slides, transparencies, or video tape. The developer or creator of the material shall be included as well as the year the material was developed. If the material has a formal title, the title shall also be included.
- (d) A description of the training methods to be used to present each topic, i.e., lectures, discussions, demonstration and audio-visual materials.
- (e) A detailed list of equipment used in the course such as type of respirators.
- (f) A list of instructors and their qualifications. A list of permanent staff acting as instructor shall be included with the application. A list of guest instructors shall be submitted to the Department prior to the commencement of the course.
- (g) Description and example of the student evaluation form and certificate of completion.
- (i) Certificate of completion shall include name of training company, date of training, and trainees name, and certificate number.
- (h) Enclosure of the annual current fee.
- (i) A detailed statement about the development of the examination used in the course.

**22.3** Renewals of the annual training course licenses shall include a completed renewal application, renewal application fee, plus any other information deemed necessary by the Director.

**22.4** Training courses permitted in accordance with these regulations shall meet the following criteria:

- (a) Lectures shall be presented by person(s) who have education and/or experience that is appropriate for the subject matter presented.
- (b) The asbestos contractor and supervisor course shall consist of a minimum of 32 hours (4 days) of instruction with at least 6 hours of hands on training, individual respirator fit testing, course review and written examination.
- (c) The asbestos abatement worker course shall consist of a minimum of 24 hours (3 days) instructions with at least 6 hours of hands on training, individual respirator fit testing, course review and written examination.
- (d) Provisions shall be made to allow a representative of the Department to attend one or more presentations of any course for which a training permit has been issued, without payment of any associated fees. Written notification of a course conducted within the State of Arkansas must be submitted to the Department 10 calendar days prior to the course. This notice shall include the title of the course, the dates of the course, the location and the amount of the course fee. This attendance shall be for the purpose of determining compliance with this regulation and the correctness of the

information being presented. The Director may deny, revoke, or suspend the permit of any course or the basis of findings resulting from this attendance.

- (e) Any permittee under this section of the regulation shall follow all policies, guidelines or procedures as established by the Department to regulate training.

**22.5** The contractor and supervisor's training course shall adequately address the following topics:

- (a) The physical characteristics of asbestos, and asbestos-containing materials. Identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, a review of hazard assessment considerations, and a summary of abatement control options.
- (b) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases; routes of exposure; dose-relationships and the lack of a safe exposure level; synergism between cigarette smoking and asbestos exposure; latency period for disease.
- (c) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the face piece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a

proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposable clothing; and regulations covering personal protective equipment.

- (d) State-of-the-art work practices. Proper work practices for asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lockout; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure ventilation equipment; use of high efficiency particulate air (HEPA) vacuums; proper clean-up and disposal procedures. Work practices for removal, encapsulation, enclosure, and repair; emergency procedures for sudden releases; potential exposure situations; transport and disposal procedures, and recommended and prohibited work practices. Discussion of new abatement-related techniques and methodologies may be included.
- (e) Personal hygiene. Entry and exit procedures for the work area; use of showers; and avoidance of eating, drinking, smoking, and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure, shall also be included.
- (f) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazardous, scaffold and

ladder hazards, slips, trips and falls, and confined spaces.

- (g) Medical monitoring. OSHA requirements for a pulmonary function test, chest X-rays and a medical history for each employee.
- (h) Air monitoring. Procedures to determine airborne concentrations of asbestos fibers, including a description of aggressive sampling, sampling equipment and methods, and methods for air monitoring, types of samples, and interpretation of results, specifically from analysis performed by polarized light, phase-contrast, and electron microscopy analyses.
- (i) Relevant Federal, State and local regulatory requirements. Procedures and standards, including but not limited to:
  - (i) Requirements of TSCA Title II.
  - (ii) 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants, Sub-parts A (General Provisions) and M (National Emission Standard for Asbestos).
  - (iii) OSHA standards for permissible exposure to airborne concentrations of asbestos fibers and respiratory protection (29 CFR 26.58).
  - (iv) OSHA Asbestos Construction Standard (29 CFR 1926.58).
  - (v) EPA Worker Protection Rule, 40 CFR Part 763, Sub-part G.
- (j) Respiratory protection programs and medical surveillance programs.

- (k) Insurance and liability issues. Contractor issues; worker's compensation coverage and exclusions; third-party liabilities and defenses; insurance coverage and exclusions.
- (l) Record keeping for asbestos abatement projects. Records required by Federal, State and local regulations; records recommended for legal and insurance purposes.
- (m) Supervisory techniques for asbestos abatement activities. Supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.
- (n) Contract specifications. Discussion of key elements that are included in contract specifications.
- (o) Course review. A review of key aspects of the training course.

22.5 The asbestos abatement worker training course shall adequately address the following topics:

- (a) Physical characteristics of asbestos. Identifications of asbestos, aerodynamic characteristics, typical uses, and physical appearance, and a summary of abatement control options.
- (b) Potential health effects related to asbestos exposure. The nature of asbestos-related diseases, routes of exposure, dose-response relationships and the lack of a safe exposure level, synergism between cigarette smoking and asbestos exposure, and latency period for disease.
- (c) Employee personal protective equipment. Classes and characteristics of respirator types; limitations of

respirators and their proper selection, inspection, donning, use, maintenance, and storage procedures; methods for field testing of the face piece-to-face seal (positive and negative pressure fitting tests); qualitative and quantitative fit testing procedures; variability between field and laboratory protection factors; factors that alter respirator fit (e.g., facial hair); the components of a proper respiratory protection program; selection and use of personal protective clothing; use, storage, and handling of non-disposal clothing; and regulations covering personal protective equipment.

- (d) State-of-the-art work practices. Proper asbestos abatement activities including descriptions of proper construction and maintenance of barriers and decontamination enclosure systems; positioning of warning signs; electrical and ventilation system lockout; proper working techniques for minimizing fiber release; use of wet methods; use of negative pressure ventilation equipment; use of high efficiency particulate air (HEPA) vacuums; proper clean-up and disposal procedures; work practices for removal, encapsulation, enclosure, and repair; emergency procedures for sudden release; potential exposure situations; transport and disposal procedures; and recommended and prohibited work practices.
- (e) Personal hygiene. Entry and exit procedures for the work area; use of showers; avoidance of eating, drinking, smoking

and chewing (gum or tobacco) in the work area; and potential exposures, such as family exposure.

- (f) Additional safety hazards. Hazards encountered during abatement activities and how to deal with them, including electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips and falls, and confined spaces.
- (g) Medical monitoring OSHA requirements for a pulmonary function test, chest X-rays and a medical history for each employee.
- (h) Air Monitoring. Procedures to determine airborne concentrations of asbestos fibers, focusing on how personal air sampling is performed and the reasons for it.
- (i) Relevant Federal, State and Local regulatory requirements, procedures, and standards. With particular attention directed at relevant EPA, OSHA, and State Regulations concerning asbestos abatement workers.
- (j) Establishment of respiratory protection programs.
- (k) Course review. A review of key aspects of the training course.

## **SECTION 23. Denial And Revocation**

**23.1** The Department may deny the application, suspend, or revoke the license of a contractor for reasons including but not limited to the following:

- (a) Use of non-licensed or non-certified personnel in asbestos removal work.
- (b) Falsification of information on application.
- (c) Failure to comply with any regulations or procedures administered by the Department.
- (d) Failure to comply with the terms of a Notice of Violation or Administrative Order issued by the Department.
- (e) Enforcement actions taken by another state, local or federal agency.

23.2 The Department may deny application, or revoke the certificate of a worker for reasons including but not limited to the following:

- (a) Negligence.
- (b) Failure to comply with work practice standards.
- (c) To loan, abandon or transfer ownership of person's certification card or number.
- (d) Being debarred under the Act or any other state law.
- (e) Any good cause within the meaning and purpose of the Act.
- (f) Incompetence.

23.3 The Director may deny application, suspend, or revoke the license of any training entity, business, or individual for reasons including but not limited to the following:

- (a) Failure to satisfactorily meet all application requirements  
or
- (b) Failure to follow Department training policies,  
requirements, guidelines, or procedures, or
- (c) Unethical practices, or

- (d) Failure to adequately present either the topics set forth in this section of the regulation, or
- (e) Submitting false information on an application, or
- (f) Failure to comply with the terms of a Notice of Violation or Administrative Order issued by the Department.

**SECTION 24. Refresher Training Course**

**24.1** Asbestos abatement workers, contractors and supervisors shall annually attend a one-day refresher training course for reaccreditation. After completing the annual refresher course, workers, contractors and supervisors shall be eligible to apply to the Department to have their accreditation extended an additional year. The refresher course shall be specific for contractors, supervisors and workers and shall adequately address the following:

- (a) Changes in Federal and State regulations
- (b) Developments in state-of-the-art procedures
- (c) Review of key aspects of the initial training course.

**SECTION 25. Qualifications**

**25.1** Contractors and Supervisors: One year experience in the practice of Asbestos Abatement.

**25.2** Workers: (Reserved).

**SECTION 26. Powers and Duties of the Director**

26.1 The Director shall review applications for initial contractor licenses and renewals thereof based upon a satisfactory submittal of the following:

- (a) A completed application with submission of the annual license fee.
- (b) A signed duplicate original of a Certificate of Liability Insurance evidencing that the contractor has in force a public liability insurance policy. The Certificate shall evidence that the policy provides for personal injury protection to compensate all persons injured as a result of the removal, encapsulation, and enclosure of friable asbestos materials; that the minimum liability coverage is in an annual amount of \$500,000.00, exclusive of defense costs; that coverage is being provided on a claims-made or occurrence-based basis; that the policy contains a rider requiring that the insurer notify the Director in writing at least thirty (30) days in advance of any substantive changes made to the policy including, but not limited to, any termination or failure to renew, or any reduction of the monetary limits of coverage. The Certificate shall be issued by a company or business concern which is either licensed to do business or approved as a surplus lines insurer in the state of Arkansas, or a risk retention group holding a valid Certificate of Registration with the Insurance Commissioner of the state of Arkansas and produced by an Arkansas Resident Local Agent licensed by the Insurance Commissioner of the State of Arkansas. All contractors shall maintain the liability insurance policy

required by this Section in full force during the terms of the license or any renewal thereof.

- (c) Proof of training and examination satisfactory to the Director.
- (d) Confirmation any incorporated business is registered with the office of the Arkansas Secretary of State.

**26.2** The Director shall review applications for initial certificates and renewals thereof based upon sections 21.7 and 21.8 of this regulation and the experience of the applicant, the enforcement record of the applicant, and any other information the Director deems relevant to determine whether such application shall be approved or denied.

**26.3** The Director shall review applications for the initial training provider licenses and renewals based upon Sections 22.2 and 22.3 of this regulation and any other information the Director deems relevant to determine whether such application shall be approved or denied.

**26.4** The Director shall set forth to the applicant in writing the basis for a decision to disapprove an application for a license, certificate, or renewal thereof.

**26.5** The Director may hereafter establish and promulgate such criteria as may be deemed necessary or appropriate to define areas of competence for prospective licensees and certificate holders and to recognize substitutions of equivalency, education or experience.

26.6 To establish minimum performance standards for the abatement of friable asbestos materials under Section 3(b) of the Act, specific regulations promulgated by the United States Environmental Protection Agency in 40 CFR Part 61, Sub-part M (National Emissions Standards for Asbestos) are hereby adopted as provisions of this Regulation as though set forth herein line for line and word for word with the exception that all reference therein to the "Administrator" shall be considered a reference to the "Director of the Arkansas Department of Pollution Control and Ecology," and all reference to the "United States Environmental Protection Agency" shall be considered a reference to the "Arkansas Department of Pollution Control and Ecology"; further, the effective date of provisions adopted herein by reference as provisions of this Regulation shall be the date such provisions are specified as being effective by the Commission in its rule making, and the effective date of the federal regulations adopted herein shall have no bearing on the effective date of any provisions of this Regulation. The following federal regulations are hereby adopted: Section 61.140, 61.141, 61.145, 61.146, 61.147, and 61.152 of Title 40, Code of Federal Regulations, Part 61, Sub-part M, all as adopted as final rules by the United States Environmental Protection Agency on or before July 1, 1987. The Director, within one hundred and eighty (180) days after the date of promulgation of any new or revised federal regulations pertaining to National Emissions Standards for Asbestos, shall conduct rule making with reference to this Regulation to adopt such provisions. Such new or revised federal regulations, upon the date of their publication as final rules of the United States Environmental Protection Agency, shall constitute minimum guidelines to the Director in formulating rule making

[Proposals to this Regulation, but shall not be construed to limit or to interfere with the adoption of provisions more stringent than federal regulations.

**SECTION 27. Contractor Assurance To The Department**

27.1 As an additional requirement for licensing or renewal thereof, a contractor shall submit to the Department a written assurance, on forms to be provided by the Department, stating that, with respect to any site in the state of Arkansas where friable asbestos will be abated or removed from a facility for disposal:

- (a) Only personnel who are licensed or certified under the Act and this Regulation will engage in the actual abatement and disposal work; and that
- (b) Employees at all levels of supervision at each site will be licensed or certified under the Act and this Regulation, and at least one supervisor is required to be at the work site at all time while work is in progress.

**SECTION 28. Lapsed License Or Certificate**

28.1 Any license or certificate holder who allows a license or certificate to expire shall not be allowed to conduct asbestos work in Arkansas until all renewal requirements have been met.

28.2 Any contractor/supervisor or worker who allows a certificate to lapse for more than 60 calendar days shall go through all the requirements of an initial certification application.

**SECTION 29. RECIPROCITY**

29.1 Additional training and examination for initial certification may be waived if the applicant presents a valid certificate from an EPA approved training course when applying for Arkansas certification.

**SECTION 30. Review of Actions**

30.1 As provided in Section IV of the Act, an aggrieved party to any action taken under the authority of the Act or this Regulation by the Director or the Department, with respect to licenses and certificates, shall have rights of redress as provided in Part I of the Arkansas Water and Air Pollution Control Act, as amended, including but not limited to, Ark. Code Ann. Section 8-4-201 through 8-4-218.

**SECTION 31. Effective Date**

31.1 This regulation and any amendment thereof shall be in full force and effect twenty days after filing with the Secretary of State.

PROMULGATED this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

By ORDER OF THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY

BY \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Randall Mathis  
Director

APPROVED:

\_\_\_\_\_  
Bill Clinton, Governor  
State of Arkansas

ASBCODE6/6/90  
ASBCODE8/30/90